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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.**

CHARTER AMENDMENTS—1983

Charter Chapter Number	City—County	Date of Election	Date of Filing
1	City of Sacramento	Nov. 2, 1982	Jan. 4, 1983
2	City of Cypress	Nov. 2, 1982	Jan. 3, 1983
3	City of Alameda	Nov. 2, 1982	Jan. 12, 1983
4	City of Anaheim	Nov. 2, 1982	Jan. 18, 1983
5	City of Berkeley	April 19, 1977	Jan. 13, 1983
6	City of Berkeley	June 8, 1982	Jan. 27, 1983
7	City of Culver City	April 13, 1982	Feb. 1, 1983
8	City of Berkeley	Nov. 2, 1982	Feb. 3, 1983
9	City of Redondo Beach	March 8, 1983	March 31, 1983
10	County of Santa Clara	Nov. 2, 1982	April 4, 1983
11	City of Los Angeles	April 12, 1983	April 22, 1983
12	City of Santa Rosa	Nov. 2, 1982	April 28, 1983
13	City of Santa Ana	April 5, 1983	May 3, 1983
14	City of Oroville	April 12, 1983	May 6, 1983
15	City of San Mateo	April 5, 1983	May 6, 1983
16	City of Porterville	March 8, 1983	May 9, 1983
17	City of Needles	April 13, 1982	May 19, 1983
18	City of Monterey	May 10, 1983	June 24, 1983
19	City of Oakland	April 19, 1983	June 30, 1983
20	City and County of San Francisco	Nov. 8, 1983	Nov. 22, 1983
21	City of Santa Barbara	Nov. 8, 1983	Nov. 21, 1983
22	City of Palo Alto	Nov. 8, 1983	Nov. 30, 1983
23	City of Big Bear Lake	Nov. 8, 1983	Nov. 29, 1983
24	City of San Diego	Nov. 8, 1983	Dec. 20, 1983

Charter Chapter 1—City of Sacramento

Charter Amendment to the City of Sacramento

[Filed with the Secretary of State January 4, 1983]

Section 93 is hereby added to read as follows:

Section 93. Employment as a Result of Annexation

Notwithstanding any other provisions of this Charter, in the event that the service area of the City is increased by reason of a consolidation, merger, incorporation, annexation or contract, the City Council may, by resolution, provide that some or all employees or special districts encompassed by the increased service area shall be deemed regular employees of the City of Sacramento, to serve for such limited periods of time as the City Council determines appropriate under the circumstances. The City Council shall have the power to impose such conditions prior to employment as it deems necessary, including but not limited to passage by the district employees of a physical examination to be administered by the City. The City Council shall also by resolution or ordinance determine the terms and conditions of employment of such persons, including but not limited to probationary period, salary, seniority, retirement status, departmental and classification assignment, benefits, credits for accumulated special district benefits, bargaining unit status, and all other matters related to their employment.

Certified to be a true copy by R. Burnett Miller, Mayor and Loraine Magana, City Clerk.

Date of Special Municipal Election: November 2, 1982.

Charter Chapter 2—City of Cypress

Charter Amendment to the City of Cypress

[Filed with the Secretary of State January 3, 1983.]

Section 404 of the Charter of the City of Cypress is hereby amended to read as follows:

Section 404. Mayor - Mayor Pro Tempore. By the Affirmative votes of not less than three Councilmen, the Council shall elect one of its members as Mayor and one of its members as Mayor Pro Tempore, upon the following occasions:

- a. In even-numbered years, at the Council meeting held for the purpose of canvassing the results of the general municipal election; and
- b. In odd-numbered years, at the first regular Council meeting held at least one year after the Council meeting held for the purpose of canvassing the results of the last general municipal election; and

c. At such other times as a majority of the Council shall so order.

The Mayor shall preside at Council meetings. He shall be the chief official of the City for all ceremonial purposes. He shall perform such other duties consistent with his office as may be prescribed by the Council. The Mayor Pro Tempore shall perform the duties of the Mayor during his absence or disability.

Neither the Mayor nor Mayor Pro Tempore shall be deprived of any of the rights of Councilmen by reason of his acting as Mayor or Mayor Pro Tempore.

Certified to be a true copy by Otto J. Lacayo, Mayor and Darrell Essex, City Clerk.

Date of General Municipal Election: November 2, 1982.

Charter Chapter 3—City of Alameda

Charter Amendments to the City of Alameda

[Filed with the Secretary of State January 12, 1983]

Article XXVII is amended to read:

ARTICLE XXVII

Compulsory Arbitration for Fire
Department Employee Disputes

Sec. 27-1. Declaration of Policy. It is hereby declared to be the policy of the City of Alameda that strikes by fire fighters are not in the public interest and are prohibited, and that a method should be adopted for peacefully and equitably resolving disputes that might otherwise lead to such strike.

Sec. 27-2. Prohibition Against Strikes. If any fire fighter employed by the City of Alameda willfully engages in a strike against the City, said employee shall be dismissed from his or her employment and may not be reinstated or returned to City employment. No officer, board, council or commission shall have the power to grant amnesty to any employee charged with engaging in a strike against the City.

Sec. 27-3. Definitions.

(A) "Financial benefits" shall mean monthly base salaries; all supplementary cash entitlements paid directly to employees; and health, insurance, retirement, vacation, holiday and sick leave benefits.

(B) "Employee Organizations" shall mean any employee organization representing employees below the rank of Assistant Chief.

Sec. 27-4. Obligation to Negotiate in Good Faith. The City, through its duly authorized representatives, shall negotiate in good faith with the recognized fire department employee organization on all matters related to financial benefits.

Sec. 27-5. Impasse Resolution Procedures. All disputes or controversies pertaining to financial benefits only, which remain unresolved after good faith negotiations between the City and the fire department employee organization shall be submitted to an arbitration upon the declaration of an impasse by the City or by the recognized fire department employee organization.

Sec. 27-6. Procedure. Any arbitration convened pursuant to this article shall be conducted in conformance with, subject, and governed by Title 9 of Part 3 of the California Code of Civil Procedure except that either party may elect to use three (3) arbitrators, one picked by each party and one neutral arbitrator.

Sec. 27-7. Costs. The costs of the neutral arbitrator and court reporter shall be borne equally by the parties. All other expenses which the parties incur individually, including but not limited to witnesses, subpoenas, attorney's fees and travel expenses therefor, shall be borne by the party incurring such expenses.

Sec. 27-8. Enforcement. Enforcement of arbitration awards hereunder shall be consistent with Section 17-17 of this Charter.

Section 2-3 is amended to read:

Sec. 2-3. The City Council shall establish by ordinance offices for the administration of departments of the City and the incumbents thereof shall be appointed by and hold office at the pleasure of the City Manager. Once established those offices may be changed, deleted or new ones added by the vote of a majority of the Council.

Section 2-12 is amended to read:

Sec. 2-12. The persons occupying the offices set forth or provided for by Sections 2-1, 2-2 and 2-3, their assistants and deputies and members of all boards provided for in Section 10-1 shall be officers of the City.

Section 7-4 is amended to read:

Sec. 7-4. Those Department Heads holding office pursuant to Section 2-3 of the Charter shall each have power to discipline any employee under his control by the imposition of a fine not to exceed one month's salary, or by suspension without pay for not to exceed thirty days, or other penalty less than dismissal, subject to appeal to the City Manager who shall have final authority to affirm, modify or revoke such penalty without appeal therefrom.

Sections 7-5, 7-6, 7-7, 7-8, 7-9, 7-10, 7-11, 7-11.1 and 7-12 are repealed.

Section 13-1 is amended to read:

Sec. 13-1. The Civil Service Board is responsible to the City Council for establishing and reviewing the policies of the Civil Service System and for making recommendations thereon.

Section 13-2 is amended to read:

Sec. 13-2. A Civil Service System shall be established by Ordinance and shall not be amended, except by vote of five (5) members of the Council and shall not be repealed, except by the People. No position of employment once placed under Civil Service System, shall be removed therefrom, except pursuant to such Civil Service Ordinance.

Section 13-3 is amended to read:

Sec. 13-3. The Civil Service Board will have the authority and power to conduct hearings and hear appeals on matters affecting Civil Service System as set forth herein or by ordinance.

Section 2-1 is amended to read:

Sec. 2-1. The following elective officers are hereby established: The Mayor and four (4) Councilmen, who shall constitute the Council; Auditor; Treasurer.

Section 2-10 is amended to read:

Sec. 2-10. In the event of a vacancy in the office of Auditor, Treasurer, City Attorney, or City Clerk, the Council shall, within twenty-one days thereof, designate someone to perform the duties of the vacant office until such time as a successor may be appointed. Until a successor is appointed the City Manager shall provide for the performance of the duties of the vacant office and is authorized hereby to execute documents required thereof to continue normal operations.

Section 2-11 is amended to read:

Sec. 2-11. Any incumbent of any elective Federal, State or County office shall be ineligible to hold any elective office or office of member of any board created by this Charter.

Section 2-13 is amended to read:

Sec. 2-13. All officers, boards and the certified public accountant appointed pursuant to Subsection 3-7(C) shall have power to administer oaths and affirmations, to examine witnesses and compel their attendance by subpoena in all matters affecting their respective offices and positions.

Section 2-15 is added to read:

Sec. 2-15. All references to Councilman herein shall hereby be changed to Councilmember.

Section 3-1.1. is amended to read:

Sec. 3-1.1. Notwithstanding any other provision of this Charter to the contrary, this section shall control as to the matters herein contained. The Council shall consist of the Mayor and four Councilmen, elected in the manner set forth in Section 2-1.1 and elsewhere in this Charter. All provisions of this Charter which are inconsistent with the provisions of this section shall be deemed amended or repealed whichever is appropriate.

Section 3-7(C) is amended to read:

Sec. 3-7 (C). Contract and fix the compensation for the services of a certified public accountant, who shall at least annually investigate the transactions and audit the accounts of all officers having the collection, custody or disbursement of public money, or having the power to approve, allow or audit demands on the treasury. Said auditor shall have free access to all records, books and papers in all departments of the City. Said auditor may at any time visit any of the public offices and make examinations and investigations therein without hindrance. Said auditor must examine the official bonds of all City officers and employees and investigate the sufficiency and solvency of the sureties thereon. At the close of the investigation said auditor shall file with the Council a written report containing recommendations. If during said auditor's examination and audit it shall appear that a public offense has been committed, or that any officer or employee is in default, or that the surety on any bond is insufficient, said

auditor shall immediately report to the Council, which shall take proceedings as are authorized by law.

Section 3-7 (D) is amended to read:

Sec. 3-7 (D). Provide for annual vacations with pay for all City employees.

Section 3-10 is amended to read:

Sec. 3-10. All acts of the Council imposing penalties, prescribing public regulations, granting franchises, or providing for the acquisition, transfer or lease for a period longer than one year, of real property, shall be by ordinance; provided, however, that the acquisition of real property, or any interest therein, may be authorized by resolution when the purchase price to be paid, together with any obligation imposed on the City in connection with any such acquisition, does not exceed the sum provided by the general law for cities requiring competitive bidding for the purchase of supplies and materials, or when such acquisition is to be accomplished by condemnation in eminent domain proceedings, or in connection with public improvements proceedings taken under some law.

No real property of the City shall be leased for a period in excess of one year or sold, except upon the affirmative vote of four members of the Council.

The provisions of this section shall not apply to the acquisition or transfer of real property when, pursuant to procedure established by ordinance or by any code or general law of the State of California, such property has been acquired, or is transferred or acquired in satisfaction, foreclosure or enforcement of a lien for taxes or special assessments of any character.

Section 3-17 is amended to read:

Sec. 3-17. When entering into any contract for labor or hiring any labor for public contract work, preference may be given to contractors, mechanics, artisans or other laborers of any class, who shall have actually resided in the City for a period of six months preceding the date of their engagement to perform labor, quality and price of work being equal.

Section 3-19 is repealed.

Section 4-2 is amended to read:

Sec. 4-2. The Auditor shall provide for at least annual audits of the City's financial operations, books and records to assure that the City's financial transactions, accounts and records are maintained in accordance with the requirements of the City Charter, state and federal laws and generally accepted accounting principles and practices. The Auditor shall be responsible for the acts thereof on an official bond.

Sections 7-2 (D) and 7-2 (K) are repealed.

Section 10-10 is amended to read:

Sec. 10-10. At its first meeting after July 1 of each year, each such board shall elect a President, a Vice-President and such other officers as it may desire.

Section 10-11 is amended to read:

Sec. 10-11. Each of said boards shall have the power to establish rules for its proceedings.

Section 15-1 (A) is amended to read:

Sec. 15-1 (A) To assess the social service needs of the community and to facilitate provisions therefor.

Section 17-3 is amended to read:

Sec. 17-3. The City Manager shall transmit to the Council a detailed budget showing the estimated revenues and expenditures of the City and all Departments thereof for the ensuing fiscal year at such times as the Council shall require.

Section 17-4 is amended to read:

Sec. 17-4. All property shall be assessed and taxes thereon collected as provided for by general law.

Section 17-9 is amended to read:

Sec. 17-9. All charges, fees, commissions and percentages collected or received by any officer or employee of the City in the performance of any official duty as such officer or employee, or in the performance of the duties of any office held ex-officio, shall be the property of the City.

Sections 17-2, 17-5, 17-6, 17-7, 17-12 and 17-13 are repealed.

Section 10-1 is amended to read:

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

Section 11-2 is amended to read:

Sec. 11-2. Notwithstanding any other provisions of this Charter to the contrary, the matters contained in this Section shall be controlling as to the Board of Education. The Board of Education shall consist of five members elected by the qualified electors of the City at large, at the time, in the manner, and with the qualifications provided elsewhere in this Charter for the qualification, nomination and election of other elective officers of the City, and shall serve a term of four years thereafter and until their successors are elected and qualified.

At each General Municipal Election hereunder, either two or three members of said Board, as the case may be, shall be elected for four-year terms to fill the vacancies caused by the expiration of the terms of the members.

The term of each officer elected hereunder shall commence at 7:30 o'clock p.m. on the fourth Tuesday of the month following the General Municipal Election at which such officer was elected and continue for four years thereafter and until his successor is elected and qualified

A vacancy on the Board of Education, arising otherwise than as provided in Article XX, shall be filled by appointment by said Board, said appointee to hold office for the term provided in Section 2-8 of this Charter. After any vacancy in the office of member of said Board has continued for twenty-one days, the vacancy shall be filled by the Council

It is hereby declared to be the intent of this section that the only changes to be effective by its terms are to make the Board of Education elective, rather than appointed, and to provide the manner in which the members thereof shall be elected. Except to the extent that they are inconsistent with the provisions of this section, other provisions of this Charter relating to the Board of Education and other elective officers shall apply to the Board of Education provided for by this section.

Section 12-3 (E) is amended to read:

Sec. 12-3. (E) To borrow, with the approval of the Council and not

otherwise, monies for capital investment. Money borrowed pursuant to this Subsection shall provide that the same may be repaid at any time and shall be repaid within thirty years from date thereof.

Certified to be a true copy by C. J. Corica, Mayor and Deen Speegle, City Clerk.

Date of Special Municipal Election: November 2, 1982.

Charter Chapter 4—City of Anaheim

Charter Amendment to the City of Anaheim

[Filed with the Secretary of State January 18, 1983.]

Article V, 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 five members elected from the City at large at the times and in the manner provided in this Charter who shall serve for a term of four years and until their respective successors qualify.

The five members of the City Council in office at the time this Charter provision takes effect shall continue in office until the expiration of their respective terms and until their successors are elected and qualified. Three members of the City Council shall be elected at the general municipal election held in November, 1986, and each fourth year thereafter. Two members of the City Council shall be elected at the general election held in November, 1984, and each fourth year thereafter.

The term of each member of the City Council, including the Mayor, shall commence on the first Tuesday following his or her election. Ties in voting among candidates for office, including the office of Mayor, shall be settled by the casting of lots.

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

Section 1202. BUDGET. SUBMISSION TO CITY COUNCIL.

At least thirty days prior to the beginning of each fiscal year, the City Manager shall prepare and submit to the City Council the proposed budget. Upon receipt of the proposed budget, 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.

Article XII, Section 1203 is amended to read as follows:

Section 1203. BUDGET PUBLIC HEARING.

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

Article XII, Section 1210 is amended to read as follows:

Section 1210. REVENUE BONDS.

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

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

Notwithstanding the foregoing, the City may sell and issue at any time and from time to time revenue bond anticipation notes (including renewal revenue bond anticipation notes) in anticipation of the revenue bonds authorized by the voters on June 2, 1981; provided that the aggregate principal amount of such revenue bond anticipation notes and revenue bonds outstanding in accordance with their terms at any one time shall not exceed \$92 million. Such revenue bond anticipation notes may be sold, issued and secured in such manner and subject to such terms and conditions as the City Council may prescribe by ordinance; provided that such revenue bond anticipation notes shall not constitute an indebtedness or general obligation of the City of Anaheim and are not to be secured by the taxing power of said City.

Notwithstanding the foregoing, the City may also sell and issue at any time and from time to time revenue bond anticipation notes (including renewal revenue bond anticipation notes) in anticipation of any electric or water revenue bonds theretofore or hereafter authorized by the voters; provided the (i) the aggregate principal amount of such electric revenue bond anticipation notes and the electric revenue bonds in anticipation of which such electric revenue bond anticipation notes were issued outstanding in accordance with their terms at any one time shall not exceed the principal amount of such electric revenue bonds authorized by the voters and (ii) the aggregate principal amount of such water revenue bond anticipation notes and the water revenue bonds in anticipation of which such water revenue bond anticipation notes were issued outstanding in accordance with their terms at any one time shall not exceed the principal

amount of such water revenue bonds authorized by the voters. Such revenue bond anticipation notes may be sold, issued and secured in such manner and subject to such terms and conditions as the City Council may prescribe by ordinance; provided that such revenue bond anticipation notes shall not constitute an indebtedness or general obligation of the City of Anaheim and are not to be secured by the taxing power of said City.

Notwithstanding the foregoing, the City may also sell and issue at any time and from time to time revenue anticipation notes (including renewal revenue anticipation notes) in anticipation of the receipt of revenues of the City's water and electric utilities; provided that the aggregate principal amount of such revenue anticipation notes outstanding in accordance with their terms at any one time shall not exceed, for each of such utilities, an amount equal to 2½% of the gross revenue earned by the respective utility during the immediately preceding fiscal year as set forth in the audited financial statements of such utility for such year. Such revenue anticipation notes may be sold, issued, and secured in such manner and subject to such terms and conditions as the City Council may prescribe by ordinance; provided that such revenue anticipation notes shall not constitute an indebtedness or general obligation of the City of Anaheim and are not to be secured by the taxing power of said City.

Article XIII, Section 1300 is amended to read as follows:

Section 1300 GENERAL MUNICIPAL ELECTIONS

General municipal elections for the election of officers, except members of the Board of Education, and for such other purposes as the City Council may prescribe shall be held in the City on the first Tuesday after the first Monday in November in each even-numbered year. However, in the event the state legislature hereafter prescribes a different day for the holding of the statewide general election, general municipal elections shall be held upon such day in each even-numbered year as prescribed for the statewide general election. The first such general municipal election shall be held on the first Tuesday after the first Monday in November, 1984.

Certified to be a true copy by Don R. Roth, Mayor and Linda D. Roberts, City Clerk.

Date of Special Municipal Election: November 2, 1982.

Charter Chapter 5—City of Berkeley

Charter Amendments to the City of Berkeley

[Filed with the Secretary of State January 13, 1983]

That Sections 67, 67.4 and 67.5 of Article XI be amended, the amended sections to read as follows:

ARTICLE XI

Section 67. Expenditures in excess of the limitation established by ordinance.

(a) Each specific improvement and each purchase of supplies, equipment or materials the expenditure for which exceeds an amount set by ordinance, as provided for in Section 67(b) hereof, shall be done by contract authorized by resolution of the Council and said contract shall be let to the lowest responsible bidder after advertising for sealed proposals for five (5) consecutive days as required by this Charter. Such notice shall give a brief description of the work to be done or the supplies, equipment or materials to be purchased.

The Council may reject any and all bids. If all bids are so rejected or if no bids are received, the Council may readvertise for new bids, or authorize the City Manager to negotiate in the open market for a contract at a reasonable price, or authorize the City Manager to purchase in the open market, or authorize the City Manager to have the work performed by City employees.

(b) The ordinance establishing the amount for which each specific improvement or purchase shall be approved by the City Council shall not be adopted or amended except upon a 6/9 vote of the City Council.

Section 67.4. Emergencies.

(a) The provisions of Section 67 of this Charter shall not apply to work done or purchases made for that which is deemed by the City Manager to be an actual emergency and of urgent necessity for the preservation of life, health, or property; provided, that any such expenditure in excess of an amount set by ordinance, as provided for in Section 67.4(b), must be authorized by resolution of the Council.

(b) The ordinance establishing the maximum expenditure which the City Manager may make in an actual emergency shall not be adopted or amended except upon a 6/9 vote of the City Council.

Section 67.5. Other expenditures in excess of the limitation established by ordinance.

(a) Except as specifically authorized in Sections 67.1, 67.2 or 67.3, any action providing for the expenditure of public money the amount of which exceeds an amount set by ordinance, as provided for in Section 67.5(b), shall be authorized by resolution of the Council or shall be done by contract authorized by resolution of the Council.

(b) The ordinance establishing the amount for which each expenditure authorized in Section 67.5(a) must be approved by the City Council shall not be adopted or amended except upon a 6/9 vote of the City Council.

Certified to be a true copy by Warren Widener, Mayor and Edythe Campbell, City Clerk.

Date of Election: April 19, 1977.

Charter Chapter 6—City of Berkeley

Charter Amendments to the City of Berkeley

[Filed with the Secretary of State January 27, 1983]

That the first paragraph of Section 4 of Article III, and Sections 14, 14.1, 15 and 16 of Article V of the Charter of the City of Berkeley be amended to read as follows:

Article III.

Section 4. General and Special Municipal Elections.

A municipal election shall be held on the first Tuesday following the first Monday of November, 1982 and biennially thereafter. All such elections shall be known as general municipal elections, and shall be held on the same date as the regularly occurring statewide California general elections held on the first Tuesday following the first Monday of November of even numbered years. The City Council shall take the necessary actions to consolidate general municipal elections with statewide California general elections. All other municipal elections that may be held shall be known as special municipal elections.

(The remainder of Section 4 shall be retained without amendment.)

Article V.

Section 14. Mayor's Term of Office.

The Mayor shall hold office for a term of four years from and after the first day of December after being elected and until a successor is elected and qualified. However, the term of the Mayor elected in the April, 1979 general municipal election shall expire on the first day of December, 1982 after a successor is elected in the November, 1982 general municipal election.

Section 14.1. Auditor's term of office.

The Auditor shall hold office for a term of four years from and after the first day of December after being elected and until a successor is elected and qualified. However, the term of the Auditor elected in the April, 1979 general municipal election shall expire on the first day of December, 1982 after a successor is elected in the November, 1982 general municipal election.

Section 15. Council member's term of office.

The Councilmembers shall hold office for a term of four years from and after the first day of December after their election and until their successors are elected and qualified. However, the terms of the Councilmembers elected in the April, 1979 general municipal election shall expire on the first day of December, 1982 after their successors are elected in the November, 1982 general municipal election, and the terms of the Councilmembers elected in the April, 1981 general municipal election shall expire on the first day of December, 1984 after their successors are elected in the November, 1984 general municipal election.

At each general municipal election there shall be elected four Councilmembers.

Section 16. School Director's term of office.

The School Directors shall hold office for a term of four (4) years from and after the first day of December after their election and until their successors are elected and qualified. However, the terms of the School Directors elected in the April, 1979 general municipal election shall expire on the first day of December, 1982 after their successors are elected in the November, 1982 general municipal election, and the terms of the School Directors elected in the April, 1981 general municipal election shall expire on the first day of December, 1984 after their successors are elected in the November, 1984 general municipal election.

At the general municipal election of November, 1982, and at each second general municipal election thereafter, three School Directors shall be elected; and at the general municipal election of November, 1984 and at each second general municipal election thereafter, two School Directors shall be elected.

Sections 55. Board of Equalization. (Whole section repealed)

Article XVII. Rent Control. (Whole Article repealed)

Section 8. The elective officers.

The elective officers of the City shall be a Mayor, an Auditor, eight (8) Councilmembers, and five (5) School Directors.

Section 114. Violation of Charter and ordinances.

The violation of any provision of this Charter or of any ordinance of the City may be deemed a misdemeanor, and may be prosecuted by the authorities of the City in the name of the people of the State of California, or may be redressed by civil action, at the option of said authorities. Any person sentenced to imprisonment for the violation of a provision of this Charter or of any ordinance may be imprisoned in the City jail, or, if the Council by ordinance shall so prescribe, in the county jail of the county in which the City of Berkeley is situated, in which case the expense of such imprisonment shall be a charge in favor of such county against the City of Berkeley.

Section 47. Citizens' Assistant (Whole Section repealed)

Certified to be a true copy by Eugene Newport, Mayor and Edythe Campbell, City Clerk.

Date of Special Municipal Election: June 8, 1982.

Charter Chapter 7—City of Culver City

Charter Amendment to the City of Culver City

[Filed with the Secretary of State February 1, 1983.]

The amendment to the Charter of the City of Culver City is as follows:
Section 900.1. City Attorney.

Notwithstanding other provisions of this Charter, the position of City Attorney shall be in the unclassified service.

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

Date of General Municipal Election: April 13, 1982.

Charter Chapter 8—City of Berkeley

Charter Amendments to the City of Berkeley

[Filed with the Secretary of State February 3, 1983]

Part A. Article XVII is repealed and re-enacted as follows.

Article XVII ELECTED RENT STABILIZATION BOARD

Section 120 PURPOSE OF ELECTED RENT STABILIZATION BOARD

The purpose of this article is to provide for proper administration of programs to regulate residential rents, to protect tenants from unwarranted rent increases and arbitrary, discriminatory or retaliatory evictions, to help maintain the diversity of the Berkeley community; and to ensure compliance with legal obligations relating to the rental of housing.

Section 121 COMPOSITION OF RENT BOARD

There shall be in the City of Berkeley an Elected Rent Stabilization Board. The Board shall consist of nine elected Commissioners. The Board shall elect annually one of its members to serve as Chairperson

(1) ELIGIBILITY

Residents who are duly qualified electors of Berkeley are eligible to serve as Commissioners of the Board

(2) FULL DISCLOSURE OF HOLDINGS

Candidates for the position of Commissioner shall fulfill the requirements as set forth in this Charter in Article III, Sec. 6½

In addition, when filing nomination papers, candidates shall submit a verified statement of their interests and dealings in real property, including but not limited to its ownership, sale or management and investment in and association with partnerships, corporations, joint ventures and syndicates engaged in its ownership, sale or management during the previous three years.

(3) CONFLICT OF INTEREST

Commissioners shall be subject to the requirements of the California Political Reform Act and other applicable state and local conflict of interest codes

Owners of rental property with rents controlled by Berkeley Ordinance shall constitute the rental industry for purposes of this Article. Tenants constitute a large and significant part of the general public. Decisions by the Board have a material financial effect on members of the rental industry different from the general public.

Section 122 ELECTION OF COMMISSIONERS

Commissioners shall be elected at the statewide general election held in November of even numbered years, except as provided by subsection (3) below

(1) TERM OF OFFICE

Commissions shall serve terms beginning on the first day of the month following their election. Terms shall be four years, except as provided by subsection (4) below. Commissioners shall serve a maximum of two full terms.

(2) RECALL

Commissioners shall be subject to recall as provided in Article IV of this charter.

(3) THE FIRST ELECTION OF BOARD

The election for the first Board shall be held at the regular municipal, statewide primary or statewide general election, whichever first occurs at least 90 days after enactment of this article.

(4) TERM OF OFFICE OF FIRST BOARD

Of the nine Commissioners elected under subsection (3), the five Commissioners receiving the least votes shall hold office until the last day of November in the next even numbered year. The remaining four Commissioners shall hold office for an additional two years, those terms also ending on the last day of November of the appropriate year.

Section 123 POWERS AND DUTIES

The elected Rent Stabilization Board shall have the power to determine to arbitrate and to set rent levels, whether through general or individual adjustments, of any unit which has controlled rents under any Berkeley Ordinance, and to administer any Berkeley program which regulates rents and evictions.

(1) REPLACEMENT OF APPOINTED BOARD

The Board provided for in this Article shall, upon taking office, replace and supercede the appointed Board provided in Berkeley Ordinance 5261-N.S. The elected Board shall assume each and every, all and singular, powers, duties, rights and responsibilities of said appointed Board. At such time, said appointed Board shall cease exercising any of the above except to aid in transition as requested by the newly elected Board. At the conclusion of the transitional period (as determined by the elected Board) said appointed Board shall cease to exist as a legal entity.

(2) HIRING OF STAFF

The Board shall be a working Board and shall employ such staff as may be necessary to perform its functions efficiently and as provided by Berkeley Ordinance. The Board shall have the power to hire and fire staff notwithstanding Article VII, Sections 28(b) and (c) and Article XVI, Section 119 of the City Charter. The City Manager shall continue to provide such supportive services as are appropriate under Berkeley Ordinance. The Board shall follow the City of Berkeley affirmative action employment policy.

(3) FINANCING

The Board shall finance its reasonable and necessary expenses by charging landlords, annual registration fees in amounts deemed reasonable by the Board. Such registration fees shall not be passed on to tenants in the form of rent increases except with the express

prior approval of the Board. The Board is also empowered to request and receive funding, when and if necessary from the City of Berkeley and/or any other available source for its reasonable and necessary expenses.

(4) **ADDITIONAL POWERS AND DUTIES**

With the Rent Board's consent, the City Council may assign additional powers and duties to the Rent Board as appropriate. Furthermore, the electorate may give additional powers or duties through initiative ordinance as provided by this Charter.

(5) **QUORUM**

Five (5) Commissioners shall constitute a quorum for the Board. The affirmative vote of five (5) Commissioners of the Board is required for a decision, including all motions, rules, regulations and orders of the Board.

Section 124 SEVERABILITY

If any provision of this Article is adjudged by a court of competent jurisdiction to be unenforceable, such adjudication shall not affect the enforceability of any other provisions, and this Article shall continue in full force and effect as if such unenforceable provision were not a part hereof.

Part B. Section 8 of Article V is amended to read as follows:

ARTICLE V. ELECTIVE OFFICERS

Section 8. The elective officers of the City of Berkeley shall be a Mayor, an Auditor, eight (8) Councilmembers, five (5) School Directors and nine (9) Rent Board Commissioners.

The Council shall consist of the Mayor and eight (8) Councilmembers, each of whom, including the Mayor, shall have the right to vote on all questions coming before the Council.

The Board of Education shall consist of five (5) School Directors, each of whom shall have the right to vote on all questions coming before the Board; provided, however, that the Mayor shall serve as a School Director with the right to vote on all questions coming before the Board for the four (4) year term commencing July 1, 1951.

Part C. Section 4½ of Article III is added, and reads as follows:

Section 4½ RENT STABILIZATION BOARD ELECTION

Notwithstanding the provisions of Section 4, there shall be a Rent Stabilization Board Election as provided in Section 122 of Article XVII.

Article V, Section 19, Article VII, Section 31, Article X, Sections 56, 59 and 63 amended as follows.

ARTICLE V.

Section 19. Salaries

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

remuneration divided by the number of regular meetings held during such month.

ARTICLE VII.

Section 31. Creation of departments and job classifications.

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

ARTICLE X.

Section 56. Annual tax levy.

The Council must finally adopt, not later than the first day of August, an ordinance levying subject to the provisions of this Charter, a rate of taxation sufficient to raise the amount estimated to be required in the annual budget for support of general debt obligations of the City and other voter approved obligations consistent with Article XIII (a) of the Constitution of the State of California.

Section 59. (Repealed)

Section 63. Disposition of money collected.

Every officer collecting or receiving any moneys belonging to or for the use of the City shall settle for the same with the Treasurer on or before the last day of each month, or at more frequent intervals as may be directed by the Council, and immediately pay all the same into the treasury, on the order of the Auditor, for the benefit of the funds to which such moneys severally belong. When the last day of the month falls upon Sunday or legal holiday, the said payments shall be made on the next preceding business day. The council may provide, in its discretion, for the deposit of the City moneys in banks in accordance with the State Law.

Certified to be a true copy by Eugene Newport, Mayor and Edythe Campbell, City Clerk.

Date of Municipal Election: November 2, 1982.

Charter Chapter 9—City of Redondo Beach

Charter Amendments to the City of Redondo Beach

[Filed with the Secretary of State March 31, 1983]

That Section 9 1, Article IX, of the Charter of the City of Redondo Beach be amended to read as follows:

Sec. 9.1. Departmental interference.

Neither the City Council, nor any of its members, nor the Mayor of the City shall order or request, directly or indirectly, the appointment of any person to any office or employment, or his removal therefrom by the City Manager, or by any of the elective officers or other department heads in the administrative service of the City. The City Council and the Mayor shall conduct all business with the administrative branch of the municipal

government solely through the City Manager. Neither the City Council, nor any members thereof, nor the Mayor shall give orders to any subordinates of the City Manager, either publicly or privately; provided that the foregoing shall not prevent the City Council, and the members thereof, or the Mayor from:

a) Contacting officers and employees of the City for the purpose of inquiry or obtaining information, or

b) Contacting officers and employees for the purpose of advising said officers and employees of citizen complaints relating to the operation of City government.

That Sections 9.2, 9.3, 9.4, and 9.5, Article IX, of the Charter of the City of Redondo Beach be amended to read as follows:

Sec. 9.2. Regular meetings.

The City Council shall hold regular weekly meetings at such time as it shall fix by ordinance or resolution and may adjourn or readjourn any regular meeting to a date and time 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.

Sec. 9.3. Special meetings; emergency meetings.

Special meetings or emergency meetings may be called, and notice given, as provided in Title 5, Division 2, Part 1, Chapter 9, of the Government Code as it now exists or may hereinafter be amended.

Sec. 9.4. Place of meetings.

All meetings shall be convened in the Council Chambers of the City Hall, but may be thereafter adjourned when necessary or convenient to such other location as may be selected by the City Council. Except as provided by law, all meetings of the City Council shall be open to the public. If by reason of any public emergency in the City it becomes unsafe or impractical to hold the City Council meetings in the City Hall, then and in that event, the City Council may hold its meetings at such place as is designated by the Mayor or by a majority of the City Council until such condition is alleviated.

Sec. 9.5. Citizen participation.

No citizen shall be denied the right, personally or through counsel, to present grievances or offer suggestions for the betterment of municipal affairs, provided however, that the City Council shall have the right and privilege to hold and conduct its meetings in accordance with an agenda and may specify the matters which shall be considered at each meeting and shall have the right to establish a time at which all communications shall be on file in the office of the City Clerk in order that such communications may be considered at the next regular meeting of the City Council.

That Sec. 14.1, Article XIV, of the Charter of the City of Redondo Beach be amended to read as follows:

Sec. 14.1. Creation, consolidation, and abolition of City departments and appointive officers

The City Council may provide by ordinance for the creation, consolidation, alteration or abolition of departments, divisions and appointive officers, after consideration of the City Manager's recommendation(s) thereon.

That Sec. 14.2, Article XIV, of the Charter of the City of Redondo Beach be deleted.

Certified to be a true copy by Barbara J. Doerr, Mayor and Linda Gregory, Deputy City Clerk.

Date of General Municipal Election: March 8, 1983

Charter Chapter 10—County of Santa Clara

*Charter Amendment to the County of
Santa Clara*

[Filed with the Secretary of State April 4, 1983]

Section 203 of the Charter is amended to read as follows:

SECTION 203

Whenever a vacancy occurs in the office of supervisor, the vacancy shall be filled by appointment by the Board of Supervisors. If the appointment is not made within 45 days from the occurrence of the vacancy, the Governor shall make the appointment

The appointee shall hold office until the election and qualification of the successor. The election of a supervisor to fill an unexpired term shall be held at the next June or November regular election dates, as established by general law, whichever occurs first. No election shall be held within 180 days of the occurrence of the vacancy nor within the year preceding the year in which the term expires. The candidate having the highest number of votes shall be elected.

Certified to be a true copy by Susanne Wilson, Chairperson, Board of Supervisors and Donald M. Rains, Clerk, Board of Supervisors.

Date of Special Election. November 2, 1982.

Charter Chapter 11—City of Los Angeles

Charter Amendments to the City of Los Angeles

[Filed with the Secretary of State April 22, 1983]

Section 425 of the Charter of the City of Los Angeles is hereby amended by deleting the first unnumbered paragraph thereof so that the section reads as follows

Sec 425 Prevailing Wage.

The provisions of that certain Act of the Legislature of the State of California entitled "An act to provide for the payment of not less than the general prevailing rate of wages on public works, and not less than the general prevailing rate of wages for legal holiday and overtime work on

public works, providing for the ascertainment of such general prevailing rate by the public body awarding the contract and its insertion in the contract and call for bids for the contract, providing for the keeping of records of the wages paid all workers engaged in public work and the inspection of such records by the proper public officials, providing for a forfeiture for each calendar day, or portion thereof, any worker is paid less than the said rate and for a stipulation to this effect in the contract, and providing other penalties for violation of the provisions thereof" (approved May 25, 1931 Statutes, 1931, Chapter 397), as amended or as hereafter shall be amended, are hereby accepted and made applicable to the City of Los Angeles, its departments, boards, officers, agents and employees notwithstanding the exemption of said City therefrom created by Section 5 of Article XI of the constitution of the State of California with respect to municipal affairs.

Section 71 of the Charter of the City of Los Angeles is hereby amended to read as follows:

Sec. 71. Each board shall be known as the Board of (insert name of department) Commissioners, and the members of each such board for a department of the City shall be known as the commissioners of their department, except that the Board of Personnel Commissioners shall be known as the Board of Civil Service Commissioners. Any such board may be referred to as a citizen board. The Council shall, by ordinance, establish the amount of attendance fees to be paid to commissioners. Attendance fees shall not exceed Fifty Dollars (\$50.00) per commissioner for each meeting attended, nor Two Hundred and Fifty Dollars (\$250.00) per commissioner in any calendar month. Such ordinances shall not be adopted more frequently than annually, nor by less than a two-thirds vote.

Section 238.9 of the Charter of the City of Los Angeles is hereby amended to read as follows:

Sec. 238.9 All such franchises, permits, licenses and leases shall be granted and entered into subject to such terms and conditions and such rentals or compensation as the Board in its discretion may prescribe. Every such franchise, permit, license or lease granted or entered into for a definite period of time shall be made by order and if made for a period of five (5) years or less such order shall be published once in the same manner as ordinances of the City, and shall take effect upon such publication. If made for a longer period than five years the same shall be submitted to the Council for its approval or disapproval. Action must be taken thereon by the Council within sixty (60) days after such franchise, permit, license or lease shall have been submitted to it. If the Council shall approve the same, the order granting such franchise, permit, license or lease shall thereupon be published once in the same manner as ordinances of the City; if the Council shall fail to disapprove any such franchise, permit, license or lease within said period of sixty days, the order granting such franchise, permit, license or lease shall thereupon be published once in the same manner as ordinances of the City. Every such order granting a franchise, permit, license or lease for a period of time greater than five years shall, before the same becomes effective, be subject to the referendum provisions of this charter relating to ordinances.

No such franchise, permit, or license shall be made for a term or period greater than fifty (50) years, nor shall any such lease be made for a term or period greater than the term permitted by state law, or for ninety-nine (99) years, whichever is less, and any such franchise, permit, license, or lease shall be subject to a readjustment of the rental compensation at least every ten (10) years during the term thereof upon such procedure as shall be prescribed in the instrument granting such franchise, permit, license or lease.

Articles XVII, XVIII and XXXV of the Charter of the City of Los Angeles are hereby amended by amending Sections 186 1/2, 190.10 and 529 thereof to read as follows:

Sec. 186 1/2. 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, except that further contributions to the Fund shall not be required from an employee who has served as a member of the Fire Department or of the Police department for more than thirty years.

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 Pens on 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 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 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; provided, however, that no further such deductions shall be made from the salaries of System Members who have completed thirty years of service.

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. 529. Contributions of Plan Members.

Each Plan Member shall contribute to the Safety Members Pension Plan by salary deduction at the rate of 8% of the amount of his or her salary, except that further contributions to the Plan shall not be required from a Plan Member who has served as a Plan Member for more than thirty years.

For purposes of determining the amount of the deduction, "Salary" shall mean those elements of a Plan Member's compensation which would be included in calculating Final Average Salary. The Administrative head of

the Fire Department or the Police Department shall cause to be shown on each and every payroll of such department a deduction of 8% of the amount of salary of each Plan Member whose name appears thereon.

The Board shall maintain an individual account of the contributions by or for each Plan 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 at such rate as the Board may deem proper in light of the Safety Members Pension Plan's earnings, 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 or to the individual account of any person who is not a Plan Member; provided, however, that such interest shall be credited to the individual account of a Plan 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 Plan Members' individual accounts.

Each Plan 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 Plan Member shall be a full and complete discharge and acquittance of all claims and demands whatever for the services rendered by each member during the period covered by such payroll, except such claims as such Plan Member has to the benefits or payments provided for in this Article. Should a Plan Member or beneficiary entitled to a refund of contributions fail to demand payment thereof within ten (10) years from the date of separation or death of the Plan Member, whichever be applicable, said accumulated contributions shall be transferred to such reserve account or accounts in the Safety Members Service Pension Fund as the Board, in its sole discretion, may determine and, thereafter, any action or proceeding to enforce payment thereof to any such member or beneficiary shall be forever barred.

Plan Members or beneficiaries thereof 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 Plan Member or beneficiaries forfeit the right to a refund of the Plan Member's contributions. Plan Members who return to active duty from a disability pension may not thereafter have their contributions refunded. A terminated Plan Member who had elected to have contributions returned, but who reenters service and again becomes a Plan Member, shall have the privilege of regaining the prior service credit by repaying the amount of his or her previously refunded contributions and interest and an amount calculated as interest which would have been earned between the date of original termination of status as a Plan Member and the date of reentry into service as a Department Member.

The Board shall have rule-making authority to insure that the Safety Members Pension Plan receives member contributions for all periods of credited service, except that the Board shall not have authority to require contributions for service credit for military service and for periods while a Plan Member is receiving a disability pension, or full pay for Injury On

Duty. Plan Members, however, may elect to make contributions for periods of Injury On Duty compensated at the rate provided by general law in order to acquire credit for Years of Service for such period. Such contributions shall be at the contribution rate herein provided and shall be based on the salary the Plan Member would have received if he or she had not occupied Injury On Duty status.

Section 219 of the Charter of the City of Los Angeles is amended by adding a final two paragraphs, all to read as follows:

Sec. 219. The city shall not sell, lease or otherwise dispose of its rights in the waters of said Los Angeles River, in whole or in part. No other water or water right, nor any of the following property, now or hereafter owned or controlled by the city, to-wit: electric energy, or the right to develop electric or other power by means of any water or water right now or hereafter owned or controlled by the city, shall ever be sold, leased or disposed of, in whole or in part, without the assent of two-thirds of the qualified voters of the city voting on the proposition at a general or special election, at which such proposition shall be lawfully submitted, and no water shall ever be sold, supplied or distributed to any person or corporation, other than municipal, for resale, rental or disposal to consumers or other persons. Neither shall any electric power ever be sold, supplied or distributed to any person or corporation other than municipal for resale, rental or disposal to consumers or other persons without the assent of two-thirds of the qualified voters of said city given, as aforesaid; provided, that nothing in this section contained shall be construed to prevent the ordinary sale and distribution by the city of water and electric energy to its inhabitants for their own use, or to prevent the supplying or distribution by the city of surplus water or surplus electric energy to consumers or municipal corporations outside of the city, as elsewhere in this charter provided.

Nothing in this charter shall prohibit the making from time to time by the Board of Water and Power Commissioners of arrangements in the interest of economy for the interchange and or sale of surplus electric energy or standby or emergency service in connection with the transmission and utilization of power from the Colorado River or from any other source of electric power.

Notwithstanding any other provision in this charter, the Board of Water and Power Commissioners shall have the power and authority to enter into contracts with any public agency for the exchange of water; provided that any such water so exchanged by the City shall be replaced in full to the City within a reasonable period.

Notwithstanding any other provision in this charter, the Board of Water and Power Commissioners shall have the power and authority to supply and distribute, at rates fixed as provided in this charter, reclaimed water to consumers served by the City within its limits, to consumers outside the City for their own use and to public agencies outside the City for public uses and for resale, disposal or distribution to consumers within such agency's jurisdiction.

Article IX of the Charter of the City of Los Angeles is hereby amended by amending Section 107 and Paragraph (b) of Section 109(b), to read as follows:

Sec. 107. The board shall, by its rules provide for the promotion in such classified civil service on the basis of ascertained merit and seniority in service and examination, and shall provide in all cases where it is practicable that vacancies shall be filled by promotion. All examinations for promotion shall be competitive among such members of lower ranks as desire to submit themselves to such examination and who have such experience, qualification or qualifications as may be required by the board as a prerequisite for taking such examination; and it shall be the duty of the board to submit to the appointing power for each promotion the names of eligible applicants in accordance with Section 109 of this Article; but in fixing the rating of said eligibles an allowance of credits, to be stated at the time of the announcement of said examination, shall be made for past service. Upon the written request of the appointing power, the board may certify the names of those applicants having the highest ratings on the open competitive eligible list whose scores before adjustment for preferential credits are higher than the score of the highest available applicant on the promotional eligible register after credits for past service have been added. Names of candidates on the register of eligibles for promotion shall be stricken therefrom after they have remained thereon two years without reexamination. The board shall cause to be held promotional examinations at such intervals that there shall at all times be maintained a register of eligibles for promotional positions in the classified civil service in which there are vacancies. The method of examination, and the rules governing the same, and the method of certifying shall be the same as provided for applicants for original appointment, except as otherwise provided in this section.

Sec 109(b) The appointing authority of a department in which one or more positions classified under this Article, except positions in the class of unskilled laborers, are to be filled, shall notify said board of that fact, and said board shall certify to such appointing authority the names and addresses of those eligibles having the three highest whole scores on the register for the class to which said positions belong, and said appointing authority shall fill such places from the names certified by said board therefor within thirty days from the date of said certification. Whole test scores so certified shall be made public. Provided, however, that where there are sufficient eligibles available, said board shall certify no less than five names and addresses more than the number of positions to be filled; and whenever there are less than five available eligibles more than the number of positions to be filled within a range of three whole scores, said board shall certify the names and addresses of all available eligibles within such additional number of whole scores as necessary to provide a minimum of five available eligibles over and above the number of positions to be filled.

Where two or more positions are to be filled, said board shall certify the names and addresses of eligibles in such additional number of whole scores as necessary to provide at least five more available eligibles over and above the number of positions to be filled, provided, however, that said board in consideration of the number of vacancies to be filled and the

likely number of available eligibles within a range of three whole scores, may certify the names and addresses of all available eligibles within a range of one or more whole scores whenever such certification is requested by an appointing authority and there are at least five eligibles available within such range over and above the number of positions to be filled.

Notwithstanding other provisions of this Section, where there are remaining on the eligible list less than five available eligibles over and above the number of positions to be filled and said board finds that it is for the good of the service, the names of all available eligibles may be certified and appointments may be made from among those available eligibles.

Whenever said board certifies the names and addresses of eligible candidates, such names shall be listed in the order of the whole scores achieved, provided that within the range of each single whole score, the names of eligibles shall be listed in random order.

The Charter of the City of Los Angeles is hereby amended by amending Section 6(2) (a) thereof to read as follows:

(a) Commencing in 1992, the Council shall, by ordinance, which shall be effective upon publication, redistrict the City into fifteen (15) districts designated in the ordinance by numbers from 1 to 15, inclusive. Those districts shall be used for all elections of Council members, including their recall, and for filling any vacancy in the office of member of the Council, subsequent to the effective date of such ordinance and until new districts are established. Districts so formed shall each contain, as nearly as practicable, one-fifteenth of the total population of the City of Los Angeles as shown by the Federal Census immediately preceding such formation of districts. As nearly as practicable the districts shall be bounded by natural boundaries or street lines.

The Council shall begin the redistricting process at any time after the necessary data is obtained by the City from the most recent Federal Census, but not later than January 1, 1992 and each subsequent tenth anniversary of that date. The Council shall adopt a redistricting ordinance not later than July 1, 1992, and each subsequent tenth anniversary of that date.

Nothing in this section shall prohibit the City Council from redistricting with greater frequency provided that districts so formed shall each contain, as nearly as practicable, one-fifteenth of the total population of the City of Los Angeles as shown by the Federal Census immediately preceding such formation of districts or based upon other population reports or estimates as may be determined by the City Council to be substantially reliable.

No change in the boundary or location of any district by redistricting as herein provided shall operate to abolish or terminate the term of office of any member of the Council prior to the expiration of the term of office for which such member was elected. Any territory hereafter annexed to or consolidated with the City of Los Angeles shall, prior to or concurrently with completion of the proceedings therefor, be added to an adjacent district or districts by the Council by ordinance, which addition shall be effective upon completion of the annexation or consolidation proceedings notwithstanding any other provision of the Charter to the contrary.

The terms of office for those members of the Council elected from odd-numbered districts shall commence during each fourth anniversary of the year 1973 and for the members elected from even-numbered districts shall commence during each fourth anniversary of the year 1975.

The Charter of the City of Los Angeles is hereby amended by amending Section 255.1(a) thereof to read as follows:

(a) Commencing in 1992, the Council shall, by ordinance, which shall be effective upon publication, redistrict the Los Angeles Unified School District into seven (7) districts designated in the ordinance by numbers from 1 to 7, inclusive. Those districts shall be used for all elections of members of the Board of Education, including their recall, and for filling any vacancy in the office of member of the Board of Education, subsequent to the effective date of such ordinance and until new districts are established. Districts so formed shall each contain, as nearly as practicable, one-seventh of the total population of the Los Angeles Unified School District as shown by the Federal Census immediately preceding such formation of districts. As nearly as practicable the districts shall be bounded by natural boundaries or street lines.

The Council shall begin the redistricting process at any time after the necessary data is obtained by the City from the most recent Federal Census, but not later than January 1, 1992 and each subsequent tenth anniversary of that date. The Council shall adopt a redistricting ordinance not later than July 1, 1992, and each subsequent tenth anniversary of that date.

Nothing in this section shall prohibit the City Council from redistricting with greater frequency provided that districts so formed shall each contain, as nearly as practicable, one-seventh of the total population of the Los Angeles Unified School District as shown by the Federal Census immediately preceding such formation of districts or based upon other population reports or estimates as may be determined by the City Council to be substantially reliable.

No change in the boundary or location of any district by redistricting as herein provided shall operate to abolish or terminate the term of office of any member of the Board of Education prior to the expiration of the term of office for which such member was elected.

Certified to be a true copy by Peggy Stevenson, President, City Council and Elias Martinez, City Clerk.

Date of City Primary Election: April 12, 1983.

Charter Chapter 12—City of Santa Rosa

Charter Amendment to the City of Santa Rosa

[Filed with the Secretary of State April 28, 1983]

Section 31 of the charter is amended to read as follows:

SECTION 31. ELECTIONS. General municipal elections of the City shall be held on the first Tuesday after the first Monday in November of each even numbered year. Elections shall be conducted pursuant to the election laws of the State of California as the same relate to municipal elections.

Each present member of the City Council, whose current four-year term would have, but for the adoption of this section, expired in April of an even numbered year, shall have his or her term extended and shall continue in office, until no later than the Tuesday next succeeding the Tuesday of the General Municipal Election which is held in November of that even numbered year in which his or her current term of office would have expired and until his or her successor is elected and qualifies. Thereafter, new four-year terms of City Council members shall start on that Tuesday in November on which they are inducted into office as provided in Section 5 of this Charter.

Members of the Board of Education shall be inducted into office at the Board's first meeting following the canvass of the election returns as provided in Section 5 of this Charter. Each present member of the Board of Education, whose current four-year term would have, but for the adoption of this section, expired in April of an even numbered year, shall have his or her term extended and shall continue in office until no later than that day, as fixed herein for the seating of newly elected Board members, following the election held in November of that even numbered year in which his or her current term of office would have expired and until his or her successor is elected and qualified. Thereafter, new four-year terms of members of the Board of Education shall start on the day of the Board's first meeting following the canvass of the November election returns as provided in Section 5 of this Charter.

Certified to be a true copy by Donna M. Born, Mayor and Kenneth R. Blackman, City Clerk.

Date of Election: November 2, 1982

Charter Chapter 13—City of Santa Ana

Charter Amendment to the City of Santa Ana

[Filed with the Secretary of State May 3, 1983]

That Section 901 of the Charter of the City of Santa Ana is therefore amended to read as follows:

Sec. 901 Appointments, removals, vacancies, terms.

Except as otherwise specified in this charter, the member of each of the appointive boards and commissions shall be appointed, and may be removed, by the city council, subject in both appointment and removal by the affirmative votes of a majority of the members. Vacancies from whatever cause arising shall be filled in the same manner. Upon a vacancy

occurring leaving an unexpired portion of a term, any appointment to fill such vacancy shall be for the unexpired portion of such term. If a member of a board or commission absents himself 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 crime involving moral turpitude, or ceases to be a qualified elector of the city, his office shall become vacant and shall be so declared by the city council.

Except as otherwise provided in this section, the members of such boards and commissions shall serve for a term of four (4) years and until their respective successors are appointed and qualified, but in no event shall any person be eligible for reappointment who has served two (2) consecutive terms of four (4) years each. Unless otherwise provided by ordinance of the city council for a board or commission having more or less than seven (7) members, the terms of three (3) of the members of each such board or commission shall begin on the date of the beginning of the term of office of council members elected at every second general election commencing with the April, 1983 general election, and terms of the remaining members shall begin on the date of the beginning of the term of office of council members elected at every second general election commencing with the November, 1984 general election. It is the intent of this section that the term of office on boards and commissions shall be concurrent with the term of office of council members. Thereafter, any appointment to fill an unexpired term shall be for such an unexpired period.

The city council shall determine which members of such boards and commissions serving as such at the time of the April, 1983 general election shall serve shortened or extended terms.

Certified to be a true copy by R. W. Luxembourger, Mayor and Janice C. Guy, Clerk of the Council.

Date of General Municipal Election: April 5, 1983.

Charter Chapter 14—City of Oroville

Charter Amendments to the City of Oroville

[Filed with the Secretary of State May 6, 1983]

That Sec. 1 of Article IV of the Charter of the City of Oroville, entitled "Elections", be amended to provide that general elections, which presently must be held on the second Tuesday in April of each odd-numbered year, be held on the first Tuesday after the first Monday in November of each even-numbered year and providing that persons elected in April of 1981, or their successors, shall hold office until November of 1984, and persons elected in April of 1983, or their successors, shall hold office until November of 1986, and providing for the election to full and short council

terms, said Article, as amended, to read as follows:

ARTICLE IV

Sec. 1 Elections

General Elections shall be held in the City of Oroville on the first Tuesday after the first Monday in November of each even-numbered year, under and pursuant to the general laws governing elections, so far as the same may be applicable, and except as herein otherwise provided. Persons elected in April of 1981, or their successors, shall hold office until November 12, 1984, and persons elected in April of 1983, or their successors, shall hold office until November 10, 1986.

Where there are full council terms and short council terms to be filled, the persons elected by the highest number of votes shall be elected to the full term offices. In the event that two or more persons shall be elected by the same number of votes, their term shall be fixed by lot.

That Sec. 1 of Article VI of the Charter of the City of Oroville, entitled "Officers and Employees", be amended to eliminate the offices of City Assessor and City Tax Collector, to provide for the appointment by the City Council of one or more Deputy City Clerks, and to eliminate reference to a city manager, said Article, as amended, to read as follows:

ARTICLE VI

Sec. 1 Officers and employees.

The officers of the City of Oroville shall be a mayor, six members of the council, a city clerk, a city attorney, a city treasurer, a city engineer, a street superintendent, a judge of the city court, a chief of police, a fire chief, a health officer, a planning commission, a park, playground and recreation commission and a board of five library trustees; provided the council may by ordinance provide for such subordinate officers, assistants, deputies, clerks and employees as it deems necessary.

The members of the Council shall be elected from the city at large and shall hold office for four years and until their successors are elected and qualified.

The city clerk and one or more deputy city clerks shall be appointed and hold office at the pleasure of the board.

The city treasurer shall be elected and shall hold office for four years, and until his or her successor is elected and qualified.

All other officers, assistants, deputies, clerks and employees shall be appointed as provided in this Charter or as the Council may provide by ordinance in case no provision for their appointment is herein made, and they shall hold their respective offices or positions at the pleasure of the appointing power, except as otherwise herein provided.

Except as otherwise provided in this Charter, where the appointment of any officer, assistant, deputies, clerks or employees is vested in the council, the appointment and removal must be made by a five-sevenths vote of the members. Where such appointment is vested in any other body the appointment and removal must be made by a four-fifths vote of the members of such body.

No increase or reduction shall be made in the compensation paid any

appointive officer unless made by a five-sevenths vote of the council or a four-fifths vote of such other body.

That Sec. 1 of Article IX of the Charter of the City of Oroville, entitled "Planning Commission", be amended to eliminate the City Engineer as a member of the planning commission and to provide that the City Council, which presently may adopt an ordinance not recommended by the city planning commissioners only upon a five-sevenths vote of the whole council, may adopt such an ordinance by a majority of the whole council, said Article, as amended, to read as follows:

ARTICLE IX

Sec. 1 Planning Commission.

There shall be a board of planning commissioners consisting of the mayor as an ex-officio member without vote except in the case of a tie; one other member of the council, and six citizens to be appointed by the council to serve for four years each, without compensation.

The city planning commission shall have and exercise all the powers and duties which are now or may hereinafter be granted to or imposed upon said department by state law, and such additional powers and duties as may be granted or imposed by ordinance for the regulation and control of the platting and subdivision of lands.

No ordinance shall be adopted by the council creating districts or zones for the purpose of regulating the use of lands, the height, bulk, location or use of buildings therein, and no ordinance changing, amending or altering any such ordinance shall be adopted until it shall have first been submitted to the board of city planning commissioners for report and recommendation.

It shall be the duty of the planning commission within thirty days from the receipt of any such request from the council for its recommendation in regard to any such ordinance, to make and file its report thereon with the council, and should said board of city planning commissioners recommend against the approval of any such ordinance herein mentioned, the council may adopt such ordinance only upon majority vote of the whole of said council.

Should the board of city planning commissioners recommend the approval of any such ordinance, or fail to make any recommendation within the time mentioned herein, said council may adopt such ordinance by a majority vote of the whole council.

All plans for the location of public parks or public playgrounds shall be submitted to the city planning commission for report and recommendation. Such report shall be advisory only.

The department shall make reports and recommendations to the council and to the various departments of the city government on all matters involving the location of such public improvements.

The city planning commission shall initiate studies and make reports and recommendations to the council and the various departments of the city government on subjects related to the opening and widening of streets and other physical conditions, connected with the development and expansion of the city.

It shall each year render to the mayor and council a report of its activities during the preceding year, and its proposals for the future. The first city planning commission under this Charter shall be appointed by the council for one, two three and four year terms respectively. Thereafter the members of said board shall be appointed as provided herein. At least three of the four members appointed as aforesaid shall have been members of the city planning commission immediately prior to this Charter taking effect.

That Sec. 1 of ARTICLE XII of the Charter of the City of Oroville, entitled "City Clerk", be amended to eliminate any reference to the board of equalization, said Article, as amended, to read as follows:

ARTICLE XII

Sec. 1 City Clerk.

The city clerk shall be the clerk of the council

It shall be the duty of the city clerk or a deputy designated by him, to attend all sessions of the council and keep a full and correct record of the proceedings.

The proceedings of the council shall be kept in a book marked "Minutes of the Council". He shall keep a book marked "Ordinances", into which he shall copy all city ordinances, certifying that each is a full and correct copy of the original ordinance and stating that the same has been published as required by law.

Said record copy so certified shall be prima facie evidence of the contents of the ordinance, and of its passage and publication, and shall be admissible as such in any court or other proceeding. Such record shall not be filed, but shall be returned to the custody of the city clerk. He shall also keep a book marked "Resolutions" into which he shall copy all resolutions passed by the council.

Both the books containing ordinances and resolutions shall be adequately and comprehensively indexed.

He shall conduct promptly, and keep a systematic record of, all correspondence between the council and others relating to city business.

He shall be the keeper of the corporate seal of the city and shall affix the same to instruments or writings requiring authentication.

He shall safely keep all records, documents, ordinances, resolutions, books, and such other papers and matters, as may be regularly delivered into his custody or required by law or ordinance to be filed with him.

He shall report to the city council monthly, a detailed statement of the receipts and disbursements of the city government and the state of the various funds, and show the balances of the budgeted appropriation, and of any special improvement fund that may exist; and at the expiration of the fiscal year make a detailed statement of the receipts and disbursements of the city during said year, specifying the different sources of revenue and the amount received from each, the several appropriations made by the city council, and the amount of money expended under each, and the objects for which they were made.

That ARTICLE XIII of the Charter of the City of Oroville, which in Sec. 1 thereof presently provides for the office and duties of the City Assessor

and in Sec. 2 thereof presently provides for the appointment and duties of a Board of Appraisers be repealed and eliminated from the Charter in its entirety, said Amendment to read as follows:

ARTICLE XIII

ARTICLE XIII, of the Charter of the City of Oroville, relating to City Assessor and Board of Appraisers, is repealed.

That the first paragraph of Sec. 1 of Article XIV of the Charter of the City of Oroville, entitled "Expert Accountant" which presently provides that the City shall employ a public accountant annually to investigate the accounts and transactions of all city officers and employees having the collecting, custody or disbursement of public money or property, or the power to approve, allow or audit, demands on the city treasury, be amended to provide that the City shall retain a Certified Public Accountant to audit annually, in accordance with generally accepted auditing standards, the financial statements and accounts of the City, and that said Article be further amended to eliminate paragraph 3 thereof which presently requires the City Clerk to publish a notice in a newspaper published in the City of Oroville, calling attention to the fact that the report of the public accountant is available for any citizen to read. Said Article XIV, as amended, to read as follows:

ARTICLE XIV

Sec. 1 Expert Accountant

The City shall retain a Certified Public Accountant to audit annually, in accordance with generally accepted auditing standards, the financial statements and accounts of the City

It shall be the duty of the city clerk to keep on public display in his office a report of such audit for a period of sixty days after said audit has been filed.

That Sec 1 of Article XV of the Charter of the City of Oroville entitled "City treasurer and tax collector" be amended to eliminate all reference to tax collector and to eliminate the final paragraph thereof pertaining to the crediting of all interest on deposits to the general fund, said Article, as amended, to read as follows

ARTICLE XV

Sec. 1 City Treasurer.

There shall be a city treasurer who shall be elected every four years at the general election. It shall be his duty to collect all taxes assessed by the City assessor otherwise

He shall receive and keep safely all moneys and securities belonging to the city and coming into the hands, and pay out the same only on warrants signed by the proper officials, including the principal and interest due on bonds of the city, including improvement bonds

The treasurer shall deposit within forty-eight hours of its receipt with a responsible banking institution, in the city, all funds coming into his possession, and shall obtain from such banking institution bonds or other collateral as security therefor, as provided by law.

That Sec. 1 of Article XXIII of the Charter of the City of Oroville entitled "Department of Education; board of education" be eliminated from said Article XXIII and that Sec. 2 of said Article be renumbered Sec. 1, said Article, as amended, to read as follows:

ARTICLE XXIII

Sec. 1 Library.

The free public library of the city shall be managed under and in accordance with the provisions of the general laws of the state relating to free public libraries.

That Article XXIV of the Charter of the City of Oroville and Sec. 1 thereof entitled "Fiscal Administration; budget", Sec. 2 thereof entitled "Fiscal year", Sec. 3 thereof entitled "Taxation", Sec. 4 thereof entitled "Dollar limit", Sec. 5 thereof entitled "Board of Equalization", Sec. 6 thereof, entitled "Deposits with the treasurer daily", Sec. 7 thereof entitled "Payment of City money", Sec. 8 thereof entitled "Surplus to general fund", Sec. 9 thereof entitled "Surplus Bond money", Sec. 10 thereof entitled "Uniform accounts and reports", Sec. 11 thereof entitled "General reserve fund", Sec. 12 thereof entitled "Monthly Financial reports", Sec. 13 thereof entitled "Counting the money" and Sec. 14 thereof entitled "Approving illegal claims" be repealed in its entirety and a new Article XXIV adopted, said Article to read as follows:

ARTICLE XXIV

Sec. 1 Fiscal Year.

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

Sec. 2 Tax System

The Council shall provide a system for the assessment, levy, and collection of City taxes upon real and personal property. By mutual agreement, the County of Butte shall perform those municipal functions which relate to the assessment of property for purposes of taxation, the equalization and collection of taxes levied for municipal purposes, the collection of assessments, and the sale of property for non-payment of taxes or assessments.

It shall be the duty of the Finance Officer, within the time prescribed by law, to compute the tax rates required to service outstanding municipal debt, and submit same to the City Council.

Should the Council fail to fix the tax rates within the time prescribed, then the tax rates of the previous year shall constitute the rates for the current year.

Sec. 3 Annual Budget.

On or before the first day of June of each year, the City Administrator shall present to the Council a proposed budget for the ensuing fiscal year. Such budget shall constitute the Preliminary Budget of the City of Oroville, and a copy of same shall be on file in the office of the City Clerk. Not less than five days after the Preliminary Budget is filed, the City Clerk shall fix a time for a budget public hearing.

Final adoption of the budget shall be not later than the first regular

Council meeting in July. Tax rates for purposes of the service of outstanding municipal debt shall be fixed not earlier than the first meeting in July, nor later than the last day of August.

Sec. 4 Annual Financial Report.

It shall be the duty of the Finance Officer to prepare annually a consolidated financial report of the City, including such statements and schedules as may be necessary to adequately describe the financial condition of the City, and the results of its operations for the fiscal year. Insofar as practical, these statements shall be prepared in accordance with generally accepted accounting principles as applied to municipal corporations, and shall be subject to audit, as described in Article XIV above.

That Sec. 1 of Article XXV of the Charter of the City of Oroville, entitled "Limit of bonded indebtedness", be amended to provide that the bonded debt of the city, which presently shall at no time exceed a total of Fifteen percent of the assessed valuation of all property taxable for city purposes, shall at no time exceed three and seventy-five one hundredths percent of the taxable value of all property taxable for city purposes, said Article, as amended, to read as follows:

ARTICLE XXV

Sec. 1 Limit of bond indebtedness.

The bonded debt of the city shall at no time exceed a total of three and seventy-five one hundredths percent (3.75%) of the taxable value of all property taxable for city purposes; provided, however, that bonds issued for the acquisition, extension, betterment, or maintenance of municipally owned public utilities shall not be counted as part of such limitation.

Provided further, however, that such bonds shall have been voted by the electors of the City of Oroville.

Provided further, that on the initiative of the council by an appropriate resolution, and a majority vote of the electors at the next general municipal election thereafter, this limit may be lowered or raised

That Article XXVI of the Charter of the City of Oroville, and Sec. 1 thereof entitled "Special taxes and bonds" be repealed in its entirety, said amendment to read as follows:

ARTICLE XXVI

Article XXVI of the Charter of the City of Oroville relating to "Special Taxes and Bonds" is repealed.

That Sec. 1 and 2 of Article XXX of the Charter of the City of Oroville entitled "Official Records", and "General Laws Applicable", be amended to provide that fees for copies and certifications shall be set by resolution of the City Council, and, to eliminate any reference to cities of the fifth class or cities of the sixth class, said sections of said Article, as amended, to read as follows:

ARTICLE XXX. MISCELLANEOUS

Sec. 1 Official Records.

All books and records of every office and department shall be open to the inspection of any citizen during business hours, subject to proper rules

and regulations for the efficient conduct of business of such department or office; provided, the records of the police department shall not be subject to such inspection except by permission of the proper police authorities.

Copies or extracts, duly certified, from said books and records open for inspection, shall be given by the officer having the same in custody to any person demanding the same and paying or tendering the fee for such copies or extracts, and an additional fee for certifying. The City Council, by resolution duly adopted, shall set the fee to be charged for copies or extracts and for certifying.

All officers and boards shall deliver to their successors all papers, books, documents, records, archives, and other properties pertaining to their respective offices or departments, in their possession or under their control.

Sec. 2 General Laws Applicable.

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

The council may adopt and enforce ordinances which in relation to municipal affairs, shall control as against the general laws of the state.

Provided, that where a procedure for the exercising of any rights or powers belonging to a city, is provided by statute of the State of California, such procedure shall control and be followed unless a different procedure is provided in, or by ordinance enacted under authority of this Charter.

Certified to be a true copy by Jana Wilson, Mayor and Eugene Ludwig, Clerk.

Date of General Municipal Election: April 12, 1983

Charter Chapter 15—City of San Mateo

Charter Amendments to the City of San Mateo

[Filed with the Secretary of State May 6, 1983]

Section 7.01 and Section 2.01 are amended to read as follows:

Section 7.01 GENERAL MUNICIPAL ELECTIONS

General municipal elections shall be held in the city on the first Tuesday after the first Monday in November of each odd-numbered year, in the manner provided by state law governing elections in general law cities; provided, that in the event any other election shall be held in the city in the month of November of the same year, the council may consolidate the general municipal election with such other election whenever practicable, and shall in any event call and schedule the general municipal election for the same date as any such other election.

Section 2.01 COMPOSITION, ELIGIBILITY, ELECTION AND TERMS.

(c) The members of the city council shall be elected by the voters of the city at a general municipal election to be held therein every odd-numbered year as hereinafter provided. Two council members shall be elected at the general municipal election to be held the year immediately preceding Leap Year, and three council members shall be elected at the general municipal election to be held the year immediately after Leap Year. They shall hold office for terms commencing the first regular council meeting in December and until the general municipal election the fourth year thereafter and the election and qualification of their successors. In the event two or more candidates receive the same number of votes and it is necessary for any reason to break the tie, the tie shall be broken by drawing lots under the supervision of the city attorney at the earliest meeting of the council after such a tie has been determined.

Section 2.09 is amended to read as follows:

Section 2.09. MEETINGS. GENERALLY.

The Council shall meet at the first regular Council meeting in December following a general municipal election and canvass the returns thereof. The new members shall then be inducted into office, whereupon the council shall elect the mayor and deputy mayor. The regular meetings of the council shall normally be held on the first and third Monday of each month at eight o'clock P.M., but any regular meeting may be adjourned to a date certain, which adjourned meeting shall be a regular meeting for all purposes. The council may, in its discretion, change the date of any regularly scheduled Monday council meeting which would fall on a holiday or other inconvenient day to the nearest convenient day subsequent to the regularly scheduled Monday council meeting.

Except as otherwise provided by state law, all general and special meetings shall be open to the public.

Section 2.01 is amended to read as follows:

Section 2.01. COMPOSITION, ELIGIBILITY, ELECTION AND TERMS, LIMITATION ON CONSECUTIVE TERMS

(e) Councilmembers shall not be eligible for election to nor serve more than three consecutive terms in office, provided that service prior to April 1983 shall not be counted toward such three-term restriction.

Section 8.06 is amended to read as follows:

Section 8.06. APPLICABILITY OF GENERAL LAWS.

The council may adopt and enforce ordinances or resolutions which, in relation to municipal affairs, shall control as against the general laws of the state. General laws of the state, even in the absence of council action, shall not be of any force or effect insofar as they attempt to regulate municipal affairs.

Certified to be a true copy by Florence P. Rhoads, Mayor and Doris Christen, City Clerk.

Date of General Municipal Election: April 5, 1983.

Charter Chapter 16—City of Porterville

Charter Amendments to the City of Porterville

[Filed with the Secretary of State May 9, 1983]

Section 12, Paragraph 9 is amended to read as follows:

Except as otherwise provided by general law, or this Charter, no action providing for the granting of any franchise, or for the establishing or changing fire zones or for the imposing of any penalty, shall be taken except by ordinance.

Section 17 is amended to read as follows:

Except as may be otherwise in this Charter provided, the affirmative vote of three members of the council shall be required for the appointment of or the removal of any administrative officer for cause. The administrative officer is entitled to a hearing before the council on the validity of the grounds providing the basis for removal for cause.

The council may remove any of its administrative officers at its pleasure, without cause stated or at hearing had, by the affirmative vote of four members cast in favor of such removal, and the determination of the council in such matters shall be final and conclusive.

Sections 17-A and 17A is repealed in its entirety:

That the mandatory retirement age for the employees of the City of Porterville shall be as follows, to-wit:

Safety employees—The mandatory retirement age for all safety employees as hereinafter described shall be 65.

Miscellaneous employees—The mandatory retirement age for all miscellaneous employees as hereinafter described shall be age 70.

For purposes of this section safety employees shall be defined as "all city employees who are assigned to permanent duty with the police department and all city employees who are assigned to permanent duty with the fire department". All other employees of the City of Porterville shall be defined as miscellaneous employees.

This section shall be in full force and effect April 2, 1968.

That the mandatory retirement age for the employees of the City of Porterville shall be as follows, to-wit.

Safety Employees—The mandatory retirement age for all safety employees as hereinafter described shall be age 65.

Miscellaneous Employees—The mandatory retirement age for all miscellaneous employees as hereinafter described shall be age 65.

For purposes of this section safety employees shall be defined as all city employees who are assigned to permanent duty with the police department and all city employees who are assigned to permanent duty with the fire department excepting clerical, secretarial and custodial employees assigned thereto. All other employees of the City of Porterville shall be defined as miscellaneous employees. In the event any employee of the city fails to distinctly fall within either of the employee classifications herein set forth then, by resolution, the council shall classify said employee as a safety or miscellaneous employee.

This section as amended shall be in full force and effect April 2, 1975.

Repealed in its entirety

Section 38 Repealed in its entirety.

Every elective officer and every chief appointive official, including all members of boards and commissions provided for in this Charter, or by ordinance, shall have the power to administer oaths and affirmations, and every such board and commission shall have power to issue subpoenas, to compel by subpoena the production of books, papers, and documents; and to take and hear testimony concerning any matter or thing pending before such board or commission.

If any person so subpoenaed neglects or refuses to appear, or to produce any book, paper or document, as required by such subpoena, or shall refuse to testify before any such board or commission, or to answer any question which a majority of such body shall decide to be proper or pertinent, he shall be deemed in contempt, and any such board or commission shall have the power to take the proceedings in respect thereto provided by the general laws of the state. The chief of police must, on request of any member of such board or commission, detail a police officer or officers to serve such subpoena

Repealed in its entirety

Section 72 is Repealed in its entirety.

For cause stated, and after a hearing as provided herein for cases of proposed removals, the appointing power, in lieu of removal shall have authority to suspend without pay for a period not exceeding thirty days, or declare a forfeiture of pay in any amount not exceeding one month's pay, any appointive official or employee of the city, for any violation of the rules or regulations of the department in which he is serving, or upon being found guilty of any act or omission prescribed in this Charter as a ground or removal for cause.

Repealed in its entirety

Section 13, Paragraph 4 is Repealed in its entirety:

All administrative officers (excepting the city manager, city attorney, and city clerk) assistants, deputies, clerks and employees shall be appointed by the city manager

Repealed in its entirety.

Certified to be a true copy by Mary Dougherty, Mayor and C. G. Huffaker, City Clerk.

Date of General Municipal Election: March 8, 1983

Charter Chapter 17—City of Needles

Charter Amendments to the City of Needles

[Filed with the Secretary of State May 19, 1983]

Section 451 of the City Charter is amended to read

Section 451. Eligibility.

In conformance with State law, no person shall be eligible to be nominated or hold office as Mayor unless that person is and shall have been a registered voter at the time nomination papers are issued, and a resident and a qualified elector of the City of Needles or of territory annexed thereto.

Section 501 of the City Charter is amended to read:

Section 501. Eligibility.

In conformance with State law, no person shall be eligible to be nominated for or to hold office as a member of the council unless that person is and shall have been a registered voter at the time nomination papers are issued, and a resident and a qualified elector of the City of Needles or of territory annexed thereto.

Section 402 of the City Charter is amended to read:

Section 402. When an elective office becomes vacant.

An elective office becomes vacant when the incumbent dies, resigns, is adjudged insane, convicted of a felony or of an offense involving a violation of his official duties, ceases to be a resident of the city, fails to qualify within the time prescribed by the provisions of this charter, or shall have been absent for three consecutive meetings without permission of the council, except that any period of leave granted by the council shall not be considered an absence for the purpose of this section.

Certified to be a true copy by D. B. Danel, Mayor and Cheryl K. Sallis, City Clerk.

Date of General Municipal Election: April 13, 1982.

Charter Chapter 18—City of Monterey

Charter Amendment to the City of Monterey

[Filed with the Secretary of State June 24, 1983]

That Section 2.7 (New) be added to Article 2, to read as follows:

Section 2.7, Article 2

Section 2.7 Voter Approval Required for Eminent Domain Actions to Acquire Property for Re-sale in Redevelopment Projects.

In any Redevelopment Project adopted or substantially amended after May 1, 1983, neither the City nor Redevelopment Agency shall, by eminent domain proceedings, acquire property within a Redevelopment Project for the purpose of re-sale for private redevelopment without first submitting to and receiving the approval of the electorate.

This section shall not prohibit either the City or Redevelopment Agency from acquiring property by eminent domain proceedings for any other public purpose nor shall it prohibit either the City or Agency from acquiring property within a Redevelopment Project from a willing seller.

The proposal to acquire property within a Redevelopment Project for

re-sale to private redevelopers shall be placed before the electorate at either a general election or special election called for that purpose

Certified to be a true copy by Gerald T. Fry, Mayor and Patricia L. O'Hearn, City Clerk

Date of General Municipal Election: May 10, 1983

Charter Chapter 19—City of Oakland

Charter Amendment to the City of Oakland

[Filed with the Secretary of State June 30, 1983]

Amend Sections 2601-e and Subsections 6, 7a, 7b, 7c, 7d, and 7e of the Charter of the City of Oakland to read as follows.

SECTION 2601-e: The Board shall possess power to make all necessary rules and regulations for its guidance and shall have exclusive control of the administration and investment of the fund established for the maintenance and operation of the system, subject to the terms, conditions, limitations, and restrictions hereinafter set forth. All funds by the Board not required for current disbursement shall be invested in, but not limited to,

SUBSECTION 6: F.H.A. mortgages, certificates and shares of state or federal chartered savings and loan associations if insured as defined in Title IV of the National Housing Act, provided that such investments shall not exceed fifteen percent of the book value of the invested funds of the Retirement System.

SUBSECTION 7: Equity or mortgage debt investments in existing real property or in property to be constructed, except that no mortgage investments may be funded until the improvements on the property are substantially complete. Such investments shall not exceed twenty percent of the book value of the invested funds of the Retirement Systems. The Board shall obtain the opinion of competent real estate advisors that such investment is prudent and that it meets the current investment guidelines of the Board, before committing to make such investment, and provided,

~~SUBSECTION 7a: Such investment, together with all other investments in real property or improvements, does not exceed ten percent of the book value of the invested funds of the Retirement System.~~

SUBSECTION 7b: Amend to designate as Subsection 7a and amend to read as follows:

The Board is owner in fee title of and/or a lease-hold in the real property and/or real property and improvements in and upon which such investment is to be made, with the exceptions of convertible and take-out loans and mortgage pool investments.

SUBSECTION 7c: Amend to designate as Subsection 7b.

~~SUBSECTION 7d: Before making such an investment the Board shall enter into a lease or lease option agreement with a qualifying lessee under which such lessee agrees to rent the property at a monthly rental and for~~

a period not less than 20 years. Where the lessee is a public agency, said Public Agency shall have a municipal bond rating equivalent to Baa on the Moody's quality rating scale of BBB on the Standard and Poor's quality rating scale, or higher. "Public Agency" as used herein means a political subdivision or political corporation of the State of California.

SUBSECTION 7c: Amend to designate as Subsection 7c.

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

Date of Municipal Election: April 19, 1983.

Charter Chapter 20—City and County of San Francisco

*Charter Amendment for the City and County of
San Francisco*

[Filed with the Secretary of State November 22, 1983]

Section 9.111 is amended to read as follows:

Sec. 9111. Time of Election.

If the petition accompanying a proposed initiative measure, or declaration of policy, be signed by registered voters equal in number to 10 percent of the entire vote cast for mayor at the last preceding general municipal election, or if the petition accompanying a proposed recall be signed by registered voters equal in number to 10 percent of the registered voters of the City and County of San Francisco at the time of the filing of the notice of intention to circulate the recall petition and contains a request that said measure, policy or recall be submitted forthwith to a vote of the electorate at a special election, then the registrar shall forthwith call a special election, which shall be held at a date not less than 60 nor more than 75 days from the date of calling the same, at which said measure or policy, without alteration, or said recall shall be submitted to a vote of the electorate, unless within sixty days of a general or primary election, in which event it shall be submitted at such general or primary election.

If the petition accompanying a proposed initiative measure or declaration of policy be signed by registered voters equal in number to five percent but less than 10 percent of the said entire vote, then such measure or measures, without alteration, shall be submitted by the registrar to a vote of the electorate at the next general state or municipal election that shall occur at any time after 30 days from the date of the certificate of sufficiency attached to the petition accompanying such measure unless the board of supervisors, by ordinance, direct that the measure or policy be voted on at a special election prior thereto.

Section 7.403 is amended to read as follows:

7.403 Sale or Lease of Park Land; Use of Certain Park Land for the Construction of Water Quality and Sewerage Facilities

(a) Notwithstanding any other provisions of this charter, whenever lands which are or shall be used or intended for use for parks or squares are no longer needed for park or recreational purposes, such lands may be sold or otherwise disposed of, or their use for park purposes may be abandoned or discontinued; provided that nothing herein shall be construed to authorize the discontinuance or abandonment of the use of such lands, or any change in the use thereof which will cause the reversion of such lands to private ownership, or cause the forfeiture of the ownership thereof in fee by the City and County of San Francisco, or as authorizing the discontinuance of the use of park lands acquired in any proceeding wherein a local assessment based on benefits was or shall be levied to provide funds for such acquisition; and provided further that the general laws of the State of California authorizing municipal corporations to abandon or to discontinue the use of land for park purposes, authorizing the sale or other disposition of such lands, and providing procedures therefor and for matters relating thereto, shall be applicable to the City and County of San Francisco and to all lands held or used by it for park purposes and shall govern and control exclusively in respect thereto. For the purposes of this subsection, all lands, including, but not limited to, playgrounds, athletic facilities, and lands purchased with open space acquisition and park renovation funds, but excluding the Great Highway, the land described in subsection (d) below, and lands administered by the Recreation and Park Department pursuant to agreements with other City departments or entities, placed under the jurisdiction of the Recreation and Park Department shall be deemed used or intended for use for park purposes.

(b) Except as provided in subsection (c) the recreation and park commission shall not lease any part of the lands under its control nor permit the building or maintenance or use of any structure on any park, square, avenue or ground, except for recreation purposes, and each letting or permit shall be subject to approval of the board of supervisors by ordinance. The commission may lease to the highest responsible bidder for a term of not to exceed fifty years and upon such other terms and conditions as it may determine, subsurface space under any public park or square and the right and privilege to conduct and operate therein a public automobile parking station, provided that the said construction, when completed, and the operation will not be, in any material respect or degree, detrimental to the original purpose for which said park or square was dedicated or in contravention of the conditions of any grant under which said park or square might have been received. The revenues derived from any such lease shall be credited to the recreation and park department funds.

(c) The recreation and park commission shall have the power to lease or rent any stadium or recreation field under its jurisdiction for athletic contests, exhibitions and other special events and may permit the lessee to charge an admission fee.

(d) Upon approval by the recreation and park commission, that parcel of land south of the Zoo and between the Great Highway Extension and Skyline Boulevard set forth and described in parcel map entitled "Parcel Map Showing Certain Park Land Proposed to be Used Jointly," recorded August 12, 1975 in Parcel Map Book Number One at page 96 in the office

of the recorder of the City and County of San Francisco, may be used for the construction of water quality and sewerage facilities, and any facilities so constructed shall be under the control, management, and direction of the department of public works. Any recreation or zoo facilities constructed on said parcel shall remain under the control, management, and direction of the recreation and park commission.

Section 8.350 is amended to read as follows:

8.350 Disability Transfers

(a) When a permanent civil service employee, other than a member of the fire department and police department, who has served not less than three years in his or her position, has become incapable through advanced age, accident or other disability, of performing the duties of his or her position, the civil service commission may, upon request from the employee or upon request from the retirement system when a disability pension application is pending, transfer the employee to a position within his or her capacities to perform, whether or not within the classification for which he or she qualified for appointment, but such position shall not be in a classification having a higher compensation schedule than the one from which the employee is transferred, and his or her compensation shall not thereafter be increased beyond the maximum salary for the classification to which such employee is transferred, nor in any event shall his or her salary be increased to equal the salary such employee would have received had the employee remained in his or her former position; provided, however, that a permanent employee, including any permanent member of the fire department and police department, who has become incapable or resuming his former position through disability incurred while on active service with the armed forces while on military leave may upon application after his or her discharge from military service be transferred under the provisions of this section, regardless of his or her length of service.

(b) Employees transferred under the provisions of this section may, upon recovery from the disability, and with the consent of the civil service commission, return to a vacancy in their former classification.

(c) Positions filled under the provisions of this section shall not be subject to salary standardization, but the salaries thereafter shall be fixed by the civil service commission within the limitations herein set forth, provided, however, that salaries of such employees who were transferred from or to positions the compensations for which are subject to Section 8.403 hereof may be revised as of July 1st within the limitations herein set forth to reflect rates of pay adopted under the provisions of Section 8.403 for the then ensuing fiscal year by appropriate amendment to the annual appropriation ordinance and annual salary ordinance but without reference or amendment to the annual budget. The civil service commission shall make rules to carry out the intent of this section and such rules shall govern all transfers made under the provisions of this section.

(d) Whenever any employee is transferred under the provisions of this section and has held such position for five years, he or she shall be eligible to participate in any promotional examination in which his classification is designated as the next lower rank from which promotion will be made;

provided that the disability of said employee is not of such nature as to interfere with the performance of the duties required in the promotive classification. The civil service commission shall make such determination after examination of the employee by a civil service examining physician.

(e) The salary of an employee who is promoted as the result of participation in a promotional examination under the provisions of this section shall be fixed in accordance with the salary standardization provisions of this charter.

(f) Notwithstanding any of the provisions of subsections (a), (b), and (c) of this section or any other provisions of this charter, whenever any employee is transferred under the provisions of subsections (a), (b) or (c) of this section and has held such position for ten (10) years, the limitations imposed on his or her salary by those subsections shall terminate and his or her salary shall thereafter be fixed in accordance with the salary standardization provisions of this charter.

Section 8.506-2 is amended to read as follows:

8.506-2 Miscellaneous Safety Employees

Notwithstanding any other provisions of this Charter, the board of supervisors or the community college board shall have the power to contract with the Board of Administration of the Public Employees' Retirement System of the State of California to provide that the probation officers, airport police officers, district attorney and public defender investigators, coroner investigators, juvenile court counselors and institutional police shall be members of the public employees' retirement system, and the board of supervisors, the community college board and the retirement board shall have the power to perform all acts necessary to carry out the terms and purposes of such contract.

The power to contract created herein shall be limited to a contract with no net increase in cost to the City and County or the community college district.

Any person who shall become a member of the public employees' retirement system pursuant to such contract shall have the right to be a member of the health service system and the health service board shall make provision for participation in the benefits of the health service system by such persons.

Section 3.530-3 is amended to read as follows:

3.530-3 Transfer of Housing Authority Police to the City and County

The board of supervisors of the City and County of San Francisco shall have and is hereby granted power to enter into any agreement with the State of California, or any officer, agency or commission of the State of California, and to pass all necessary legislation and to do or perform any other act or acts deemed necessary to effect the transfer of the employment, jurisdiction and control of the Housing Police Officers of the San Francisco Housing Authority to the city and county. The board of supervisors shall make every reasonable effort to consummate such an agreement no later than July 1, 1984.

Pursuant to said agreement, the city and county shall accept the transfer of all Housing Police Officers of the San Francisco Housing Authority from said Authority. All said Housing Police Officers who are transferred to the city and county shall become employees of the City and County of San Francisco under the jurisdiction of the San Francisco Police Department.

8.506-3 Housing Authority Police

All Housing Police Officers of the Housing Authority who, on July 1, 1984, are members of the Public Employees' Retirement System of the State of California shall continue to be members of said Public Employees' Retirement System, and they shall not be members of the San Francisco City and County Employees' Retirement System. Notwithstanding any other provisions of this charter, the city and county shall perform all acts necessary to continue the membership of such employees in said Public Employees' Retirement System.

Notwithstanding any other provisions of this charter, the board of supervisors shall have the power to contract with the Board of Administration of the Public Employees' Retirement System of the State of California to provide that Housing Authority Police hired after July 1, 1984, shall be members of the Public Employees' Retirement System, and the board of supervisors and the retirement board shall have the power to perform all acts necessary to carry out the terms and purposes of such contract.

Any person who shall become a member of the Public Employees' Retirement System pursuant to such contract shall have the right to be a member of the health service system and the health service board shall make provision for participation in the benefits of the health service system by such persons.

Section 8 526 is amended to read as follows:

8.526 Cost of Living Adjustment in Allowances

(A) Each retirement or death allowance which is not subject to change when the salary rate of any member is changed and which is payable to or on account of any member who has retired or died prior to July 1, 1967, except such allowances payable to or on account of persons who retired or died prior to July 1, 1947, as members under section 8.507, but including death allowances payable under section 8.561 which are not subject to change when the salary rate of any member is changed, shall be increased for time on and after July 1, 1968, by the percentage set forth in the following table opposite the fiscal year in which said allowance became effective, said percentage to be applied to the allowance payable to the individual who was receiving the allowance on July 1, 1968, (a) exclusive of the annuity provided by additional contributions and (b) prior to reduction pursuant to subsection (A) of section 8.514

Fiscal year in which
allowance became effective

	Percentage
All years prior to July 1, 1959	16%
July 1, 1959 to June 30, 1960	14%
July 1, 1960 to June 30, 1961	12%
July 1, 1961 to June 30, 1962	10%
July 1, 1962 to June 30, 1963	8%
July 1, 1963 to June 30, 1964	6%
July 1, 1964 to June 30, 1965	4%
July 1, 1965 to June 30, 1966	2%
July 1, 1966 to June 30, 1967	1%

(1) Funds necessary for the payment of such increases in allowances payable to or on account of members who retired or died as members under Charter Sections 8.507 or 8.509 shall be provided from the City's accumulated contributions held by the system on account of miscellaneous members under section 8.509.

(2) Funds necessary for the payment of such increases in allowances to or on account of members who retired or died as members under Charter Sections 8.543 or 8.544 shall be provided from the City's accumulated contributions held by the system on account of police members under section 8.544.

(3) Funds necessary for the payment of such increases in allowances to or on account of members who retired or died as members under Charter Section 8.567 or 8.568 shall be provided from the City's accumulated contributions held by the system on account of fire members under section 8.568.

The necessary funds shall be transferred on the effective date of this section from said accumulated contributions to the accumulated contributions held by the system to meet the obligations of the city and county on account of benefits that have been granted and which are based on services rendered as members. The contribution being required of the city and county currently, as percentages of salaries of persons who are members under sections 8.509, 8.544 and 8.568 shall be increased to percentages determined by the actuary as necessary to replace the accumulated contributions so transferred.

(B) (1) The retirement board shall determine, prior to April 1 of each year, the percentage of increase or decrease in the cost of living during the preceding calendar year or years, as shown by the then current Consumer Price Index, All Items, San Francisco (1957-59 = 100), issued by the U.S. Bureau of Labor Statistics and published in the Monthly Labor Review or a successor publication. The cost of living adjustments as hereinafter provided shall be based on the percentage of such increase or decrease.

(2) Notwithstanding any other charter or ordinance provision governing the retirement system, every retirement or death allowance payable to or on account of, any member who retires or dies as a member of the system or who has retired or died as such a member, except allowances subject to change when the salary rate of any member is changed, shall be increased or decreased as of July 1, 1969, and on July 1, of each succeeding year, subject to the provisions of this subsection (B), by a percentage of the allowance established on July 1, 1968, after any increase under Subsection (A) of this section or on the effective date of such allowance, whichever is later, as payable to the individual who is receiving the allowance on the date of any such adjustment (a) exclusive of the annuity provided by additional contributions, and prior to modification pursuant to Subsection (f) of Section 8.514. On July 1, 1969, the percentage of

increase in each such allowance shall be the percentage which is determined by the retirement board to approximate to the nearest one percent, the percentage of increase in the cost of living during the preceding calendar year. On July 1, 1970, and on July 1 of each succeeding year, the percentage of increase or decrease in each such allowance shall be the percentage which is determined by the retirement board to approximate to the nearest one percent of increase or decrease in the cost of living in the calendar year or years since January 1, 1969, or since January 1 of the year in which the last such cost of living adjustment in allowances was made, whichever is later. Such adjustment in any year shall not exceed two percent of such allowance; provided, however, that no allowance shall be reduced below the amount being received by the member or his beneficiary on July 1, 1968, or on the effective date he began to receive the allowance, whichever is later.

(3) Commencing with the calendar year 1982, if the percentage of increase or decrease in the cost of living in any calendar year, as determined to the nearest one percent by the retirement board, were to exceed two percent as compared with the cost of living in the next preceding calendar year, the percentage of increase or decrease in the cost of living in excess of two percent shall be accumulated to provide increases or decreases in the cost of living in each succeeding calendar year.

(4) Any such increase in allowances which are not funded by such allocations of such earnings, shall be funded by contributions of members under sections 8.507, 8.509, 8.544, 8.568, 8.584, 8.586 and 8.588, and by contributions of the city, which shall be at rates which are in addition to the rates of contribution otherwise provided by charter or ordinance, provided that a member's rate of contribution shall not exceed one-half of one percent of his monthly compensation. The contributions made under this section by any member shall be credited together with regular interest thereon to his individual account and shall be subject to the same charter or ordinance provisions relating to accumulated contributions of the member, including withdrawal and death benefits other than death allowances, provided, however, that upon his retirement or death, such accumulated contributions and interest shall not be applied to provide a part of the retirement benefits payable to him or the death allowance benefits payable on account of his death otherwise provided by charter or ordinance, but instead shall be held, together with the accumulated contributions made by the city pursuant to this subsection (B), with interest thereon, to provide the benefits under this subsection (B).

(5) The rates of contribution of members and the city, as provided herein, shall be fixed by the retirement board from time to time as it determines necessary

Section 5.100 is amended to read as follows:

5.100 Board of Education

All of the public schools of the school district of the city and county shall be under the control and management of a board of education, composed of seven commissioners, who, commencing with a special municipal election to be consolidated with the direct primary in 1972, shall be elected at large by the voters of the city and county and who shall be subject to

recall, and to suspensions and removal in the same manner as elective officers, as provided by this charter. The compensation of each member shall be five hundred dollars (\$500) per month. Vacancies occurring on said board shall be filled by the mayor for the unexpired terms.

Section 5.104 is amended to read as follows:

5.104 Board of Education—Community College District

Notwithstanding the provisions of section 5.100 or of any other provisions of this charter, on and after August 8, 1972, the community college district of the city and county shall be under the control and management of a board of education, hereinafter referred to as the governing board of said district, composed of seven members who are not members of the board of education of the unified school district of the city and county and who shall be elected at large by vote of the electors as in this section provided and who shall be subject to recall, and to suspensions or removal in the same manner as elective officers, as provided by this charter. The compensation of each member shall be five hundred dollars (\$500) per month.

At a special municipal election to be consolidated with the direct primary in 1972 there shall be elected seven members of the governing board of the community college district of the city and county. The term of each member shall be four years; provided, however, that the respective terms of office of the members first elected shall commence at twelve o'clock noon on the 8th day of August, 1972, and shall expire as follows: the respective terms of office of the four members receiving the highest number of votes respectively at said election shall expire at twelve o'clock noon on the 8th day of January, 1977; the respective terms of office of the three members receiving the next highest number of votes respectively shall expire at twelve o'clock noon on the 8th day of January, 1975.

At the general election in 1974 there shall be elected three members of the governing board of the community college district of the city and county to succeed those members thereof whose respective terms of office expire on the 8th day of January, 1975, and at the general election in each fourth year after 1974, the successors to said three members of the governing board of the community college district shall be elected, and at the general election in 1976 there shall be elected four members of the governing board of the community college district of the city and county to succeed those members thereof whose respective terms of office expire on the 8th day of January, 1977, and at the general election in each fourth year after 1976, the successors to said four members of the governing board of the community college district of the city and county shall be elected. Except as set forth herein, all terms of office of members of the governing board of the community college district of the city and county shall commence at twelve o'clock noon on the 8th day of January following the date of their election.

Section 8.452 is amended to read as follows:

8.452 Fire Department.

The chief of department shall recommend and the fire commission shall provide by rule for work schedules or tours of duty for the officers and members occupying the several ranks of the fire department, provided,

however, that the normal work week determined on an annual basis for such officers and members shall not exceed 48.7 hours. All tours of duty established for officers and members assigned to the fire fighting companies and fire fighting units excepting the arson investigation unit, shall start at eight o'clock A.M. No such officer or member shall be required to work more than twenty-four consecutive hours except in a case of conflagration, disaster, or sudden and unexpected emergency of a temporary nature requiring the services of more than the available on duty officers and members of the uniformed force of the department. Officers and members may exchange watches with permission of the chief of the department and time worked on such exchange of watches shall not be construed as time in violation of the limitation of 48.7 hours in any normal work week nor twenty-four consecutive hours. Each such officer and each such member shall be entitled to at least one (1) day off during each week.

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

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

Officers and members of the uniformed force shall be entitled to the days declared to be holidays for employees whose compensations are fixed on a monthly basis in the schedule of compensation adopted by the board of supervisors, pursuant to the provisions of section 8.401 of the charter, as additional days off with pay. Officers or members shall be compensated for said days on the basis 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 officer or member.

For payroll purposes, that portion of each tour of duty which falls within each calendar day shall constitute a single tour of duty. The rate of compensation or equivalent time off as provided for in this section, shall be calculated by dividing annual rates of pay for each fiscal year by two-thirds ($\frac{2}{3}$'s) of the number of single tours of duty as scheduled for the several ranks in the fire fighting companies in said fiscal year.

Certified to be a true copy by Wendy Nelder, President, Board of Supervisors and John L. Taylor, Clerk, Board of Supervisors, City and County of San Francisco.

Date of Election: November 8, 1983.

Charter Chapter 21—City of Santa Barbara

Charter Amendment for the City of Santa Barbara

[Filed with the Secretary of State November 21, 1983]

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.

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.

Certified to be a true copy by Sheila Lodge, Mayor, and Richard D. Thomas, City Clerk.

Date of Election: November 8, 1983.

Charter Chapter 22—City of Palo Alto

Charter Amendments for the City of Palo Alto

[Filed with the Secretary of State on November 30, 1983]

Article IV of the Charter of the City of Palo Alto shall be amended, and Section 13 shall be added to Articles III and IV of the Charter of the City of Palo Alto to read as Follows:

Article III, Sec. 9. Officers appointed by council; boards, committees, and commissions. The council shall appoint a city manager, clerk, attorney, and auditor, and, except as otherwise provided, may by ordinance or otherwise create or abolish offices, boards, committees, or commissions, and provide for their manner of appointment, their tenure, and the duties which they shall perform.

Article III, Section 20, of the Charter of the City of Palo Alto is hereby amended to read as follows:

Article III, Sec. 20. Assignment of officers' duties. The council may, by

ordinance, assign additional duties and powers to officers, departments, commissions, and boards provided in this charter, or may reassign functions from one office to another, or may combine in one office the powers and duties of another office, provided that the offices of city manager and auditor may not be combined and that an office to which the manager makes the appointment shall not be combined with one to which the appointment is made by the council

Article IV, Section 1, of the Charter of the City of Palo Alto is hereby amended to read as follows:

Article IV, Sec. 1. Council appointed officers. The council shall appoint the city manager, clerk, attorney and auditor who shall serve at its pleasure.

Article IV, Section 6.p., of the Charter of the City of Palo Alto is hereby amended to read as follows:

Article IV, Sec. 6. Duties of city manager. It shall be the duty of the city manager:

p. To coordinate the purchase for all departments of the City. No purchase shall be made without approval of the city manager.

Article IV, Section 12, of the Charter of the City of Palo Alto is hereby amended to read as follows:

Article IV, Sec. 12. Duties of appointive officers. The duties of the city clerk and attorney shall be those normally exercised by such officers as provided in this charter and in the administrative code

It shall be the duty of the city auditor to ensure that the City departments and officers responsible for accounting and financial management activities comply with statutory requirements and accounting standards. It shall be the duty of the auditor to conduct internal audits of all the fiscal transactions of the City including, but not limited to, the examination and analysis of fiscal procedures and the examination, checking, and verification of accounts and expenditures; and the city auditor shall provide other analyses of financial and operating data as directed by the city council. The city auditor shall conduct internal audits in accordance with a schedule approved by the city council and may conduct unscheduled audits from time to time. The results of these audits shall be reported in writing to the city council and the city manager. In addition, the auditor shall have such other duties as the council may by ordinance direct.

Article IV, Section 13, of the Charter of the City of Palo Alto is hereby amended to read as follows:

Article IV, Sec. 13. Audits. In addition to the audits conducted by the city auditor, the city council shall engage an independent certified public accounting firm to conduct an annual external audit and report the results of this audit in writing to the city council. The city auditor shall coordinate the annual external audit

Article III, Section 22, of the Charter of the City of Palo Alto is hereby amended to read as follows:

Sec. 22. Board of compensation referees; cable television board; other boards advisory only. The council may appoint a board of compensation referees to act upon all claims against the city arising under the workmen's compensation provisions of the Labor Code of the State of California. The

council may also appoint an independent board or boards for cable television matters. All other boards, commissions, and committees appointed by the council or by any officer of the City under the provisions of this charter or under any ordinance adopted by the council shall be advisory only and shall exercise no governmental or administrative powers.

Article III, Section 15, of the Charter of the City of Palo Alto is hereby amended to read as follows:

Sec. 15. Franchises granted by electors; exception, term. Except for any franchise or franchises which the city council may grant for the provision of cable television services, no other franchise for any other purpose shall be granted by the council, but may be granted by the electors by ordinances proposed and adopted as provided in Section 2 of Article VI of this charter, provided that the petition therefor shall be signed by qualified and registered voters equal in number to at least twelve per centum of the number of registered voters at the last preceding general municipal election; and provided further that no franchise shall be granted for a longer term than twenty-five years.

Certified to be a true copy by Gloria L. Young, City Clerk, City of Palo Alto, County of Santa Clara.

Date of Election: November 8, 1983.

Charter Chapter 23—City of Big Bear Lake

Charter of the City of Big Bear Lake

[Filed with the Secretary of State November 29, 1983]

ARTICLE 1. NAME AND BOUNDARIES

Section 100. Name and Boundaries

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

Section 101. Rights and Liabilities of the City.

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

Section 102. Ordinances, Codes and Other Regulations.

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

Section 103. Officers and Employees.

Subject to the provisions of this Charter, the present officers and employees of the City shall continue to perform the duties of their respective offices and employments under the same conditions as those of the existing offices and positions until the election or appointment and qualification of their successors, subject to such removal and control as herein provided.

Section 104. Pending Actions and Proceedings.

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

ARTICLE II. POWERS OF CITY

Section 200. Powers.

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

Section 201. Intergovernmental Relations.

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

ARTICLE III. FORM OF GOVERNMENT *

Section 300. Form of Government

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

ARTICLE IV. CITY COUNCIL

Section 400. City Council

The City Council, hereinafter termed "Council", shall consist of five Council members elected to office from the City at large in the manner provided in this Charter. The term of office shall be four years. Alternatively, and successively, three four-year terms shall be filled at one general municipal election and two four-year terms at the next such election,

* Code References—City council I E city manager, I C

consistent with the sequence of terms of Council members existing on the effective date hereof. The term of a Council member shall commence at the next regularly scheduled meeting following receipt by the City Clerk of the results from the County. Any ties in voting shall be settled by the casting of lots.

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

Section 401. Eligibility.

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

Section 402. Compensation.

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

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

- (a) A vacancy shall exist on the Council, and shall be declared by the Council, upon the occurrence of any of the events enumerated in the provisions of the Government Code pertaining to vacancies in public offices.
- (b) A declaration by the Council of a vacancy resulting from forfeiture of office shall be subject to judicial review, provided that within two weeks after such declaration an appropriate action, or proceeding for review is filed in a court having jurisdiction of the action or proceeding. During the pendency of any such action or proceeding, anyone appointed by the Council or elected by the people to fill such vacancy shall have all the rights, duties, and powers of a Council member and shall continue in such office as provided herein unless and until said court rules the declaration of the Council invalid and such ruling has become final.
- (c) The method of filling vacancies on the City Council shall be as prescribed by ordinance of the City Council.

Section 404. Powers Vested in the Council.

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

Section 405. Council Organization, Meetings and Rules of Order.

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

Section 406. Citizen Participation.

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

Section 407. Adoption of Ordinances and Resolutions.

With the exception of ordinances which take effect upon adoption pursuant to this Article, no ordinance shall be adopted by the Council on the day of its introduction, nor within five days thereafter. An ordinance effective upon adoption as provided herein may be introduced and adopted at the same time. All ordinances shall be read by title only either at the time of introduction or at the time of adoption unless three members of the members of the Council request that the ordinance be read in full. In the event that any ordinance is altered after its introduction, it shall not be finally adopted except at a meeting held not less than five days after the date upon which such ordinance was altered. Correction of a typographical or clerical error shall not constitute an alteration within the meaning of the foregoing sentence.

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

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

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

Section 408. Ordinances. Posting.

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

Section 409. Adoption of Codes by Reference.

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

Section 410. Ordinances. When Effective.

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

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

ARTICLE V. CITY MANAGER*

ARTICLE V

Section 500. City Manager. Selection and Qualifications.

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

Section 501. City Manager. Appointment, Removal, Powers and Duties.

The appointment, removal, powers and duties of the City Manager, shall be as established by ordinance of the City Council, including the manager's control and supervision of all appointed officials.

ARTICLE VI

Section 600 City Clerk.

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

Section 601. Powers and Duties.

The City Clerk or a duly authorized representative shall.

- (a) Attend all public meetings of the Council and be responsible for the recording and maintaining of a full and true record of all of the proceedings of the Council in books that shall bear appropriate titles and be devoted to such purpose.
- (b) Maintain separate books, in which shall be recorded respectively all ordinances and resolutions, with the certificate of the Clerk annexed to each document stating that said document is the original or a correct copy, and with respect to an ordinance, stating that said ordinance has been posted or published in accordance with this Charter. All of said books shall be properly indexed and open to public inspection
- (c) Maintain separate books in which a record shall be made of all written contracts and official bonds.
- (d) Be the custodian of the seal of the City.
- (e) Administer oaths or affirmations, take affidavits and depositions pertaining to the affairs and business of the City, and certify copies of official records.
- (f) Conduct all City elections.
- (g) Perform such other duties as may be prescribed by the Council.

ARTICLE VII OFFICERS AND EMPLOYEES.

Section 700 Administrative Departments.

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

* Code References—City Council 1e City Manager, 1C

functions of all departments, offices, and agencies.

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

Section 701. City Attorney. Powers and Duties.

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

Section 702. Treasurer

There shall be a Treasurer who shall be appointed and may be removed by the Council. The treasurer shall be under the administrative direction of the City Manager and shall perform those duties required by law, and provided by ordinance and resolution.

Section 703. Departmental Administrators. Appointive Powers.

Each departmental administrator shall have the power to appoint, supervise, suspend, or remove such assistants, deputies, subordinates, and employees as are provided for by the Council for the department, subject to approval of the City Manager and subject to the provisions of the personnel rules and regulations adopted by the City Council.

Section 704. Administering Oaths.

Each departmental administrator and such of the deputies thereof as he or she may designate shall have the power to administer oaths and affirmations in connection with any official business pertaining to his or her department.

Section 705. Official Bonds

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

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

ARTICLE VIII. COMMISSIONS, COMMITTEES AND AGENCIES.

Section 800. In General.

The commissions and committees heretofore established by the Council shall continue to exist and exercise the powers and perform the duties conferred upon them; provided, however, that the Council may abolish any and all of said commissions and committees and may alter the structure, membership, powers and duties thereof.

In addition, the Council may create such other agencies as in its judgment are required and may grant to them such powers and duties as are not inconsistent with the provisions of this Charter.

Section 801. Appropriations.

The Council shall include in its annual budget such appropriations of funds as the Council shall determine to be sufficient for the efficient and proper functioning of commissions, committees and agencies.

Section 802. The Appointment, Removal, Terms of Office and Procedural Rules.

The election, appointment, removal, and terms of office of commissions, committee and agency members and the rules and regulations pertaining to the conduct of commission, committee or agency business shall be as prescribed by ordinance or resolution of the City Council

Section 803. Existing Membership.

The members of the commissions and committees holding office when this Charter takes effect shall continue to hold office thereafter until their respective terms of office shall expire and until their successors are appointed and qualify, subject to being removed from office as provided herein.

Section 804. Compensation. Vacancies.

The members of commissions and agencies shall receive such compensation as may be specified by the Council and shall also receive reimbursement for necessary traveling and other expenses incurred on official duty when such expenditures are authorized by the Council.

ARTICLE IX. ELECTIONS.

Section 900. General Municipal Elections.

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

Section 901. Special Municipal Elections.

Other municipal elections shall be known as special municipal elections and may be called from time to time by the Council.

Section 902. Procedure for Holding Elections.

Unless otherwise provided by ordinance hereafter enacted, all elections shall be held in accordance with the provisions of the Elections Code for the holding of municipal elections, so far as the same are not in conflict with this Charter.

Section 903. Initiative, Referendum and Recall.

There are hereby reserved to the voters of the City the power of the initiative and referendum and of the recall of municipal elective officers. The provisions of the Elections Code governing the initiative and referendum and the recall of municipal officers shall apply so far as the same are

not in conflict with this Charter.

ARTICLE X. FISCAL ADMINISTRATION.

Section 1000 Fiscal Year.

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

Section 1001. Submission of Budget and Budget Message.

The City Manager shall submit to the City Council a proposed budget for the ensuing fiscal year, and an accompanying message at such time as the City Council shall prescribe. The budget will be adopted by the City Council before the beginning of the fiscal year.

Section 1002. General Tax Limits.

The Council shall not levy a property tax for general municipal purposes in excess of the maximum rate applicable to the City on the effective date of this Charter provided, however, that a tax in excess of such rate may be levied if authorized for general law cities by the general laws of the State or if authorized by the affirmative votes of a majority of the voters voting on a proposition to increase such levy. The number of years that such additional levy is to be made shall be specified in such proposition. Nothing herein contained shall preclude the Council from establishing separate taxing areas within the City for the levy of a tax in excess of such maximum rate if authorized by the general laws of the State or if authorized by the affirmative votes of a majority of the voters within the area voting on a proposition to increase such levy.

Section 1003 Tax Procedure

The procedure for the assessment, levy and collection of taxes may be prescribed by ordinance of the Council; and in the absence of such an ordinance the procedure applicable thereto shall be that prescribed by the general laws of the State.

Section 1004. Contracts on Public Works.

Every project involving an expenditure of more than Four Thousand Dollars (or such other amount as may be prescribed by ordinance) for the construction of public works shall be let by the Council by contract to the lowest responsible bidder after notice by publication in the official newspaper by one or more insertions, the first of which shall be at least ten days before the time for opening bids. The Council may reject any and all bids presented and may re-advertise in its discretion. The lowest responsible bidder shall be determined by an examination of the work, the project and qualifications of the bidder. The Council, after rejecting bids, or if no bids are received, may declare and determine that in its opinion, based on estimates approved by the City Manager, the work in question may be performed better or more economically by the City with its own employees and, after the adoption of a resolution to this effect by at least four affirmative votes, may proceed to have said work done without further observance of the provisions of this section.

Such contracts may be let and such purchases made without advertising for bids, if such work shall be deemed by the Council to be of urgent necessity for the preservation of life, health, or property, and shall be

authorized by resolution passed by at least four affirmative votes of the Council and containing a declaration of the facts constituting such urgency.

Section 1005. Presentation and Audit of Demands.

Any demand against the City must be in writing and may be in the form of a bill, invoice, payroll, or formal demand. Each such demand shall be presented to the City Manager or his designee who shall examine the same. If the amount thereof is legally due and there remains an unexhausted balance of an appropriation against which the same may be charged, he or she shall approve such demand and draw his or her warrant on the Treasurer therefor, payable out of the proper fund.

The City Manager shall cause the same to be transmitted to the Council which may then approve or disapprove payment thereof.

Section 1006. Registering Warrants.

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

Section 1007. Claims Against the City.

The provisions of the general laws of the State establishing conditions precedent to the commencement of any action or proceeding or bringing suit against the City, its officers, and employees shall govern, except as modified by the City Council.

Section 1008. Independent Audit.

The City Council shall employ a certified public accountant who shall, at such times as may be specified by the City Council examine the books, records, inventories and reports of all officers and employees who receive, handle, or disburse public funds and all such other officers, employees, or departments as the City Council may direct.

As soon as practicable after the end of the fiscal year, a final certified audit and report shall be submitted by such accountant to the City Council, one copy thereof to be distributed to each member, two to the City Manager, one to the Treasurer and City Attorney, respectively, and three additional copies to be placed on file in the office of the City Clerk where they shall be available for inspection by the general public.

ARTICLE XI. FRANCHISES

Section 1100 Granting of Franchises.

The Council may grant a franchise to any person, partnership, corporation, or other legal entity capable of exercising the privilege conferred, whether operating under an existing franchise or not, and may prescribe the terms, conditions, and limitations of such grant, including the compensation to be paid in the City therefor. The Council may prescribe by ordinance or resolution the method or procedure for granting franchises, together with additional terms and conditions for making such grants. In the absence of such provision the method provided by the general laws of the State shall apply.

Section 1101 Term of Franchise.

No franchise shall be granted for a longer period than twenty-five years, unless there be reserved to the City the right to take over at any time the works, plant, and property constructed under the grant at their physical valuation and without compensation for franchise or good will

Section 1102. Eminent Domain.

No franchise or grant of a franchise shall in any way or to any extent impair or affect the possessor thereof by purchase or condemnation, and nothing therein contained shall be construed to contract away or to modify or abridge, either for a term or in perpetuity, the City's right of eminent domain with respect to the property of the possessor of any franchise. Every franchise granted by the City is granted upon the condition, whether expressed in the grant or not, that such franchise shall not be given any value before any court or other public authority in any proceeding of any character in excess of any amount actually paid by the grantee to the City at the time of the grant.

Section 1103. Procedure for Granting Franchises.

Before granting any franchise, the City Council shall adopt a resolution declaring its intention to grant same and stating that name of the proposed grantee, the character of the proposed franchise, and the terms and conditions upon which it is proposed to be granted. Such resolution shall fix and set forth the day, hour, and place when and where any person having an interest in or objecting to the granting of such franchise may appear before the Council and be heard thereon. Said resolution shall be published at least once, not less than ten days prior to said hearing, in the official newspaper. After hearing all persons desiring to be heard, the Council may be ordinance deny or grant the franchise on the terms and conditions specified in the resolution. No ordinance granting a franchise shall be adopted as an emergency ordinance

ARTICLE XII. MISCELLANEOUS

Section 1200 Definitions.

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

- (a) "Shall" is mandatory, and "may" is permissive.
- (b) "City" is the City of Big Bear Lake and "department", "board", "commission", "committee", "agency", "officer," or "employee" is a department, board, commission, committee, agency, officer, or employee, as the case may be, of the City of Big Bear Lake.
- (c) "City Code" is the Code of the City of Big Bear Lake.
- (d) "Council" is the City Council of the City.
- (e) "Council member" is a member of the Council
- (f) "Departmental administrator" is the person in charge of a City department or function
- (g) "Government Code" is the California Government Code as it exists upon adoption of this Charter, or is thereafter amended.
- (h) "Law" includes ordinance.
- (i) "State" is the State of California
- (j) "Voter" is a legally registered voter.

Section 1201. Violations.

A violation of this Charter or of any ordinance of the City shall constitute a misdemeanor and may be prosecuted in the name of the People of the State of California or may be redressed by civil action filed by the City. The maximum fine or penalty for any violation of a City ordinance shall be the same as established by the general laws for a misdemeanor, unless a contrary intention shall be expressed in the ordinance.

Certified to be a true copy by Robert L. Van Nort, City Clerk, Deputy City Clerk.

Date of election: November 8, 1983.

Charter Chapter 24—City of San Diego

Charter Amendment for the City of San Diego

[Filed with the Secretary of State December 20, 1983]

Charter of the city of San Diego shall be amended and Section 76.1 added to the Charter of the City of San Diego to read as follows:

SECTION 76.1. SPECIAL TAXES

Notwithstanding any provision of this Charter to the contrary, a special tax, as authorized by Article XIII A of the California Constitution may be levied by the Council only if the proposed levy has been approved by a two-thirds vote of the qualified electors of the City voting on the proposition; or if the special tax is to be levied upon less than the entire City, then the tax may be levied by the Council only if the proposed levy has been approved by a two-thirds vote of the qualified electors voting on the proposition in the area of the City in which the tax is to be levied.

Certified to be a true copy by Charles G. Abdelnour, City Clerk, City of San Diego, County of San Diego.

Date of the Election: November 8, 1983.
