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## APPENDIX

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

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

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**CHARTER AMENDMENTS—1984**

Charter Chapter Number	City—County	Date of Election	Date of Filing
1	City of Bakersfield .....	Nov. 8, 1983	Jan. 5, 1984
2	County of Alameda .....	Nov 2, 1982	Jan. 9, 1984
3	City of Piedmont .....	Feb. 28, 1984	April 3, 1984
4	City of Roseville .....	April 10, 1984	April 23, 1984
5	City of Albany .....	April 10, 1984	May 4, 1984
6	City of Stockton .....	June 5, 1984	June 26, 1984
7	City of Redwood City .....	April 10, 1984	June 26, 1984
8	City of Santa Monica .....	June 5, 1984	June 29, 1984
9	City of Los Angeles .....	June 5, 1984	July 2, 1984
10	City of San Jose .....	June 5, 1984	July 2, 1984
11	County of Placer .....	June 5, 1984	July 6, 1984
12	City and County of San Francisco .....	June 5, 1984	July 3, 1984
13	City of Pasadena .....	June 5, 1984	July 9, 1984
14	City of Berkeley .....	June 5, 1984	July 10, 1984
15	City of Burbank .....	June 5, 1984	July 12, 1984
16	City of Pacific Grove .....	June 5, 1984	July 20, 1984
17	City of Redondo Beach .....	June 5, 1984	July 20, 1984
18	City of Long Beach .....	June 5, 1984	July 20, 1984
19	County of San Diego .....	June 5, 1984	July 30, 1984
20	County of Los Angeles .....	June 5, 1984	Aug. 9, 1984
21	City of Alhambra .....	June 5, 1984	Aug. 17, 1984
22	County of Alameda .....	June 5, 1984	Sept. 10, 1984
23	County of Los Angeles .....	June 5, 1984	Aug. 9, 1984
24	County of Tehama .....	Nov. 6, 1984	Dec. 5, 1984
25	City of Napa .....	Nov. 6, 1984	Nov. 28, 1984
26	City of Salinas .....	Nov. 6, 1984	Dec. 5, 1984
27	City of Santa Monica .....	Nov. 6, 1984	Dec. 4, 1984
28	City of Newport Beach .....	Nov. 6, 1984	Nov. 26, 1984
29	City of Berkeley .....	Nov. 6, 1984	Dec. 7, 1984
30	City of Huntington Beach .....	Nov. 6, 1984	Dec. 7, 1984
31	City and County of San Francisco .....	Nov. 6, 1984	Dec. 10, 1984
32	City of San Jose .....	Nov. 6, 1984	Dec. 12, 1984
33	City of Redondo Beach .....	Nov. 6, 1984	Dec. 13, 1984
34	City of Los Angeles .....	Nov. 6, 1984	Dec. 14, 1984
35	City of Bakersfield .....	Nov 6, 1984	Dec. 13, 1984
36	City of Burbank .....	Nov. 6, 1984	Dec. 17, 1984
37	City of Long Beach .....	Nov. 6, 1984	Dec. 17, 1984
38	County of Alameda .....	Nov. 6, 1984	Dec. 19, 1984
39	City of Chula Vista .....	Nov. 6, 1984	Dec. 26, 1984
40	City of Pasadena .....	Nov. 6, 1984	Dec 17, 1984
41	City of Richmond .....	Nov. 6, 1984	Dec 12, 1984



## Charter Chapter 1—City of Bakersfield

***Amendments to the Charter of the City of Bakersfield***

[Filed with the Secretary of State January 5, 1984.]

Section (202)20 is hereby amended to read as follows:

**Limitation of Employment—Fire**

Section (202)20.

An officer and/or employee of the Fire Department may engage in outside employment, business, profession, occupation, trade or calling, only if it is determined by the Fire Chief, pursuant to guidelines established in department rules and regulations, that such outside employment, business, profession, occupation, trade or calling will not interfere with the performance of his duty as an officer and/or employee of the Fire Department, will not be detrimental to the interests of the City and/or the Bakersfield Fire Department, and will create neither a conflict of interest, a potential conflict of interest, nor the appearance of a conflict of interest. Under no circumstances shall an officer and/or employee of the Fire Department be allowed to engage in more than 312 hours per calendar year quarter in outside employment, business, profession, trade or calling. All officers and/or employees of the Fire Department shall be available for duty at any time.

Section (239)19 is amended to read as follows:

**Limitation of Employment—Police**

Section (239)19.

A peace officer employed by the Police Department may engage in outside employment, business, profession, occupation, trade or calling, only if it is determined by the Chief of Police, pursuant to guidelines established in department rules and regulations, that such outside employment, business, profession, occupation, trade or calling will not interfere with the performance of his duty as a police officer, will not be detrimental to the interests of the City and/or the Bakersfield Police Department, and will create neither a conflict of interest, a potential conflict of interest, nor the appearance of a conflict of interest. Under no circumstances shall a peace officer be allowed to engage in more than 20 hours per calendar week in outside employment, business, profession, occupation, trade or calling. All peace officers shall be available for duty at any time.

Certified to be a true copy by Mary K. Shall, Mayor, and Richard R. Russell, City Clerk.

Date of Special Municipal Election: November 8, 1983.

## Charter Chapter 2—County of Alameda

***Amendment to the Charter of the County of Alameda***

[Filed with the Secretary of State January 9, 1984.]

Section 14 is hereby amended to read as follows:

Section 14 of the Alameda County Charter is hereby repealed.

Certified to be a true copy by John George, Chairman of the Board of Supervisors, and W. Mehrwin, Clerk of the Board of Supervisors.

Date of Special Municipal Election: November 2, 1982.

## Charter Chapter 3—City of Piedmont

***Amendment to the Charter of the City of Piedmont***

[Filed with the Secretary of State April 3, 1984.]

Section 6.02 of Article VII is hereby amended to read as follows:

**SECTION 6.02. MEMBERSHIP, TERM OF OFFICE**

Members of boards and commissions shall be appointed by majority vote of the City Council to serve three (3) year terms, and until their respective successors are appointed, with no person serving more than two consecutive terms of office. Members may be removed after a hearing by the affirmative vote of four (4) members of the Council. If a member of a board or commission is absent from three (3) consecutive regular meetings of such board or commission, unless by permission of such body expressed in its official meeting record or by permission of the Council, that office shall become vacant and shall be so declared by the Council. Appointments to fill any vacant unexpired term shall be made by majority vote of the Council in the same manner as regular appointments are made. The Council shall by Council resolution adopt and maintain in effect written policies and procedures for city commission appointments. Any person who serves as a member of a board or commission for more than eighteen (18) months of an unexpired term shall be considered to have served a full term of office.

Certified to be a true copy by Ted Normart, Mayor, and David A. Berger, City Clerk.

Date of General Municipal Election: February 28, 1984.



## Charter Chapter 4—City of Roseville

***Amendments to the Charter of the City of Roseville***

[Filed with the Secretary of State April 23, 1984 ]

Section 5.04 is amended as follows:

**Section 5.04. Publication of Ordinances**

Each ordinance passed by the Council shall either be published in full at least once within fourteen (14) days after it is adopted in a newspaper of general circulation in the City, either separately or as part of any published proceedings of the Council, or shall within fourteen (14) days after its adoption be posted in full in at least three (3) public places in the City, provided, however, that this section shall not apply to urgency ordinances provided for in Section 5.03 and technical codes provided for in Section 5.05 of this Charter. All ordinances and their amendments shall be recorded by the Clerk in a book to be called "The Ordinance Book," and it shall be the duty of the Mayor and Clerk to authenticate such records by their official signatures.

Section 2.02 is amended as follows:

**Section 2.02. Elective Officers**

The electors of the city shall elect a council of five (5) members, at large, for a four (4) year term of office. The council shall constitute the legislative and governing body of the city and shall have authority, except as otherwise provided in this charter, to exercise all powers of the city, and to adopt such ordinances and resolutions as may be proper in the exercise thereof. Two and three councilmembers shall be elected alternately at the General Municipal Election each odd-numbered year. No councilmember shall serve more than two (2) consecutive four-year terms, commencing as of a date subsequent to April 9, 1974.

Councilmembers whose term of office would otherwise have terminated in April, 1986 or 1988, shall have their term of office terminate in November, 1985 or 1987, respectively. Any such term shall be considered a full term of office for purposes of the two-term limitation of this section.

Section 6.01 is amended as follows:

**Section 6.01. General and Special 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 date specified by the Election Code of the State of California for elections pursuant to the Uniform District Elections Law (Elections Code Section 23500, et seq.). Such general municipal elections shall be conducted in each odd-numbered year. All other municipal elections that may be held by authority of this charter, or of general law, or by ordinance, shall be known as special municipal elections.

Certified to be a true copy by Richard Roccucci, Mayor, and Pauline Brockman, City Clerk.

Date of General Municipal Election: April 10, 1984.

## Charter Chapter 5—City of Albany

***Amendment to the Charter of the City of Albany***

[Filed with the Secretary of State May 4, 1984.]

Section 9.01 is amended to read as follows:

**SECTION 9.01. PENSIONS FOR MEMBERS OF POLICE AND FIRE DEPARTMENTS.**

(a) **TRUSTEES WHO SHALL CONSTITUTE BOARD OF TRUSTEES OF POLICE AND FIRE RELIEF OR PENSION FUND.** The mayor of the City of Albany, the City Treasurer, the City Clerk, and one member each from the Police and Fire Departments appointed by the Mayor upon the recommendation of the Civil Service Employees of the Police and Fire Departments, which latter two (2) members shall serve for a period of two (2) years, are hereby constituted a Board of Trustees of the Police and Fire Relief or Pension Fund of the Police and Fire Departments of the City of Albany, County of Alameda, State of California, which Board shall be known as the "Board of Police and Fire Pension Fund commissioners".

In the event that the regular members of the board are unable to attend a meeting, alternates shall be permitted to attend and to vote on matters as if they were regular members. The City Council shall appoint alternates for the City Clerk or the City Treasurer, after recommendations from the City Clerk and the City Treasurer are submitted to the Council Department heads for deputies from departments other than the Police or Fire departments may be appointed. These alternates may serve for a period of up to one year, unless again appointed.

Alternates for the Police and Fire Departments regular members are to be appointed by the Mayor upon recommendation of the Civil Service Employees of the Police and Fire Departments. These two alternates may serve for up to two (2) years, unless again appointed.

Certified to be a true copy by Ed McManus, Mayor, and Jacqueline Bucholz, City Clerk.

Date of General Municipal Election: April 10, 1984.

## Charter Chapter 6—City of Stockton

*Amendments to the Charter of the City of Stockton*

[Filed with the Secretary of State June 26, 1984.]

Article IV, Section 14 is amended to read as follows:

**SECTION 14.** No action authorizing any specific improvement, unless the cost of such improvement shall be less than twenty thousand (\$20,000.00) dollars or involving or authorizing the appropriation or expenditure of public money, except in sums less than twenty thousand (\$20,000.00) dollars shall be taken otherwise than at a regular meeting or adjourned regular meeting of the council, nor unless as many as five full days shall have intervened after the day upon which the authorizing resolution or ordinance shall have been introduced for passage or adoption and before the day of such passage or adoption of such resolution or ordinance; provided, however, that in the presence of a great public calamity or distress, such as extraordinary fire, flood, epidemic, disease, or any other similar public calamity or distress, relief measures within the powers of the Council may be taken forthwith.

Article V, Section 37 is amended to read as follows:

**ARTICLE V, SECTION 37****THE POWERS OF THE CITY COUNCIL**

As the legislative body of the City, the Council may, subject to the provisions and restrictions of this Charter, have power:

**SECTION 37.** To make and execute on behalf of the City all contracts involving the expenditure of twenty thousand (\$20,000.00) dollars or more, except as may be otherwise provided by this Charter.

Article IX, Section 2 is amended to read as follows:

**ARTICLE IX, SECTION 2****POWERS AND DUTIES**

**SECTION 2.** The City Manager shall be responsible to the Council for the efficient administration of all the affairs of the City under his supervision, direction and control. He shall have the power, and it shall be his duty:

(a) Except as otherwise provided in this Charter, to appoint all heads or directors of departments and subordinate officers and employees of the City; provided, however, that he shall not appoint to any position any of his business associates or any person related to him or to any member of the City Council by blood or marriage within the third degree, except that the foregoing prohibition against nepotism may be waived by a vote of at least six (6) members of the City Council if the Council finds that the proposed appointment is in the interest of the City.

(b) He shall have power to discipline and remove any officer or employee so appointed, except as herein otherwise provided.

(c) To exercise supervision and control over all departments and divi-

sions created herein, except as herein otherwise provided.

(d) Except when the Council is considering his removal, to attend all regular meetings of the Council and its committees, with the right to take part in the discussions, but without power to vote. He shall receive notice of all special meetings.

(e) To recommend to the Council for adoption such measures and ordinances as he may deem necessary or expedient.

(f) To see that all terms and conditions imposed in favor of the City or its inhabitants, in any public utility franchise, permit, or privilege, are faithfully kept and performed; and, upon knowledge of any violation thereof, to call the same to the attention of the City Council and to the City Attorney whose duty it shall be to take such steps as are necessary to enforce said terms and conditions.

(g) To exercise general supervision over all privately owned public utilities operating within the City so far as the same are subject to municipal control.

(h) To make and execute, on behalf of the City, all contracts involving the expenditures of less than twenty thousand (\$20,000.00) dollars.

(i) To cause, without notice, the affairs of any department under his supervision, direction, and control, or the conduct of any officer or employee thereof, to be examined. And any person or persons appointed by the City Manager to examine the affairs of any department, or the conduct of any officer or employee, shall have the same power to compel the attendance of witnesses and the production of books and papers and other evidence, and to cause witnesses to be punished for contempt as is conferred upon the City Council by this Charter.

(j) To prepare and submit to the Council the annual budget.

(k) To keep the Council at all times fully advised as to the financial condition and needs of the City.

(l) To perform such other duties as may be prescribed by this Charter or be required of him by ordinance or resolution of the Council.

(m) To appoint such advisory boards as he may deem necessary or desirable to advise and assist him in his work; provided, that the members of such boards shall not receive any compensation.

Article XXIII, Section 1 is amended to read as follows:

### ARTICLE XXIII, SECTION 1

#### PUBLIC CONTRACTS AND SUPPLIES

##### Letting of Certain Contracts

SECTION 1. The erection, improvement, and repair of all public buildings and works, all street and sewer work (not payable by special assessment on the private property benefited) and all work in or about streams or waterfronts, or in or about embankments or other works for protection against overflow or erosion, and the furnishing of supplies and materials for the same, or for any other use by the City, or the purchase of any supplies to be used by the City when the expenditures required for the same equals or exceeds the sum of twenty thousand (\$20,000.00) dollars shall be done by contract in writing and shall be let to the lowest

responsible bidder after advertising at least once in the official newspaper for sealed proposals for the work contemplated or supplies to be furnished, except in cases of emergency as in this Charter provided. Such notice shall distinctly and specifically state the work contemplated or supplies to be furnished; provided, however, the Council may reject any and all bids, and in that event, or in the event that no bids are made, may readvertise for bids, or provide for the work to be done by the City, or for the supplies to be purchased in the open market, but in no case shall supplies be bought at a price as high as the lowest bid received from a responsible bidder.

Article XXIII, Section 5 is amended to read as follows:

#### ARTICLE XXIII, SECTION 5

SECTION 5. No contract made, unless it is to be paid by assessment upon the property benefited thereby, shall be binding or of any force, unless the Auditor shall endorse thereon his certificate that there remains unexpended and unapplied as herein provided, a balance of the appropriation for and applicable thereto, sufficient to pay the estimated expenses of fulfilling such contract, or that adequate provision therefor has been made in the tax levy. This provision shall not apply to work done, or supplies furnished involving expenditures of less than twenty thousand (\$20,000.00) dollars, unless the same is required by law to be done by contract at public letting. The Auditor shall make such endorsement upon every contract so presented to him if there remains unapplied and unexpended such amount, or if adequate provision therefor has been made in the tax levy, and thereafter such sum shall be held and retained to pay expenses incurred until the contract shall be fully performed.

Article XXXII, Section 8 is amended to read as follows:

#### ARTICLE XXXII, SECTION 8

##### ESTABLISHMENT OF EMPLOYMENT LISTS

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

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

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

(c) In examining or ranking applicants for promotional appointment list of eligibles, in the Fire and Police Departments to the extent authorized by resolution of the Civil Service Commission, the chief examiner or the chief examiner's Commission authorized representatives may permit an oral examination to count not more than thirty percent (30%) of the aggregate score of an applicant for the rank of Sergeant in the Police Department and for the rank of Captain in the Fire Department and thirty-five percent (35%) of the aggregate score of an applicant for ranks above Sergeant in the Police Department and above Captain in the Fire Department. The procedures for the selection of the members of an Oral Board for Police promotional applicants shall be established by the Commission in the rules and regulations. Seniority credit may be permitted to count not more than five percent (5%) provided that such credit shall be added only to the total passing score.

Whatever rule is established by the Civil Service Commission to cover the percentage credit to be given to oral examinations, seniority credit shall apply to all examinations given for that rank in the affected departments for at least one year after the adoption of the rule. Promotional examinations shall be competitive and open only to persons appointed or inducted into the service under the provisions of this act.

(d) All tests shall be practical and shall consist only of subjects which fairly determine the capacity of the persons examined to perform the duties of the position to which appointment is to be made. No credit shall be allowed for service rendered under a temporary appointment. No question in any test shall relate to religious or political opinions or affiliations. No questions which are misleading or unfair or in the nature of catch questions shall be asked. As many tests shall be held as may be necessary to provide eligibles for each class or position and to meet all requisites and to fill all positions held by temporary appointees. From the return and report of the chief examiner or examiners based on tests and other factors to be considered as provided in Section 8(b) and (c), the civil service commission shall establish a list of eligibles for each grade of the persons who shall attain such minimum score or scores as may be fixed by the rules of the commission and who may be lawfully appointed. Such persons shall take rank upon the list in the order of their relative performance as determined by the tests and other factors named above, without reference to priority of time of tests.

(e) The markings and test papers of each candidate shall be open to his own inspection. The markings and test papers of all persons upon the list of eligibles shall be open to inspection by the chief of the police department and chief of the fire department and the appointive officer of the City and shall also be open to public inspection in the discretion of the civil service commission. An error in the marking of any test other than an error of judgment, if called to the attention of the commission within one month after the posting of an employment list resulting from such test, shall be corrected by it; alleged errors of judgment in the marking of any test if called to the attention of the commission within one month after the

posting of an employment list resulting from such test shall be considered by the commission and may be corrected by it; provided, however, that such corrections shall not invalidate any certification or employment previously made. Notice of the time, place and general scope of every test and of the duties, pay and experience advantages or requisite for positions in the grade for which the test is to be held, shall be given by the commission by posting such notice in three public places in the City of Stockton, one of which shall be in the office of the commission, which said notice shall be posted for not less than two weeks prior to such examination. Such further notice shall be given as the commission may prescribe.

(f) All members of the fire department with not less than twelve months' service in said department are to be considered as eligible for the rank of firefighter, and all members of said department with not less than five years' service in said department to be considered as eligible for the rank of Captain and all members of said department who have held such last named rank for at least three years, last past continuously, to be considered eligible for the rank of battalion chief and all members of said department who have held such last named rank to be considered as eligible for the rank of assistant chief. All members of said department above the rank of captain who have held such rank for at least six months past continuously, to be considered as eligible for the office of the fire chief.

(g) All probationary police officers with not less than eighteen months' service to be considered as eligible for the rank of police officers, all police officers with not less than five years' service in the Stockton Police Department to be considered as eligible for the rank of sergeant, and all sergeants of said department who have held the rank of sergeant for at least two years last past continuously to be considered as eligible for the rank of lieutenant, and all lieutenants of said department to be considered eligible for the rank of captain. All members of said department above the rank of police officer are to be considered as eligible for the rank of police chief.

(h) All promotions shall be made only to the next higher grade in the service and no grade shall be skipped, excepting in the case of appointment of the fire chief and in the case of the appointment of the police chief.

Certified to be a true copy by Randall "Randy" Ronk, Mayor, and Frances Hong, City Clerk.

Date of Special Municipal Election: June 5, 1984.

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### Charter Chapter 7—City of Redwood City

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

[Filed with the Secretary of State June 26, 1984.]

Section 72.5 is added to the Charter of the City of Redwood City to read

as follows:

72.5. GENDER. As used in this Charter, the masculine gender includes the feminine, and the terms "man" or "men" where appropriate shall be deemed to mean "person" or "persons", respectively. Any references to one gender in Sections of this Charter shall be changed to include both genders or to the singular or plural form of "person", as appropriate, when such Sections are amended.

Sections 9, 17, 18, 21½ and 47a of the Charter of the City of Redwood City are amended to read as follows:

**SECTION 9. THE COUNCIL:**

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

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

Any vacancy occurring in the Council shall be filled by appointment by the remaining council members; but in the event that said remaining council members fail to fill such vacancy by appointment within 60 days after such vacancy occurs, they must immediately cause an election to be held to fill such vacancy; provided, however, that any person appointed to fill such vacancy shall hold office only until the next regular election, at which date a person shall be elected to serve for the remainder of such unexpired term. In case a member of the Council is absent from the city for a period of 90 days, unless by permission of the Council, or ceases to be a resident and elector of the city, such member's office shall be declared vacant and the same filled as in the case of other vacancies.

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

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

**SECTION 17. PLANNING COMMISSION:**

There shall be a city planning commission, which shall consist of seven members, who shall be appointed by the Council, to serve for three (3)



years each, without compensation, none of whom shall hold any other public office or position in the city. All members of the commission shall, at the time of their appointments and continuously during their incumbencies, be residents and electors of the city. The commission shall elect its chairperson from among its members. Neither the City Attorney, the Director of Public Works, nor any deputy or assistant of either of them, shall have the right to vote or enter into deliberations but shall be present in an advisory capacity only.

The planning commission shall exercise all powers and duties granted it by ordinance or resolution of the Council now or hereafter in effect and shall exercise such additional powers and duties as may now or hereafter be provided for by such general laws of the state as are not in conflict with this Charter, or any ordinance or resolution of the Council.

The members of the present city planning commission in office at the time of this Charter taking effect shall continue in office until the end of the terms for which they have been respectively appointed.

#### SECTION 18. LIBRARY BOARD:

(a) There shall be a Library Board consisting of five members to be appointed by the City Council.

(b) All members of such Board shall at the time of their appointments and continuously during their incumbencies be residents and electors of the City.

(c) Any members of such Board may be removed at any time by an affirmative vote of five-sevenths ( $\frac{5}{7}$ ths) of all members of the City Council.

(d) The members thereof shall serve for a term of three (3) years and thereafter until their respective successors are appointed and qualified.

(e) The members of such Board shall receive no compensation.

#### SECTION 21½. ESTABLISHMENT OF BOARDS AND COMMISSIONS:

All boards and commissions shall be established and the members thereof appointed by the Council, and the duties and functions of said boards and commissions shall be prescribed by the Council, unless otherwise specifically provided in this Charter. All members of such boards and commissions shall, at the time of their appointments and continuously during their incumbencies, be residents and electors of the City unless otherwise provided by the Council.

#### SECTION 47a. BOARD OF PORT COMMISSIONERS:

The exclusive control and management of the Port Department is hereby vested in the Board of Port Commissioners, which shall be composed of five (5) members who shall be appointed by the Council.

No person shall be appointed as a member of the Board who is not at the time of his or her appointment, and has not been continuously for three (3) years immediately preceding, a resident and elector of the City of Redwood City. All members of the commission shall continuously and during their incumbencies be residents and electors of the City.

The members of the Board shall serve without salary or compensation.

Section 47g of the Charter of the City of Redwood City is amended to read as follows:

**SECTION 47g. RELATION TO CITY MANAGER AND COUNCIL:**

The city manager and City Council shall be notified of the time and place of the holding of all meetings of the Commission and shall have the right to attend and address the Commission at such meetings. The Secretary of the Commission shall, within two (2) days after the adjournment of each meeting of the Commission, furnish the city manager and City Council with a copy of the minutes of such meeting. The files of the Commission shall be open to inspection by the city manager or the City Council at all reasonable times. The Board shall annually, at a meeting designated by the Council, report on the preceding year's activities and accomplishments, and future plans and objectives.

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

**SECTION 48d. REPAYMENT OF FUNDS:**

All moneys once apportioned or appropriated to the Board, and all income from the operation of the port and its facilities, or all net income from leases or other sources, shall remain in its control or until expended; provided, the Board shall annually pay over to the General Funds of the city profits from the operation of the port and any surplus funds which in its judgment may not be needed for port purposes.

**FURTHER PROVIDED**, that the council may annually, prior to July 1 of each year, require that the Board pay over to the city treasurer sufficient funds to pay interest and principal payments falling due for the fiscal year succeeding such demand on any bonds issued specifically for the improvement of the Port of Redwood City.

On receipt of such demand, it shall be mandatory on the Board that such payment be made.

Section 21 of the Charter of the City of Redwood City is amended, and Section 31 is added thereto, to read as follows:

**SECTION 21. OFFICERS AND BOARDS:**

The administrative officers and boards shall be the City Manager, City Clerk, Director of Public Works, Chief of Police, Chief of Fire Department, Director of Finance, City Attorney and such other officers and boards or commissions as may be hereafter established.

The City Manager, City Attorney, Director of Finance, and City Clerk shall be appointed by the Council and the removal of any of them shall be only on the affirmative vote of five-sevenths ( $\frac{5}{7}$ ths) of all members of the City Council.

All other officers and employees shall be appointed by the city manager and shall hold office or position at his or her pleasure. The compensation of all officers and employees, excepting members of the Council, shall be provided by resolution of the Council.

**SECTION 31. DIRECTOR OF FINANCE:**

There shall be a Director of Finance who shall be appointed by the Council. The Director of Finance shall perform the duties, and exercise the powers, of the City Auditor, City Treasurer, City Assessor and City Collector in accordance with Sections 33, 34, 35 and 36 hereof, respectively, and the offices specified in said Sections are hereby consolidated under the office of Director of Finance. Wherever in this Charter reference is

made to any of the foregoing enumerated officers such reference shall be deemed to mean the Director of Finance. The Director of Finance shall also perform such other duties, and exercise such other powers, as may be prescribed by the Council or the City Manager.

Section 14a of the Charter of the City of Redwood City is amended to read as follows:

**SECTION 14a. MAYOR'S CONTINGENT FUND:**

The Mayor's contingent fund, as established by Section 14 of this Charter, shall be augmented by the amount of Nine Hundred Fifty (\$950) a year, to provide a total of Twelve Hundred Dollars (\$1,200) a year for which he or she need produce no vouchers.

Section 66 of the Charter of the City of Redwood City is amended to read as follows:

**SECTION 66. BORROWING MONEY ON SHORT TERM NOTES:**

Bonds or notes issued in anticipation of the collection of special assessments, and bonds, notes, or registered warrants on the Treasury, issued in anticipation of the collection of taxes, may be authorized by the city council by ordinance and shall not be deemed the creation of debt within the meaning of Section 65 of this Charter. Bonds, notes, or registered warrants on the Treasury issued in anticipation of the collection of taxes of any fiscal year shall be issued only during the first four months of such fiscal year, and each such bond, note, or warrant shall specify that it is payable solely out of the revenues of the fiscal year in which issued, and before the close of such year, and shall not bear a higher rate of interest than four (4) per cent per annum more than the average of the rates of interest per annum paid to the city during the three (3) months next preceding the proposed date of issuance of such bonds, notes or warrants on investments of general municipal funds not required for immediate expenditure, and the total amount of such bonds, notes or warrants, authorized and issued in any fiscal year shall not, in the aggregate, be more than twenty-five per cent of the total appropriations of the city for such year.

Certified to be a true copy by Brenton C. Britschgi, Mayor, and Jacqueline C. Hildebrand, City Clerk.

Date of General Municipal Election: April 10, 1984.

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Charter Chapter 8—City of Santa Monica

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

[Filed with the Secretary of State June 29, 1984.]

Section 905 shall be added to the City Charter of the City of Santa Monica to read as follows:

Section 905. General Municipal Election Date for Board of Education. If Section 1400 of the City Charter is amended to change the date of the

General Municipal Election from the second Tuesday in April of odd numbered years to the first Tuesday following the first Monday in November of even numbered years, such change shall be applicable to the election of members of the Board of Education under this Charter.

In the event such change becomes effective, for those elected members of the Board of Education whose terms are scheduled to expire in April 1985, those terms shall expire in November 1984. For those elected officers whose terms are scheduled to expire in April 1987, those terms shall expire in November 1986. The terms of the officers elected in November of even numbered years shall begin on the first Tuesday following their election.

First, Section 1400 of Article XIV of the Santa Monica Charter shall be amended as follows:

Section 1400 General Municipal Elections. General Municipal Elections for the filling of elective office shall be held in said City on the first Tuesday after the first Monday of November in each even numbered year commencing with the year 1984.

For those elected officers whose terms are scheduled to expire in April 1985, those terms shall expire in November 1984. For those elected officers whose terms are scheduled to expire in April 1987, those terms shall expire in November 1986. The elections to fill said offices shall be held on the election days established pursuant to this article. The terms of the officers elected in November of even numbered years shall begin on the first Tuesday following their elections.

The provisions of this Section shall take effect and control over any other provisions of this Charter in conflict with this Section.

Section 2000 of Article XX shall be added to the City Charter of the City of Santa Monica to read as follows:

#### TENANT OWNERSHIP RIGHTS

Section 2000. Statement of Purpose. The People of the City of Santa Monica find and declare:

(a) Tenant-Participating Conversions are an effective method of preserving, stabilizing and improving neighborhoods and the supply of sound, affordable housing accommodations.

(b) It is sound policy to encourage such Tenant-Participating Conversions to allow tenants to purchase the units which they occupy and, at the same time, protect tenants who do not purchase their units.

(c) This Article is designed to permit tenants to enjoy the stability, security and financial benefits of ownership of their own housing units and at the same time to provide more protection than presently exists under Article XVIII of this Charter for Participating Tenants who may not choose to purchase their units and is designed to promote affordable housing opportunities for Low and Moderate Income Households.

(d) While supporting the goal of home ownership, the City must ensure the continued availability of affordable housing for Low and Moderate Income Households. In order to accomplish this goal, this Article requires a Tenant-Participating Conversion Tax as an integral and essential provision to carry out the purposes of this Article and the proceeds of which shall be used to ensure the continued availability of affordable housing for

**Low and Moderate Income Households.**

(e) This Article is necessary for the public health, safety, and welfare of the people of the City of Santa Monica.

Section 2001. Definitions. For purposes of this Article, the following words and phrases shall have the following meaning:

(a) Applicant. The owner of a building for which a Tenant-Participating Conversion Application is filed.

(b) Cosigning Tenant. Any tenant agreeing to the conversion by his or her signature on the Tenant-Participating Conversion Application who has personally occupied his or her unit continuously for a period of at least six (6) months prior to the date he or she signs the Tenant-Participating Conversion Application.

(c) Disabled Person. Any person who is receiving benefits from a federal, state, or local government, or from a private entity on account of a permanent disability that prevents the person from engaging in regular, fulltime employment.

(d) Intending to Purchase Tenant. Any tenant who has personally occupied his or her unit in the building continuously for a period of at least six (6) months immediately preceding the date the tenant signs a Tenant Intent to Purchase.

(e) Limited Equity. Programs subject to the restrictions set forth in the Health and Safety Code Section 33007.5 and other programs which limit, to a similar extent and a similar length of time, the owner's return at resale. For purposes of this Article, shared appreciation equity loans or similar loans shall not be construed to be forms of limited equity.

(f) Low and Moderate Income Households. Persons and families whose income does not exceed eighty per cent (80%) of the median gross income for Los Angeles County, adjusted for family size as determined by the Secretary of Housing and Urban Development and under Section 8(f) (3) of the United States Housing Act of 1937, as amended, or if programs under Section 8(f) are terminated, eighty percent (80%) of the median gross income determined under the method used by the Secretary prior to such termination.

(g) Middle Income Households. Persons and families whose income exceeds eighty per cent (80%) but is less than one hundred and twenty per cent (120%) of the median gross income for Los Angeles County, adjusted for family size as determined by the Secretary of Housing and Urban Development under Section 8(f) (3) of the United States Housing Act of 1937, as amended, or if programs under Section 8(f) are terminated, more than eighty per cent (80%) but less than one hundred twenty per cent (120%) of the median gross income determined under the method used by the Secretary prior to such termination.

(h) Owner. The owner of a Qualifying Building.

(i) Participating Tenant. Any tenant, including both cosigning and non-cosigning tenants, residing in the building at the date of the approval of the Tenant-Participating Conversion Application.

(j) Price Index. The index for Urban Wage Earners and Clerical Workers, United States City Average, as published by the United States Bureau of Labor Statistics, or in the event such index is discontinued, any comparable index.

(k) **Tenant Intent to Purchase.** A form prepared by the City to comply with State law and which shall be in substantially the following form and substance:

#### STATEMENT OF TENANT INTENT TO PURCHASE

This is a Tenant Intent to Purchase form that is used to determine how many tenants want to purchase the apartment units that they currently are renting.

Everything that the owner guarantees or promises you in exchange for your signature, including the sales price, is set forth in writing in the Tenant-Participating Conversion Application. These promises, including the promise to sell you the unit for the price stated on the form, will be made conditions of the approval of the conversion and the signed form will become public record.

Signing this form does not mean that you must buy the unit. It only means that you currently want and intend to buy the unit for the sales price indicated on the form if you are able to obtain satisfactory financing and if the application is approved.

**IF, AFTER FINAL APPROVAL OF THE CONVERSION, THE OWNER REFUSES TO SELL THE UNIT AS AGREED OR DEMANDS A HIGHER PRICE, YOU SHOULD IMMEDIATELY CONTACT THE APPROVING AGENCY AND THE CITY ATTORNEY.**

I/We, the undersigned, as tenant(s) of unit \_\_\_\_\_ at \_\_\_\_\_, Santa Monica, California, at the time of filing of the Tenant-Participating Conversion Application of such property, do certify my/our intent to purchase my/our occupied Unit No. \_\_\_\_.

I/We have seen and have received a copy of the Tenant-Participating Conversion Application which lists the maximum sales prices for all tenant occupied units in this building and other information on the Tenant-Participating Conversion Application to be filed with the City of Santa Monica, and this list indicates that the maximum sales price for my/our unit is to be \$ \_\_\_\_\_.

I/We further understand that this Intent to Purchase Form will be filed with the City for the purpose of establishing the percentage of tenants that may be expected to purchase units pursuant to this Article.

I/We declare, under penalty of perjury, that all of my/our statements above are true and correct.

(Signed and Separately Dated by Intending to Purchase Tenant(s) and Owner.)

(1) **Qualifying Building.** Any building used for residential rental purposes in the City of Santa Monica for which no eviction has occurred pursuant to Section 1806(h) of this Charter (relating to eviction for purposes of owner occupancy or occupancy by relatives of the owner) within a period of six (6) months prior to the adoption of this Article. In the event of such an eviction, an application for a Tenant-Participating Conversion may be filed if no such eviction occurred within two (2) years prior to the filing of a Tenant-Participating Conversion.

(m) **Senior Citizen.** Any person sixty-five (65) years of age or older.

(n) **Tenant.** Any person who is an authorized tenant of an owner of a residential rental building for which a Tenant-Participating Conversion Application is being processed.

(o) **Tenant Ownership.** Ownership in the form of either condominiums, community apartments, stock cooperatives, cooperative associations, limited equity stock cooperatives or any other means authorized under State law.

(p) **Tenant-Participating Conversion.** Any conversion to tenant ownership implemented pursuant to this Article.

(q) **Tenant's Sales Price.** The maximum price for each unit as set forth in the Tenant-Participating Conversion Application.

**Section 2002. Application for Tenant-Participating Conversion.** An application for a Tenant-Participating Conversion shall be complete if it meets the following requirements:

(a) Identifies the building, and its owner, which is the subject of the application and contains a declaration that such building is a qualifying building.

(b) Sets forth, for each tenant occupied unit, the following sales information:

(1) The maximum sales price for each unit.

(2) The minimum down payment for each unit.

(3) If seller financing will be offered, the minimum amount to be financed, the maximum rate of interest and the minimum term of the loan offered by the seller.

(c) Sets forth, for each unit, the following common area, maintenance and budget information:

(1) The plan for the assignment and use of all parking spaces.

(2) The plan for the use of all common area facilities.

(3) The occupancy and management plans and policies.

(4) A list of all repairs and alterations, if any, which will be performed before the close of the first escrow.

(5) The plan for allocating costs and expenses for the building.

(6) A prepared monthly maintenance budget based upon actual maintenance expenses for at least the preceding two years plus a reserve fund which states the monthly maintenance assessment for each unit.

(7) The procedures for the allocation and use of such reserve funds.

(d) Contains a declaration with the following information:

(1) That there has been a building inspection report of the accessible portions of the entire building, including but not limited to, the roof, walls, floors, heating, air conditioning, plumbing, electrical systems or components of a similar or comparable nature, and recreational facilities of the building prepared by a Building Inspection Service or similar agency within the preceding three (3) months.

(2) That, for each tenant occupied unit, a written statement setting forth any substantial defects or malfunctions identified in the building inspection report regarding the unit and the common areas has been delivered to the unit or a tenant occupying the unit.

(3) That, for each tenant occupied unit, a copy of the complete building inspection report has been delivered to the unit or a tenant occupying the unit.

(e) Sets forth the form of tenant ownership for which the application is submitted.

(f) Is signed by cosigning tenants occupying not less than two-thirds ( $\frac{2}{3}$ ) of all the residential units in the building. If there is more than one tenant in a unit, the signature of only one tenant shall be required.

(g) Identifies the cosigning tenants and the units occupied by such tenants and lists all other tenants known to the owner in the building and the units they occupy.

(h) Contains a declaration that the signature of each cosigning tenant was obtained only after the delivery, in writing, to such tenant of the information required in subsections (a) (b) (c) (d) and (e) of this Section.

(i) Contains a declaration that all lawful notices have been given of the application for conversion.

(j) Has attached to the application Statements of Tenant Intent to Purchase, signed by Intending to Purchase Tenants occupying not less than fifty percent (50%) of the total number of residential units in the building. If there is more than one tenant in a unit, the signature of only one tenant shall be required.

(k) That, for each tenant occupied unit, a Tenant Intent to Purchase has been delivered to the unit or a tenant occupying the unit.

**Section 2003. Processing of Tenant-Participating Conversion Application.** The following procedures shall be followed in the processing of a Tenant-Participating Conversion Application:

(a) A Tenant-Participating Conversion Application shall be accepted for filing by the City when it meets the requirements of Section 2002 of this Article.

(b) A Tenant-Participating Conversion Application shall be filed by the owner not less than forty (40) days prior to the filing of any application for a tentative subdivision map or tentative parcel map under the Subdivision Map Act of the State of California. The Tenant-Participating Conversion Application may be filed simultaneously with the service of the Notice of Intent to Convert required by the Subdivision Map Act of the State of California.

(c) Within five (5) days of the filing of a Tenant-Participating Conversion Application, the City shall send notice to every tenant in the building stating that a Tenant-Participating Conversion Application has been filed and that any objections thereto may be filed with the City within twenty-five (25) days from the date of the notice.

(d) Upon the filing of the application for any required tentative subdivision map or tentative parcel map, or if no such map is required, at the end of forty (40) days from the filing of a Tenant-Participating Conversion Application, the Tenant-Participating Conversion Application and any required map shall be scheduled for hearing and processed in accordance with the procedures for the processing of subdivision maps. The City and the applicant may agree to extend the time periods required for processing for a period not to exceed sixty (60) days.

(e) Any Tenant-Participating Conversion Application shall be deemed approved subject to the conditions set forth in Section 2004 of this Article



if it is not approved or denied within the time periods required by this Section.

**Section 2004. Approval or Denial of Tenant-Participating Conversion Application.** A Tenant-Participating Conversion Application shall be approved or denied within the time periods set forth in Section 2003 of this Article and in accordance with the following standards:

(a) A Tenant-Participating Conversion Application, along with any required tentative subdivision map or tentative parcel map, shall be denied if the Tenant-Participating Conversion Application fails to meet any of the requirements of this Article, was the result of fraud, misrepresentation, or threat or similar coercion, or fails to meet any mandatory requirement of the Subdivision Map Act of the State of California.

(b) A Tenant-Participating Conversion Application, along with any required tentative subdivision map or tentative parcel map, shall be approved if it meets the requirements of this Article and shall be subject to the following conditions and no others:

(1) The owner must file with the City written consent to each condition imposed in connection with the approval of a Tenant-Participating Conversion Application. The written consent shall be filed prior to the approval of any required final subdivision map or final parcel map, or if no such map is required, within six (6) months from the date of approval of the Tenant-Participating Conversion Application. The filing of such written consent shall constitute an agreement, with the City of Santa Monica and each participating tenant, binding upon the owner and any successors in interest, to comply with each and every condition imposed in connection with approval of a Tenant-Participating Conversion Application. The City and any participating tenant shall have the right to specific enforcement of this Agreement in addition to any other remedies provided by law.

(2) The owner shall offer and continue to offer the exclusive right to purchase each rental unit in the building to the participating tenant thereof upon the terms set forth in the application, without change, for a period of not less than two (2) years from the date of final approval by the California Department of Real Estate or the date the first unit in the building is offered for sale, if no approval by the California Department of Real Estate is required. At the beginning of the second year, the Tenant's Sale Price may be adjusted according to any change reflected in the Price Index occurring during the preceding year. Upon the written acceptance of the offer by the participating tenant at any time within the two year period, escrow shall open within thirty days (30) from the written acceptance by the participating tenant. Unless otherwise agreed by the parties, the period of the escrow shall not exceed sixty (60) days.

(3) No participating tenant shall at any time after the approval of the Tenant-Participating Conversion Application be evicted for the purpose of occupancy by the owner, occupancy by any relative of the owner, or for demolition of the unit. In the event the participating tenant does not exercise his or her right to purchase within the time period set forth in this Article, the owner may transfer the unit without any price restriction to the participating tenant or any other person. However, in the event such

transfer is to someone other than the participating tenant, the transfer shall be expressly made subject to the rights of the participating tenant to continue to occupy the unit as provided for in this Article.

(4) Each unit shall at all times remain subject to all the terms and conditions of Article XVIII of this Charter, except Section 1803(t), before, during and after any Tenant-Participating Conversion. If any unit is rented, the maximum allowable rent for each unit shall be no greater than the maximum allowable rent allowed under Article XVIII of this Charter.

(5) The building may be required to comply only with the applicable laws, including the building, safety, and zoning codes, which were in effect as of the date the building was constructed. No new, additional requirements including, but not limited to, parking, room size, or interior or exterior improvements of any kind, may be imposed as a condition, either directly or indirectly, of the Tenant-Participating Conversion. Notwithstanding the above, the City may impose reasonable health or safety requirements consistent with this Article upon such buildings provided that such requirements uniformly apply to all similar multiresident structures in the City of Santa Monica, regardless of the form of ownership of the building.

(6) Prior to the approval of any required final subdivision map or final parcel map for the Tenant-Participating Conversion, or if no such map is required, prior to the filing of the written consent required by subdivision (b) (1) of this Section, each participating tenant shall be informed in writing, in a form approved by the City, of his or her rights under this Article.

(7) In addition to the provisions of subdivision (b) (3) of this Section, all non-purchasing Participating Tenants who are senior citizens or disabled on the date of filing the Tenant-Participating Conversion Application and who personally occupied a rental unit in the qualifying building continuously for at least six (6) months immediately preceding the date of the filing of Tenant-Participating Conversion Application shall be given the nonassignable right to continue to personally reside in their unit as long as they choose to do so subject only to just cause evictions provided that the eviction is not for the purpose of occupancy by the owner, occupancy by a relative of the owner, or for demolition of the unit. In addition, should the maximum allowable rent provision of Article XVIII of this Charter no longer apply, the rent for each such unit shall be adjusted annually to allow an increase of no more than the increase in the Price Index plus a reasonable pro rata share of capital replacements for the building's common areas or agreed to capital improvements for the unit. Within sixty (60) days after the approval of a Tenant-Participating Conversion Application, any senior citizen participating tenant who is entitled to the protections of this subdivision may designate in writing the name of one person who is entitled to continue living in the rental unit under the same terms as the senior citizen if the senior citizen predeceases him or her and if the person designated is residing in the unit at the time of the death of the senior citizen. The person designated by the senior citizen must be a lawful occupant of the unit, at least fifty-five (55) years of age on the date of the filing of the Tenant-Participating Conversion Applica-

tion, and must have resided in the unit for a continuous period of six months prior to the filing of the Tenant-Participating Conversion Application.

All other non-purchasing Participating Tenants who personally occupied a rental unit in a qualifying building continuously for at least six (6) months immediately preceding the date filing the Tenant-Participating Conversion Application shall be given the nonassignable right to continue to personally reside in their unit subject only to just cause eviction for a period of five (5) years from the date the first unit is offered for sale. No eviction shall be allowed during this time period except for just cause provided the eviction is not for the purpose of occupancy by the owner, occupancy by any relative of the owner, or demolition of the unit. In addition, during this time period, should the maximum allowable rent provisions of Article XVIII of this Charter no longer apply, the rent for each unit shall be adjusted annually to allow an increase of no more than the increase in the Price Index plus a reasonable pro rata share of capital improvements for the building's common areas or agreed to capital improvements for the unit.

All rights under this subsection shall expire upon the termination of the landlord-tenant relationship between the owner and the participating tenant entitled to the protections of this subsection.

For purposes of this subsection, "just cause" means one of the reasons set forth in subdivisions (a) through (g) of Section 1806 of this Charter.

(8) The requirements of this Section shall be set forth in the Declaration of Covenants, Conditions, and Restrictions, or equivalent document, and shall specifically name the Participating Tenants in each unit entitled to the benefits and protections of this Article. The City shall review and approve for compliance with this Article the Covenants, Conditions, and Restrictions, or equivalent documents, prior to the approval of any required final subdivision map or final parcel map, or if no such map is required, prior to the filing of the written consent required by subdivision (b) (1) of this Section. To the extent applicable, the requirements of this Article shall be made a part of the rental agreement with the Participating Tenants.

(9) The owner shall pay the Tenant-Participating Conversion Tax in the manner required by Section 2008 of this Article.

(10) The Declaration of Covenants, Conditions, and Restrictions, or equivalent document, shall contain a non-discrimination clause in substantially the following form: "No unit owner shall execute or file for record any instrument which imposes a restriction upon the sale, leasing or occupancy of his or her unit on the basis of sex, race, color, religion, ancestry, national origin, age, pregnancy, marital status, family composition, or the potential or actual occupancy of minor children. The association shall not discriminate on the basis of sex, race, color, religion, ancestry, national origin, age, pregnancy, marital status, family composition, or the potential or actual occupancy of minor children."

(11) The approval of a Tenant-Participating Conversion Application shall expire if any required final subdivision map or final parcel map is not approved within the time periods set forth in the Subdivision Map Act of

the State of California, or if no such map is required, if the written consent required by subdivision (b) (1) is not filed within the required time period.

**Section 2005. Prohibition Against Resale Controls.** The City shall not impose either directly or indirectly any restrictions on the price, terms or conditions of sale or resale of any unit in a Tenant-Participating Conversion except to incorporate the terms and conditions agreed to by the parties in the Tenant-Participating Conversion Application as authorized by this Article. Nothing in this Section shall restrict the City from imposing any conditions or restrictions necessary to continue the form of ownership of units exempt from the tax required by Section 2008. Nothing in this Section shall restrict the City, any other government agency, or any other person from making any voluntary loans or other forms of voluntary financial assistance to purchases of units for which a Tenant-Participating Conversion Application has been approved with any terms agreeable to all parties.

**Section 2006. Prohibition Against Other Tax and Fee Requirements.** No tax or fee other than those expressly set forth in this Article may be imposed, either directly or indirectly, by the City on a Tenant-Participating Conversion except the imposition of reasonable processing or map fees not to exceed an aggregate of Five Hundred Dollars (\$500.00) per application adjusted annually by the Price Index.

**Section 2007. Applicability of Other Laws.** Section 1803(t) of this Charter shall not apply to any building for which a Tenant-Participating Conversion Application has been approved. Any provision of any ordinance of the City or any provision of the Municipal Code or any appendix thereto inconsistent with the provisions of this Article, to the extent of such inconsistency and no further, shall not apply to the extent necessary to effect the provisions of this Article. Any general or specific plan of the City inconsistent with this Article shall be amended to the extent necessary to be consistent with this Article, and until such amendment, shall be deemed consistent with this Article.

**Section 2008. Tenant-Participating Conversion Tax.** A Tenant-Participating Conversion Tax is hereby imposed as follows:

(a) There is hereby established a Tenant-Participating Conversion Fund. All of the sums collected pursuant to this Section shall be deposited in the Tenant-Participating Conversion Fund and shall be used only for the purposes set forth in Section 2009 of this Article.

(b) The Tenant-Participating Conversion Tax shall be paid by the owner to the City Treasurer on each Tenant-Participating Conversion unit in an amount equal to twelve (12) times the monthly maximum allowable rent for the unit at the time the tax is due and payable. If there is no monthly maximum allowable rent, the tax shall be computed on the basis of the monthly fair rental value of the unit.

(c) The Tenant-Participating Conversion Tax shall be due and payable at the time of approval of any required final subdivision map or final parcel map, or if no such map is required, at the time of the filing of the written consent required by Section 2004(d) (1) of this Article. Payment of the tax may be deferred until sale of the unit by the owner executing

a lien in the form approved by the City. Upon payment of the tax, or upon a determination that a unit is exempt from the tax in accordance with subdivision (d) of this Section, a release of lien shall be filed by the City with respect to each unit for which the tax has been paid or which has been determined to be exempt from the tax.

(d) Any unit subject to limited equity resale provisions shall be exempt from payment of the tax.

**Section 2009. Use of Tax.** All monies derived from the Tenant-Participating Conversion Tax shall be annually appropriated by the City Council for only the following purposes:

(a) In accordance with Section 2000(d) of this Article, to assist Low and Moderate Income Households in Tenant-Participating Conversions to purchase or improve their units subject to an affordable repayment plan including interest, keyed to future income increases and gains on resale. Priority shall be given to assisting Low and Moderate Income Households in Limited Equity Tenant-Participating Conversions. For at least the first two years from the receipt of the first payment of the Tenant-Participating Conversion Tax under this Article, a substantial portion of the tax proceeds shall be used for assisting Limited Equity Tenant-Participating Conversions.

(b) Up to one-sixth of the revenues derived from Section 2008 may be used to assist Middle Income Households in Tenant-Participating Conversions to purchase or improve their units if the City Council, by five affirmative votes, determines that the needs of Low and Moderate Income Households have been fully satisfied.

(c) To pay for reasonable and necessary costs of administration of programs required to meet the purposes of this Section.

**Section 2010. Programs to Assist Middle Income Households.** Within six (6) months from the enactment of this Article, the City Council shall study and issue a report on methods available to the City for assisting Middle Income Households to purchase units for which a Tenant-Participating Conversion Application has been approved.

**Section 2011. Limitation.** If the City Council finds based upon competent factual data obtained from municipal, state, federal or other independent sources of data that the ratio of non-owner occupied residential units to owner occupied residential units within the City of Santa Monica has fallen below the average of such ratio for the State of California, the City Council is empowered, at its discretion and in order to achieve the objectives of this Article, to cease accepting new Tenant-Participating Conversion Applications until the ratio of non-owner occupied residential units within the City exceeds the average such ratio for the State of California.

**Section 2012. Information and Compliance.** The City Council shall cause to be prepared and supervise a program to disseminate information about this Article to tenants, apartment owners and other parties informing each tenant, apartment owner and other parties of their rights and obligations under this Article. The City Council shall issue an annual report to include data on compliance with this Article. Each report shall include data on the number of applications and the status of each project.

**Section 2013. Criminal Penalties.** Any violation of this Article shall constitute a misdemeanor.

**Section 2014. Civil Remedies.** The City Attorney shall supervise and promote educational legal information concerning civil remedies and civil causes of action which may be available to persons who feel that their rights have been violated, including, but not limited to, intentional infliction of emotional distress, breach of contract, fraud, interference with prospective economic opportunity, constructive eviction, breach of the covenant of quiet enjoyment, trespass and other causes of action. The City Attorney shall refer persons seeking a civil remedy to any referral agencies or referral panel operating in accordance with the requirements of the State Bar of California. Any aggrieved party may bring an action in a court of competent jurisdiction in order to obtain relief for any violation of this Article.

**Section 2015. Expenditure Authorization.** The expenditure limitation of the City established pursuant to Article XIII B of the California Constitution is increased, in addition to any other voter-approved increases, for each of fiscal years 1984–85, 1985–86, 1986–87, and 1987–88 by an amount equal to the amount of the monies received in each such fiscal year pursuant to Section 2008 of this Article. The City Council shall place before the voters periodically a measure to increase the expenditure limitation prior to the expiration of the increase authorized by this Section or any subsequent increase so that there is a continuation, to the extent approved by the voters and in addition to any other voter-approved increases, of the expenditure limitation of the City equal to the amount of the taxes derived from Section 2008 of this Article.

**Section 2016. Sunset.**

(a) No Tenant-Participating Conversion Application shall be filed after July 1, 1996, unless this Section is amended to provide for the filing of such applications after this date.

(b) No Tenant-Participating Conversion Application shall be filed on or after the date the City's expenditure limitation has not been increased in accordance with Article XIII B of the California Constitution for the purpose of fully expending the monies received pursuant to Section 2008 of this Article.

(c) In the event Section 2008 does not become effective by reason of the failure of this Article to secure the approval of two-thirds of the voters to the extent required by Article XIII A of the California Constitution or by any other reason, no Tenant-Participating Conversion Application may be filed.

**Section 2017. Partial Invalidity.**

(a) Except as provided in subdivision (b) of this Section, if any provision of this Article or application thereto to any person or circumstance is declared or found invalid by a court of competent jurisdiction, this invalidity shall not affect other provisions or applications of this Article which can be given effect without the invalid provision or application, and to this end the provisions of this Article are declared to be severable. This Article shall be liberally construed to achieve the purposes of this Article and to preserve its validity.

(b) The following provisions of this Article shall be inseverable and the invalidity of any such provision of this Article shall result in the invalidity of this entire Article:

(1) Section 2002 (f), Section 2002 (j), Section 2004 (b) (1), 2004 (b) (2), Section 2004 (b) (3), Section 2004 (b) (4), Section 2004 (b) (7), or Section 2004 (b) (9), when the invalidity of such provision would deprive tenants of the rights conferred by this Article necessary to ensure their participation and protection before, during, and after the Tenant-Participating Conversion.

(2) Section 2008.

(3) Section 2009 (a).

(4) Section 2015.

(5) Section 2016 (b).

(6) Section 2016 (c).

(c) In the event that this Article is declared invalid in its entirety as a consequence of the provisions of subdivision (b) of this Section, any applicant who has filed a Tenant-Participating Conversion Application meeting the requirements of this Article at the time of the filing of the application shall have a right to proceed with the conversion in accordance with the application according to the terms of this Article as though each and every provision hereof were severable.

Certified to be a true copy by Ann M. Shore, City Clerk.

Date of Special Municipal Election: June 5, 1984.

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## Charter Chapter 9—City of Los Angeles

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

[Filed with the Secretary of State July 2, 1984.]

Sections 190.07, 220.1 and 504 are hereby amended respectively as follows:

Section 190.07 (The sixth unnumbered paragraph)

The Board shall retain one or more competent investment advisors, and shall invest the moneys of the New System, including the purchase, sale or exchange of securities, only upon the recommendation or advice of at least one of said advisors. Each investment advisor retained must be registered under the Investment Advisors Act of 1940 or any successor legislation thereto; or must be either a bank, as defined in that Act, or an insurance company qualified to perform the services of an investment advisor. The Board may purchase and sell United States Treasury bills without obtaining the recommendation of any of its investment advisors.

Section 220.1 (Paragraph (i) of subdivision (e) of that subsection numbered (1) which sets forth powers and duties of the Department of Water and Power.)

(i) The Board of Administration shall retain one or more competent

investment advisors, and shall invest the moneys of such funds, including the purchase, sale or exchange of securities, only upon the recommendation or advice of at least one of said advisors. Each investment advisor retained must be registered under the Investment Advisors Act of 1940 or any successor legislation thereto; or must be either a bank, as defined in that Act, or an insurance company qualified to perform the services of an investment advisor. The Board may purchase and sell United States Treasury bills without obtaining the recommendation of any of its investment advisors.

Section 504 (Seventh unnumbered paragraph)

The Board shall retain one or more competent investment advisors, and shall invest the moneys of the fund, including the purchase, sale or exchange of securities, only upon the recommendation or advice of at least one of said advisors. Each investment advisor retained must be registered under the Investment Advisors Act of 1940 or any successor legislation thereto; or must be either a bank, as defined in that Act, or an insurance company qualified to perform the services of an investment advisor. The Board may purchase and sell United States Treasury bills without obtaining the recommendation of any of its investment advisors.

Subsections (3) and (4) of Section 391 are amended to read as follows:

(3) Whenever the procedure prescribed by this section cannot be followed without loss to the city, any board, officer or employee of the city may purchase materials or supplies required for immediate use by the city when such purchase does not exceed monetary limits which have been designated by ordinance; provided, that such emergency purchases shall not exceed the monetary limits designated by ordinance as being permitted for any such board, officer or employee during any one month.

(4) The Council may provide by ordinance that the Purchasing Agent of the city may, in his or her discretion, issue blanket purchase orders in an amount within monetary limits designated by ordinance for any one budgeted item in any one calendar month, and such blanket purchase orders shall be authority to the department, officer, or employee having budget authority to incur such expense to make purchases thereunder. Such blanket purchase orders shall issue only when the failure to issue same would produce loss or injury to the authority having power to incur such expenditure.

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

Date of Special Municipal Election: June 5, 1984.

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Charter Chapter 10—City of San Jose

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

[Filed with the Secretary of State July 2, 1984.]



Section 1108 is amended to read as follows:

Any member of the Police or Fire Department of the City who is also a member of any Police and Fire Department retirement plan or system of the City must be separated from any position in the Police or Fire Department of the City upon his attaining the age of seventy (70) years, such separation to be effective no later than the last day of the calendar month within which he attains such age.

Subject to the provisions of other sections of this Charter, the Council may at any time provide for mandatory separation of officers or employees, other than persons holding elective offices, from specified positions in the Civil Service at an earlier age if and when the Council deems such to be for the good of the Civil Service.

Certified to be a true copy by Thomas A. McEnery, Mayor, and Helen E. Jackson, City Clerk.

Date of General Municipal Election: June 5, 1984.

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Charter Chapter 11—County of Placer

*Amendment to the Charter of the County of Placer*

[Filed with the Secretary of State July 6, 1984.]

Article VI is amended by adding Section 609:

Section 609. The Board of Supervisors may direct County Counsel to make spelling, punctuation or grammatical corrections in the County Charter or to change the sequence of specific Charter Provisions as long as no change in the legal meaning or intent of the Charter results.

Certified to be a true copy by Alex Ferreira, Chairman, Board of Supervisors, Georgia Flake, Clerk of the Board of Supervisors, and Gay Trombley, County Clerk-Recorder.

Date of Primary Election: June 5, 1984.

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Charter Chapter 12—City and County of San Francisco

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

[Filed with the Secretary of State July 3, 1984.]

Section 3.201 is amended to read as follows:

Sec. 3.201. Functions, Powers and Duties

The chief administrative officer shall be responsible to the mayor and to the board of supervisors for the administration of all affairs of the city and county that are placed in his charge by the provisions of this charter

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

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

The recorder shall be separate officer of the City and County of San Francisco.

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

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

Section 6.407-1 is added to read as follows:

**Sec. 6.407-1. Water Department Revenue Fund**

(a) Subject to the budget and fiscal provisions of this charter whenever revenue bonds issued by the public utilities commission pursuant to section 7.312 are outstanding, the entire gross revenue of the water department shall be set aside and deposited into a fund in the city and county treasury, to be known as the "Water Department Revenue Fund." All amounts paid into said fund shall be maintained by the treasurer separate and apart from all other city and county funds and shall be secured by the treasurer's official bond or bonds. Separate accounts shall be kept of said fund with respect to receipts and disbursements. Said fund shall be exempt from section 6.407(a).

(b) Monies in the Water Department Revenue Fund including earnings thereon, shall be appropriated, transferred, expended or used for the

following purposes pertaining to the financing, maintenance and operation of the water department and related facilities owned, operated or controlled by the commission and only in accordance with the following priority: (1) the payment of operation and maintenance expenses for such utility and related facilities; (2) the payment of pension charges and proportionate payments to such compensation and other insurance or outside reserve funds as the commission may establish or the board of supervisors may require with respect to employees of the commission; (3) the payment of principal, interest, reserve, sinking fund, and other mandatory funds created to secure revenue bonds hereafter issued by the commission for the acquisition, construction or extension of water department or related facilities owned, operated or controlled by the commission; (4) the payment of principal and interest on general obligation bonds heretofore or hereafter issued by the city and county for water department purposes; (5) reconstruction and replacement as determined by the commission or as required by any water department revenue bond ordinance duly adopted and approved; (6) the acquisition of land, real property or interest in real property for, and the acquisition, construction, enlargement and improvement of, new and existing buildings, structures, facilities, equipment, appliances and other property necessary or convenient to the development or improvement of such utility owned, controlled or operated by the commission; and for any other lawful purpose of the commission including the transfer of surplus funds pursuant to section 6.407 (e).

Section 6.407-2 is added to read as follows:

Sec. 6.407-2. Hetch Hetchy Revenue Fund

(a) Subject to the budget and fiscal provisions of this charter whenever revenue bonds issued by the public utilities commission pursuant to section 7.313 are outstanding, the entire gross revenue of the Hetch Hetchy project shall be set aside and deposited into a fund in the city and county treasury to be known as the "Hetch Hetchy Revenue Fund." All amounts paid into said fund shall be maintained by the treasurer separate and apart from all other city and county funds and shall be secured by the treasurer's official bond or bonds. Separate accounts shall be kept of said fund with respect to receipts and disbursements. Said fund shall be exempt from section 6.407 (a).

(b) Monies in the Hetch Hetchy revenue fund, including earnings thereon, shall be appropriated, transferred, expended or used for the following purposes pertaining to the financing, maintenance and operation of the Hetch Hetchy project and related facilities owned, operated or controlled by the commission and only in accordance with the following priority: (1) the payment of operation and maintenance expenses for such utility and related facilities; (2) the payment of pension charges and proportionate payments to such compensation and other insurance or outside reserve funds as the commission may establish or the board of supervisors may require with respect to employees of the commission; (3) the payment of principal, interest, reserve, sinking funds, and other mandatory funds created to secure revenue bonds hereafter issued by the commission for the acquisition, construction or extension of Hetch Hetchy

or related facilities owned, operated or controlled by the commission; (4) the payment of principal and interest on general obligation bonds heretofore or hereafter issued by the city and county for Hetch Hetchy purposes; (5) reconstruction and replacement as determined by the commission or as required by any Hetch Hetchy revenue bond ordinance duly adopted and approved; (6) the acquisition of land, real property or interest in real property for, and the acquisition, construction, enlargement and improvement, of new and existing buildings, structures, facilities, equipment, appliances and other property necessary or convenient for the development or improvement of such utility owned, controlled or operated by the commission; and for any other lawful purpose of the commission including the transfer of surplus funds pursuant to section 6.407 (e).

Section 7.312 is added to read as follows:

**Sec. 7.312. Water Department Revenue Bonds**

(a) Subject to the approval, amendment or rejection of the board of supervisors in each instance, the public utilities commission shall have authority to issue revenue bonds for the purpose of acquiring, constructing, financing, improving or developing water facilities under the water department, under such terms and conditions as the commission may authorize by appropriate resolution. Such revenue bonds shall be issued in accordance with the Revenue Bond Law of 1941 as it read, including amendments, on June 5, 1984, except that the provisions of said Revenue Bond Law set forth in sections 54380 through 54388, inclusive, of the government code shall not apply to the issuance and sale of such revenue bonds.

(b) Revenue bonds issued pursuant to this section shall bear a rate of interest not to exceed that which may be fixed and prescribed by the public utilities commission subject to the approval or rejection of the board of supervisors without regard to the limitations contained in the Revenue Bond Law of 1941. The bonds issued by the commission pursuant to the provisions of this section shall not constitute nor evidence any indebtedness of the city and county but shall constitute and evidence only indebtedness of the said commission payable solely out of revenues received by the commission from the water department or water department facilities operated or controlled by it.

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

(d) The issuance of revenue bonds under this section shall be subject to the revenue bond voter approval requirements of section 7.300, except that voter approval shall not be required for revenue bond issues for reconstruction and replacement of existing facilities, when authorized by resolution adopted by a three-fourths affirmative vote of all the members of the board of supervisors.

Section 7.313 is added to read as follows:

**Sec. 7.313. Hetch Hetchy Revenue Bonds**

(a) Subject to the approval, amendment or rejection of the board of supervisors in each instance, the public utilities commission shall have authority to issue Hetch Hetchy revenue bonds for the purpose of acquiring, financing, constructing, improving or developing water facilities or electric power facilities or combinations of water and electric power facilities under its Hetch Hetchy project, under such terms and conditions as the commission may authorize by appropriate resolution. Such revenue bonds shall be issued in accordance with the Revenue Bond Law of 1941 as it read, including amendments, on June 5, 1984, except that the provisions of said Revenue Bond Law set forth in sections 54380 through 54388, inclusive, of the government code shall not apply to the issuance and sale of such revenue bonds.

(b) Revenue bonds issued pursuant to this section shall bear a rate of interest not to exceed that which may be fixed and prescribed by the public utilities commission subject to the approval or rejection of the board of supervisors without regard to the limitations contained in the Revenue Bond Law of 1941. The bonds issued by the commission pursuant to the provisions of this section shall not constitute nor evidence any indebtedness of the city and county but shall constitute and evidence only indebtedness of the said commission payable solely out of revenues received by the commission from the Hetch Hetchy project or from water and power facilities operated or controlled by it.

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

(d) The issuance of revenue bonds under this section shall be subject to the revenue bond voter approval requirements of section 7.300, except that voter approval shall not be required for revenue bond issues for reconstruction and replacement of existing facilities, when authorized by resolution adopted by a three-fourths affirmative vote of all the members of the board of supervisors.

Section 8.451 is amended to read as follows:

**Sec. 8.451. Police Department**

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

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

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

(d) Whenever in the judgment of the chief of police public interest or necessity requires the services of any member to serve in excess of the

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

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

(f) Nothing in this section shall abridge or limit in any way the provisions of section 301, Part 1 of the San Francisco Municipal Code, approving rule 32 of the civil service commission, insofar as sick leave and disability leaves for members are concerned.

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

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

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

(j) Any member who actually performs services between the hours of 5:00 p.m. and 7:00 a.m. shall be entitled to an additional 6.25% of the compensation otherwise payable for base pay therefor for all such hours worked; provided however, that such additional compensation shall not be included for purposes of retirement benefit calculation or contributions provided elsewhere in this charter.

The provisions of this sub-section shall become effective in the manner provided by law, but in no event prior to July 1, 1984.

Certified to be a true copy by Jean Lum, Clerk of the City and County of San Francisco.

Date of Primary Election: June 5, 1984.

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Charter Chapter 13—City of Pasadena

*Amendments to the Charter of the City of Pasadena*

[Filed with the Secretary of State July 9, 1984 ]

Section 1001 is added to read as follows:

Section 1001. **CONTRACTS.** All contracts shall be in writing, and shall be executed in the name of the City of Pasadena by an officer or officers authorized to sign the same. All contracts shall be approved as to form by the City Attorney before the execution thereof.

All contracts shall be approved by the Board except contracts under \$75,000 or such lower limit as may be established by ordinance.

Section 1002 is amended to read as follows:

Section 1002. **CONTRACTS REQUIRING COMPETITIVE BIDS.** Except as otherwise provided in this Charter, no contract for labor, material, supplies, or services to be furnished to the City shall be authorized by the Board except with the lowest and best bidder after competitive bidding. The Board may reject any and all bids.

Competitive bidding shall not be required under this Charter for:

- (A) Labor or services rendered by any City officer or employee.
- (B) Labor, material, supplies, or services furnished by one City department to another City department.
- (C) Contracts for labor, material, supplies, or services available from only one vendor.
- (D) Contracts for labor, material, supplies, or services in the gross amount of \$75,000 or less.
- (E) Contracts relating to the acquisition of real property.
- (F) Contracts for professional or unique services.
- (G) Contracts for labor, material, supplies, or services for actual emergency work.
- (H) Contracts with other governmental entities or their contractors for labor, material, supplies, or services.
- (I) Contracts relating to the acquisition of sophisticated technological equipment provided an alternative competitive selection process for such acquisitions has been established by ordinance.

Section 512 is amended to read as follows:

Section 512. **VIOLATION OF ORDINANCES; PENALTIES.** The violation of any penal ordinance of the City shall be a misdemeanor unless by ordinance the violation is made an infraction or by ordinance the

prosecutor is authorized, in the prosecutor's discretion, to file a complaint charging the violation as an infraction. The maximum fine or penalty, or both, for any such violation shall be established by ordinance. Such fine or penalty or both, shall not exceed the fine or penalty prescribed in the California Penal Code for violation of a comparable state law.

Article IX is amended by adding Section 913 to read as follows:

Section 913. CAPITAL PROJECT FUND. There is created a special fund known as the "Capital Project Fund" which shall be used to account for financial resources which are to be expended only for the acquisition, construction, replacement or repair of municipal improvements, as defined in California Government Code 43601 as of July 1, 1971, or for payments of principal and interest on funds borrowed for such purposes. The Capital Project Fund shall receive monies as designated by the Charter or Board of Directors from time to time. Expenditures and transfers from the fund, other than for specific municipal improvement projects as defined above, shall be authorized only upon a majority vote of the people.

2. Said proposed amendments shall be submitted to the electors of the City of Pasadena as required by Section 3 of Article XI of the Constitution of the State of California and Government Code Sections 34450 et seq. Said election is not provided for in detail in this resolution but shall be called, authorized and provided for by said Board of Directors in the manner provided by law.

3. This resolution shall, not more than 15 days after adoption and between 40 days and 60 days before the election, be published in full in the *Star-News*, the official newspaper of said City, and in each edition thereof during the days of publication.

Certified to be a true copy by Pamela S. Swift, City Clerk.

Date of Special Municipal Election: June 5, 1984.

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#### Charter Chapter 14—City of Berkeley

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

[Filed with the Secretary of State July 10, 1984.]

#### ARTICLE III—ELECTIONS

Section 5(3). Withdrawal of Signatures on Nomination Papers.  
(Whole section repealed.)

Section 5(4). Withdrawal of Candidates. (Whole section repealed.)

Section 5(5). Designation on Ballot. (Whole section repealed.)

Section 5(6). Form and Contents of Ballot. (Whole section repealed.)

Section 5(10) is amended to read as follows:

Section 5(10). Canvass of Returns and Declaration of Results.

The City Council shall meet at its usual place of meeting on the first Tuesday after the election to receive the certification of results prepared



by the City Clerk. The City Clerk shall canvass the results of the election in accordance with procedures established in the State of California Elections Code. The persons having the highest number of votes given for each office shall be declared elected.

Section 5(12). Time for Filing Nomination Papers. (Whole section repealed.)

Section 92(3)(b) is amended to read as follows:

Section 92(3)(b). Initiative Ordinance: Ten percent petition.

(b) Within twenty-five days after the City Clerk shall have attached to the petition accompanying such ordinance the certification of sufficiency, the Council shall cause said ordinance without alteration to be submitted to a vote of the people at the next occurring regular statewide or general or special municipal election providing no posting, publication or other legal deadline as set forth in the California Elections Code and Government Code, has expired at the time the City Clerk reports verification of the petition to the City Council.

Section 92(4) is amended to read as follows:

Section 92(4). Initiative Ordinance: Five percent petition.

If the petition be signed by electors equal in number to at least five but less than ten percent of the entire vote cast for all candidates for Mayor at the last preceding general municipal election at which a Mayor was elected, and said ordinance be not passed by the Council as provided in the preceding subdivision, then such ordinance, without alteration, shall be submitted by the Council to a vote of the people at the next general municipal election providing no posting, publication or other legal deadline as set forth in the California Elections Code and Government Code, has expired at the time the City Clerk reports verification of the petition to the City Council.

Section 92(5) is amended to read as follows:

Section 92(5). Initiative Charter Amendment: Fifteen percent petition.

The Charter may be amended by initiative pursuant to the California Elections Code and Government Code.

Section 92(7). Election. (Whole section repealed.)

Section 93 is amended to read as follows:

Section 93. Mode of Protesting against Ordinances.

No ordinance passed by the Council shall go into effect before thirty days from the time of its final passage except when otherwise required by the general laws of the State or by the provisions of this Charter respecting street improvements, and except the ordinance making the annual tax levy, and except an ordinance for the immediate preservation of the public peace, health or safety, which contains a statement of its urgency, and is passed by a seven-ninths ( $\frac{7}{9}$ ) vote of the Council, provided, that no grant of any franchise shall be construed to be an urgency measure, but all franchises shall be subject to the referendum vote herein provided. If during said thirty days a petition signed by qualified electors of the City equal in number to at least ten percent of the entire vote cast for all candidates for Mayor at the last preceding general municipal election at which a Mayor was elected, protesting against the passage of such ordi-

nance, be presented to the Council, the same shall thereupon be suspended from going into operation and it shall be the duty of the Council to reconsider such ordinance, and if the same be not entirely repealed, the Council shall submit the ordinance, as provided in Article XIII of the Charter, to the vote of the electors of the city, at the next occurring regular statewide or general or special municipal election providing no posting, publication or other legal deadline as set forth in the California Elections Code and Government Code, has expired at the time the City Clerk reports verification of the petition to the City Council, and such ordinance shall not go into effect or become operative unless a majority of the qualified electors voting on the same shall vote in favor thereof. The provisions of Article III respecting the forms and conditions of the petition and the mode of verification and certification and filing shall be substantially followed with such modification as the nature of the case requires.

Section 94 is amended to read as follows:

Section 94. Reference of Measures to Popular Vote.

Any ordinance or measure that the Council or the qualified electors of the City shall have authority to enact, the Council may of its own motion submit to the electors for adoption or rejection at a regular statewide or general or special municipal election, in the same manner and with the same force and effect as is provided in this Charter for ordinances or measures submitted on petition. At any such election there shall be no bar to the submission of other questions to a vote of the electors in addition to the ordinance or measures herein provided for, if said other questions are such as may legally be submitted at such election. If the provisions of two or more measures approved or adopted at the same election conflict then the measure receiving the highest affirmative vote shall control.

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

Date of Special Municipal Election: June 5, 1984.

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## Charter Chapter 15—City of Burbank

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

[Filed with the Secretary of State July 12, 1984 ]

Section 15A is added to read as follows:

#### SECTION 15A. BUILDING OFFICIAL

There shall be a Building Official, appointed by the City Manager, who shall be responsible for the issuance of building, plumbing, electrical and heating and ventilating permits. The Building Official shall ascertain that no permit is issued unless all laws and ordinances of the state, county and city are complied with and incorporated into the building plans and shall be responsible for inspections during construction and perform such other

duties as may be prescribed by ordinance or assigned by the City Manager. Any person appointed as Building Official shall be a registered architect, civil or structural engineer, and shall have been engaged in such professional practice for at least five (5) years prior to appointment.

Sections 19, 29, 44, 50 and 67 are repealed.

Section 54 is amended to read as follows:

#### SECTION 54. CONTRACT WORK AND PURCHASES

##### (a) Contract Work.

Every contract involving an expenditure of City moneys of more than Thirty Thousand Dollars (\$30,000.00) for public works construction shall be let to the lowest responsible bidder after notice by publication in a newspaper of general circulation by two (2) insertions, the first of which shall be at least ten (10) days before the time for opening bids. The Council may reject any and all bids presented and may readvertise in its discretion. Such contracts may be let without advertising for bids if such purchase shall be deemed by the Council to be of urgent necessity for the preservation of life, health, or property and shall be authorized by resolution passed by at least four (4) affirmative votes of the Council and containing a declaration of the facts constituting the urgency. The Council shall have the right to waive any informality or minor irregularity in a bid. This section shall not apply to work done by the City with its own personnel. The procedures herein shall be supplemental to those prescribed by the general laws of the state.

##### (b) Purchases of Supplies, Materials, Equipment and Services Generally.

Before making any purchase of, or contract for, supplies, materials, equipment or services (other than professional or contractual services which are, in their nature, unique and not subject to competitive bidding), the City Manager or a designated representative shall provide for competitive bidding under such definitions, conditions, terms, rules and regulations and with such exceptions as the Council shall prescribe by ordinance to be adopted by and only amended by, the unanimous vote of all members of the Council.

Section 58 is amended to read as follows:

#### SECTION 58. NEWSPAPER ADVERTISING

The publication of all ordinances and other legal notices shall be made in a newspaper of general circulation published in the County of Los Angeles which has a substantial distribution to paid subscribers in the City, unless otherwise required by law.

The publication of every ordinance shall be complete if an advertisement thereof contains the full title, number and date of the ordinance, a brief synopsis of the content of the ordinance, and the statement that a copy of the ordinance is on file and available for public inspection in the office of the City Clerk.

Section 4 is amended to read as follows:

#### SECTION 4. OFFICERS AND EMPLOYEES

The officers of the City of Burbank shall be those hereinafter provided for in this Charter. The Council may provide for such additional boards, commissions, committees, officers, and employees as may be deemed necessary and prescribe their respective powers, and duties. Elective officers shall be the members of the Council, the City Treasurer, and the City Clerk, who shall be elected from the City at large, and shall hold office for four (4) years or until their successors are elected and qualified. All other officers, assistants, deputies, clerks, and employees shall be appointed as provided in this Charter, or as the City 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. Where the power to appoint is vested in the Council, a three-fifths (3/5) vote of the Council members shall be required to effect an appointment or removal.

Section 5 is amended to read as follows:

#### SECTION 5. THE CITY COUNCIL

The legislative body of the City shall consist of five (5) persons elected at large which body shall be known as the Council.

The members of the Council shall be elected by the qualified voters of the City in the manner and for the term provided in Section 27 of this Charter, except that at the first election to be held, all five (5) members of the Council shall be elected and their respective terms shall be as follows: the two (2) persons elected by the highest number of votes shall hold office for four (4) years, and the three (3) persons elected by the lowest number of votes shall hold office for two (2) years.

Members of the Council shall receive such compensation as may be prescribed by ordinance but not to exceed the amount which Council members of general law cities of similar population would receive under State law, nor shall any Council member be eligible to hold any other office or employment of the City except as may otherwise be provided in this Charter. In the event of resignation such member shall not be entitled to vote on the selection of their successor. Members of the Council shall not hold any other elective public office to which compensation is attached, and the acceptance of any such office or employment shall be deemed a resignation as Council member.

Section 6 is amended to read as follows:

#### SECTION 6. MEETINGS, REGULAR AND SPECIAL

The Council shall meet at 10 a.m. on the first day of May next succeeding their election, or if such day be a Sunday or holiday, then upon the next regular working day. The new members shall then be inducted into office, whereupon the Council, as thus newly constituted, shall choose one of their number to serve as Mayor. The Mayor shall have the same voting power as any other member of the Council. The Council shall also choose one of their number to serve as Vice-Mayor, who shall act as Mayor pro tempore in case of the absence, sickness or other disability of the Mayor. The officials so chosen shall hold their respective offices subject to the pleasure of the Council. The regular meetings of the Council shall be held

at least once a week and such further regular meetings shall be held as are provided for by ordinance. The time for holding all regular meetings of the Council shall be provided for by ordinance, but any regular meeting may be adjourned to a time certain, which adjourned meeting shall be a regular meeting for all purposes.

Special meetings may be called as provided by the laws of the State of California, except that written notice of such meetings shall be delivered personally to each member of the Council.

Except as otherwise provided by State law, all meetings of the Council shall be open to the public and held in the City Hall or such other place as may be prescribed by ordinance, unless the Council is compelled to meet elsewhere by reason of fire, flood, earthquake or other emergency. The Council shall adopt rules for conducting its proceedings.

Section 7 is amended to read as follows:

#### SECTION 7. QUORUM

A majority of the Council members shall constitute a quorum for the transaction of any business, but a less number may adjourn from time to time and compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance.

Section 9 is amended to read as follows:

#### SECTION 9. MAYOR

The Mayor shall be the executive head of the City. In case of riot, insurrection or extraordinary emergency the Mayor shall assume general control of the City government and all of its branches and be responsible for the suppression of disorders and the restoration of normal conditions. In the name and on behalf of the City the Mayor shall sign all contracts, deeds, bonds and other legal instruments in which the City is a party and countersign all warrants; provided, however, that the Council may by resolution authorize any other person to sign the same in case that said contracts, deeds, bonds or other legal instruments have been authorized by the Council. The Mayor shall represent the City at all ceremonial functions of a social or patriotic character when it is desirable or appropriate to have the City represented officially thereat. The Mayor shall not receive any compensation for services rendered except that received as a Council member provided in Section 5.

Section 10 is amended to read as follows:

#### SECTION 10. CITY MANAGER

(a) There shall be a City Manager appointed by the Council who shall be the administrative head of the City government. The City Manager shall be chosen by the Council solely on the basis of the appointee's executive and administrative qualifications with special reference to actual experience in, or knowledge of, accepted practice in respect to the duties of this office as hereinafter set forth.

(b) The City Manager shall be the head of the administrative branch of the City government. The City Manager shall be responsible to the Council for the proper administration of all affairs of the City, and to that

end subject to the civil service provisions of this Charter and laws and regulations pursuant thereto, the City Manager shall have power and shall be required to:

1. Devote full time to the interests of the City.
2. Attend all meetings of the Council unless excused therefrom by the Council or the Mayor, but shall not have a vote therein.
3. Appoint and, when necessary for the good of the service, remove all officers and employees of the City except elected officers and other officers appointed by the Council, and except as the City Manager may authorize the head of a department or office to appoint and remove subordinates in such department or office.
4. Prepare the budget annually and submit it to the Council and be responsible for its administration after adoption by the Council.
5. Prepare and submit to the Council as of the end of the fiscal year a complete report on the finances and administrative activities of the City for the preceding year.
6. Keep the Council advised of the financial conditions and future needs of the City and make such recommendations as may seem to be desirable for the consideration and action of the Council.
7. Perform such other duties as may be prescribed by this Charter or required by the Council, not inconsistent with this Charter.
8. Be responsible that all ordinances and laws are enforced.

It shall be the responsibility and duty of each Department Head in the City to inform and advise the City Manager of any information indicating lack of law enforcement in the City.

(c) In case of the absence of the City Manager from the City, or of any temporary disability to act as such, the Council shall appoint a City Manager pro tem, who shall possess the powers and discharge the duties of the City Manager during such absence or disability.

Section 11 is amended to read as follows:

#### SECTION 11. CITY ATTORNEY

(a) There shall be a City Attorney appointed by the Council who shall devote full time to the duties of this office and shall not engage in the private practice of law. The City Attorney shall be an attorney-at-law, admitted to the bar of the Supreme Court of this State, and one who has been in actual practice in the State for at least five (5) years next preceding the appointment. The City Attorney shall be the legal adviser of the Council and all other City officials and shall attend all Council meetings unless excused therefrom by the Council or the Mayor. The City Attorney shall draft all ordinances, contracts, or other legal documents, or proceedings required by the Council or other officials, except as may be otherwise provided, and shall perform such other legal services from time to time as the Council may require.

(b) The Council shall have the power to direct and control the prosecution and defense of all suits and proceedings to which the City is a party, or in which it is interested, and may employ special counsel to assist the City Attorney therein and provide for the compensation of and pay such counsel.

Section 12 is amended to read as follows:

#### SECTION 12. CITY CLERK

There shall be a City Clerk elected every four (4) years at the general election who shall be Clerk of the Council.

It shall be the duty of the City Clerk to attend all sessions of the Council and keep a full and correct record of the proceedings thereof. The proceedings of the Council shall be kept in a book marked "Minutes of the Council". The City Clerk shall keep a book marked "Ordinances" in which the City Clerk shall place copies of all City ordinances, certifying that each such copy 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 evidence in any court or proceeding. Such record shall not be filed but shall be returned to the custody of the City Clerk. The City Clerk shall also keep a book marked "Resolutions", into which the City Clerk shall place copies of all resolutions passed by the Council. Both the books containing ordinances and resolutions shall be adequately and comprehensively indexed. The City Clerk shall conduct promptly, and keep a systematic record of, all correspondence between the Council and third parties relating to City business.

The City Clerk shall be the keeper of the corporate seal of the City, and shall affix the same to instruments or writings requiring authentication. The City Clerk shall safely keep all records, documents, ordinances, resolutions, books, and such other papers and matters as may be regularly delivered into the City Clerk's custody or required by law or ordinance to be filed with the City Clerk.

Section 13 is amended to read as follows:

#### SECTION 13. CITY TREASURER

There shall be a City Treasurer elected every four (4) years at the general municipal election. It shall be the duty of the City Treasurer to receive and safely keep all moneys and securities belonging to the City and coming into the City Treasurer's hands, and pay out the same only on warrants signed by the proper officers and not otherwise. The City Treasurer shall hold office for four (4) years and until a successor is elected and qualified.

Section 14 is amended to read as follows:

#### SECTION 14. CITY TAX COLLECTOR

There shall be a Tax Collector of which office the City Treasurer shall be ex-officio incumbent, unless the Council by ordinance, should provide for the collection of taxes and licenses by some other person or political sub-division of the State of California. The Tax Collector shall perform such duties as may be prescribed by ordinance.

Section 15 is amended to read as follows:

### SECTION 15. PUBLIC WORKS DEPARTMENT

There shall be a Public Works Department supervised and directed by a Public Works Director appointed by the City Manager. The Public Works Director shall be a registered Civil Engineer who has been in professional practice for a period of at least five (5) years before the appointment.

The Public Works Department shall be composed of an Engineering Division and a Street Division, except as may otherwise be provided by ordinance. The Engineering Division shall be directed by a City Engineer and the Street Division by a Street Superintendent, appointed by the City Manager and subject to the supervision of the Public Works Director. The Public Works Director shall serve as City Engineer or Street Superintendent, or both, during such time as there may be no appointment to either of these offices.

The City Engineer shall be a registered Civil Engineer who has been in professional practice for a period of at least three (3) years before the appointment. The City Engineer shall perform such duties as may be prescribed, now or hereafter, by ordinance or general laws of the State and shall be the custodian of, and responsible for, all maps, profiles, field notes, and other records and memoranda belonging to the City pertaining to this office and the work thereof, all of which shall be kept in proper order and condition with full indices thereof. Upon relinquishing office, the City Engineer shall deliver all such records and memoranda to the successor who shall give duplicate receipts therefor, one of which shall be filed with the City Clerk. All maps, plans, profiles, field notes, estimates and other memoranda of surveys and other professional work made or done by or under the direction or control during any term of office shall be the property of the City. The City Engineer shall have supervision over all matters of an engineering character.

The Street Superintendent shall perform such duties as may be prescribed, now or hereafter, by ordinance or general laws of the State.

Nothing herein contained shall prevent the City Manager from acting as ex-officio Public Works Director, City Engineer and Street Superintendent and filling such offices as herein provided.

Section 17 is amended to read as follows:

### SECTION 17. CHIEF OF POLICE

There shall be a Chief of Police appointed by the City Manager. The Chief of Police shall be the head of the police department of the City, and shall have all the powers that are now or may hereafter be conferred upon sheriffs and other peace officers by the laws of the state so far as they appertain to the City. It shall be the duty of the Chief of Police to preserve the public peace and to suppress riots, tumults and disturbances. All orders of the Chief of Police shall be promptly executed by the police officers, or members of volunteer law enforcement organizations of the City, and every citizen shall lend aid when requested by the Chief of Police for the arrest of offenders, the maintenance of public order or the protection of life and property.

The Chief of Police shall execute and return all process issued by legal authority. The Chief of Police shall have the duty and the authority to



arrest persons violating any laws of the state or ordinance of the City. Those arrested for violating City ordinances may, before or after trial, be confined in the County Jail of Los Angeles County or in the City Jail. The Chief of Police shall have such other powers and duties appertaining to this office as may be prescribed by the Council or rules of the police department.

Section 18 is amended to read as follows:

#### SECTION 18. CHIEF OF THE FIRE DEPARTMENT

There shall be a Fire Chief appointed by the City Manager. The Fire Chief shall be head of the fire department of the City, and shall have charge and supervision over all matters relating to the prevention and extinction of fires, and of all measures necessary to guard and protect all property impaired thereby. During the time of a fire the Fire Chief shall have supreme authority over the territory involved therein, and all persons in the immediate vicinity of the fire during such time, including police officers, shall be subject to the Fire Chief's orders.

Section 21 is amended to read as follows:

#### SECTION 21. OATH OF OFFICE

Every officer shall take the constitutional oath of office and subscribe thereto before entering upon the performance of any official duties.

Section 24 is amended to read as follows:

#### SECTION 24. COMPENSATION

The Council, except as otherwise in this Charter provided, shall fix the compensation of all officers, also the compensation of all deputies, assistants and employees of all officers appointed by the Council.

The City Manager shall fix the compensation of all deputies, assistants and employees of all officers appointed by the City Manager subject to the approval of the Council.

Section 25 is amended to read as follows:

#### SECTION 25. REPORTS OF FEES AND COMMISSIONS

Every officer authorized to charge a fee, commission or percentage by way of compensation shall make a written report to the Council monthly of all moneys so received by such officer.

Section 26 is amended to read as follows:

#### SECTION 26. VACANCIES

A vacancy in any elective office, from whatever cause arising, shall be filled by appointment by the Council, such appointee to hold office for the unexpired term; provided that if the Council fails to agree or for any other reason does not fill such vacancy within thirty (30) days after the same occurs, then such vacancy shall be filled by the Mayor. If for any reason the seats of a majority of the Council shall become vacant, then the City Clerk, Treasurer, together with the remaining members of the Council, or a majority of them, shall call a special election at once to fill the vacancies for the unexpired terms, and the same shall be conducted substantial-

ly in the manner provided for general municipal elections.

If any officer of the City shall remove from the City or be absent therefrom for more than thirty (30) days consecutively without the permission of the Council, or shall fail to qualify, or shall resign, or be convicted of a felony, or be adjudged insane, the office held by such officer shall thereupon be declared vacant by a majority vote of the Council and shall thereupon become vacant.

Section 28 is amended to read as follows:

#### SECTION 28. CANVASS OF RETURNS

The City Clerk shall begin canvassing the returns at eight o'clock, A.M. on the second working day after all of the returns from any municipal election have been received in the City Clerk's office. Such canvass shall be publicly conducted and continued until completed.

Whenever requested by the City Clerk, the Council shall authorize the temporary employment of such persons in addition to the persons regularly employed in the City Clerk's office, as may be necessary to assist the City Clerk in the performance of any duty imposed by the Charter or by the Council in connection with the conduct of any election.

The City Clerk shall post the results of such election in three (3) public places within the City. Within five (5) days after such posting, any elector of the City may file a verified written protest with the City Clerk contesting the count of the ballots. The protest shall set forth specifically the following:

- (1) The elector's name and address.
- (2) The name of the person whose right to be nominated or elected for an office, stating the office, is being contested; or the proposition being contested.
- (3) The number of the precinct or precincts wherein it is contested errors in the counting of ballots as, if corrected, would give a different result.
- (4) A statement of particulars as to the errors claimed to have been made in the original count.
- (5) A demand for a recount of the ballots cast at such election in the specified precinct or precincts.

The City Clerk shall present the result of the canvass of the returns of said election, together with any and all protests, to the Council at its next regular meeting after the expiration of said time for filing such protests. Unless a protest has been filed, the Council shall accept the canvass of returns by the City Clerk as correct and shall publicly declare the result thereof. When any such protest has been filed, the Council shall fix a time for such recount, not less than two (2) days nor more than five (5) days thereafter, and at such time the Council shall publicly recount the ballots in the specified precinct or precincts only and as to said office or proposition. Upon the completion of such recount the Council shall publicly declare the result thereof. The action of the Council shall be final. The Council shall be the judge of the qualifications of all the elective officers of the City.

Section 31 is amended to read as follows:

**SECTION 31. BOARD OF EDUCATION**

(a) The control of the public schools of the City of Burbank, including the whole of the Burbank Unified School District, shall be vested in a Board of Education, which shall consist of five (5) members elected at large from the district by the qualified electors thereof.

(b) The members of the Board of Education shall be elected in the manner provided by Section 27 of this Charter and shall serve for a term of four (4) years; provided, however, that all persons who, upon the effective date of this amended Section 31, hold office under any of the provisions theretofore repealed, which offices are continued by this Section 31, shall continue to hold them according to their former tenure.

(c) The powers and duties of the Board of Education shall be such as are prescribed by the Constitution and laws of the State of California.

Section 37 is amended to read as follows:

**SECTION 37. CIVIL SERVICE SYSTEM**

The Council shall provide for the establishment of a Civil Service System in the City of Burbank based on merit and fitness and shall provide for a Civil Service Board with such powers and duties as may be prescribed by the Council.

Section 38 is amended to read as follows:

**SECTION 38. BUDGET**

On or before the first day of June the City Manager shall prepare, or have prepared, a proposed budget and submit it to the City Council with appropriate recommendations. The budget shall include estimates of the sources and uses of available funds for the ensuing fiscal year. These estimates shall be compiled from detailed information obtained from the various departments. Terminology and classifications used shall be uniform in accordance with generally accepted accounting practices. The budget shall include:

1. An itemization of all anticipated revenues of the City.
2. A statement of the proposed use of funds for the ensuing fiscal year.
3. Comparisons of current and prior year sources and uses of the funds.
4. The total amount of City debt outstanding.
5. A statement of the amounts which should be appropriated:
  - a. For the interest on the City debt.
  - b. For paying off any serial bonds maturing during the year or for sinking fund requirements.
  - c. For other fixed charges in connection with the repayment of City debt.
6. An item to be known as "unappropriated balance" which sum shall be available for appropriation later in the fiscal year to meet contingencies which might arise.
7. A capital budget of proposed activities, developments, and improvements listed in order of their relative importance and specifying the anticipated sources of funding.
8. Such other information as may be required by the Council or which

the City Manager may deem advisable to submit.

Sufficient copies of the proposed budget shall be prepared and printed that there be one (1) copy furnished each member of the Council and the City Clerk shall have sufficient copies for the inspection of the public. The Council may also provide for the printing and issuing of the adopted budget.

The Council shall have the power to revise, correct, or modify the proposed budget in any particular. After considering the proposed budget, the Council shall fix a time for holding a public hearing upon the same and shall publish notice of the time fixed for the hearing one (1) time in a newspaper of general circulation at least ten (10) days before the time of the hearing. After said hearing, the Council may further modify or correct the proposed budget, and shall, by resolution, concurred in by four-fifths (4/5) of the members of the Council adopt the budget, authorize the use of funds identified therein, and authorize the tax levy required to provide funding for those uses identified for the fiscal year less the amounts to be raised by bond issues and revenues collected or transferred from other sources.

At any meeting after the adoption of the budget, the Council, by a vote of four (4) members, may amend or supplement the budget so as to authorize the transfer of unused balances appropriated for one purpose to another, or to appropriate available revenue not included in the annual budget at its passage.

Section 49 is amended to read as follows:

#### SECTION 49. MONTHLY FINANCIAL REPORTS

Monthly financial reports shall be submitted to the Council by the City Manager in such form as may be approved by the Council, and such reports shall be made available for public inspection in the office of the City Clerk.

Section 51 is amended to read as follows:

#### SECTION 51. APPROVING ILLEGAL CLAIMS

Every officer who shall wilfully and knowingly approve, allow or pay any demand on the treasury not authorized by law, shall be liable to the City individually and on such officer's official bond for the amount of the demand so approved, allowed or paid, and shall forfeit such office and be forever disbarred and disqualified from holding any position in the service of the City.

Section 55 is amended to read as follows:

#### SECTION 55. ILLEGAL AND VOID CONTRACTS

No officer or employee of the City shall have an interest in any contract or be the purchaser at any sale or the vendor at any purchase to which the City is a party, except to the extent permitted by state law as now or hereafter provided. Violation of this provision shall constitute a misdemeanor and shall void the contract or transaction at the election of the Council. Any officer convicted therefor shall forfeit the office held.

No officer or employee of the City shall aid or assist a bidder in securing

a contract to furnish labor, material or supplies at a higher price or rate than that proposed by any other bidder, or favor one bidder over another, giving or withholding information, or wilfully mislead any bidder in regard to the character of the materials or supplies called for, or knowingly accept materials or supplies of a quality inferior to that called for by the contract, or knowingly certify to a greater amount of labor performed than has actually been performed, or to the receipt of a greater amount of material or supplies than has actually been received.

Any officer or employee violating any of the foregoing provisions of this section shall be guilty of a misdemeanor and be immediately expelled from office or employment by the officer or board responsible for employment.

If at any time it shall be found that the person, firm or corporation to whom a contract has been awarded has, in presenting any bid or bids, colluded with any other party or parties, then the contract so awarded shall, if the City so elect, be null and void and the contractor and its bondsmen shall be liable to the City for all loss or damage which the City may suffer thereby. In that event the Council may advertise anew for bids for said work or supplies.

Section 61 is amended to read as follows:

#### SECTION 61. INTERFERENCE WITH OR BY CITY MANAGER

The members of the Council shall not, nor shall any of them, either directly or indirectly, exact from any candidate for the position of City Manager any promise or assurance, or in anywise intimate or suggest to such candidate, that such candidate shall, if appointed as City Manager, appoint or employ, or that it is in anywise expected the candidate will appoint or employ, any person who has been or may be discussed, mentioned, referred to, approved, or in anywise suggested by any member of the Council or other person, as being fit or qualified to have or hold any position in, or do any work for, the City. Nor shall the members or any member of the Council in anywise, either directly or indirectly, by suggestion or otherwise, coerce or bring any pressure to bear upon the City Manager, either to appoint any particular person or persons or class of persons to any position that is or may be vacant, or to give employment of any kind to any such persons, or to discharge any person holding any position or doing any work under the City Manager; or to make any purchase of supplies from any particular person, firm or corporation.

The prohibition herein contained shall not be construed to mean that any member of the Council, or other person, shall in anywise be prohibited from informing the City Manager as to any fact known to such person which might assist the City Manager in appointing or employing competent, fit, and proper persons, or discharging any incompetent or unfit person previously appointed or employed, or to prohibit the giving of any information which might be of benefit to the City Manager in making an advantageous purchase of materials and supplies.

Section 69 is amended to read as follows:

**SECTION 69. WHEN CHARTER EFFECTIVE**

This Charter may be amended pursuant to the procedure set forth in the Constitution and laws of this state.

Certified to be a true copy by Evelyn L. Haley, City Clerk.

Date of Special Municipal Election: June 5, 1984.

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Charter Chapter 16—City of Pacific Grove

***Amendments to the Charter of the City of Pacific Grove***

[Filed with the Secretary of State July 20, 1984.]

Article 8 is amended to read as follows:

**ARTICLE 8. ELECTIONS**

General municipal elections shall be held in the City on the first Tuesday after the first Monday in November in each even numbered year under and pursuant to the provisions of the General Laws of the State of California so far as the same may be applicable, except as herein otherwise provided. All other municipal elections that may be held by authority of this Charter or of the General Law shall be known as special municipal elections. At the time of filing nomination papers, each candidate for an elective office shall file with the City Clerk a sworn statement containing the following information: (A) his name; (B) the office of which he is a candidate; (C) his present residence and occupation; (D) the public offices he has held, if any, as principal, deputy or employee; (E) the experience, training or education he has received which, in his opinion, would qualify him to fill the office for which he is a candidate. Said form shall be posted in a conspicuous public place in the City offices.

Article 12 is amended to read as follows:

**ARTICLE 12. THE COUNCIL**

Three Councilmembers shall be elected at each general municipal election and shall hold office for the term of four years each from and after the Tuesday next succeeding the day of such election, and until their successors are elected and qualified.

A vacancy in an elective office shall be filled by appointment by the Council, such appointee to hold office until the next general municipal election and until his successor is elected and qualified. Such successor shall be elected for the unexpired term of his predecessor at the general municipal election next succeeding such appointment. Should the Council fail to fill any such vacancy within thirty days after the same occurs, then it shall be filled by appointment by the Mayor; provided, however, that if the officer of a majority, or more, of the Council shall become vacant, then the City Clerk shall call a special election at once to fill the vacancies for the unexpired terms, and the same shall be conducted substantially in the manner provided for general municipal elections.

If any Councilmember of the City shall be absent for more than two

consecutive regular meetings without good cause as determined by the Council, or shall cease to be a resident or elector of the City, or shall fail to qualify, or shall resign or be convicted of a felony, or be adjudged mentally incompetent, his office shall thereupon become vacant.

The Councilmembers may receive compensation as provided by ordinance, but in no case shall the compensation exceed that amount which is permitted by the State Law for General Law cities of comparable size to Pacific Grove.

No Councilmember shall be eligible to hold any other office or employment with the City except as a member of any board, commission, or committee thereof, of which he is constituted such member by the General Law of the State.

Article 15 is amended to read as follows:

#### ARTICLE 15. ORDINANCES

(a) The enacting clause of all ordinances passed by the Council shall read as follows: "The Council of the City of Pacific Grove does ordain as follows:" The enacting clause of all ordinances passed by the vote of the electors of the City through the exercise of the initiative or referendum shall be: "The people of the City of Pacific Grove do ordain as follows:"

(b) The affirmative vote of four members of the Council shall be necessary to adopt any ordinances, resolutions or claims against the City, which vote shall be taken by ayes and noes and entered upon the record, and upon the request of any member of the Council the ayes and noes shall be taken and recorded upon any vote.

(c) No ordinance shall be passed by the Council on the day of its introduction nor within five days thereafter, nor at any time other than at a regular meeting, nor until its publication at least once in the official newspaper at least three days before its adoption. Provided, that the publication of ordinances as required herein may be satisfied by publication of a summary of a proposed ordinance, if at the time the ordinance is introduced the Council directs a summary to be published. Any summary so published shall be approved by the City Attorney. A copy of the full text of proposed ordinances for which summaries are published shall be on file in the office of the City Clerk and available to the public on and after the first business day following introduction.

(d) Notwithstanding the five day waiting period required in (c), immediately hereinabove, any ordinance declared by the Council to be necessary as an emergency measure for preserving the public peace, health, safety or public welfare, and containing the reasons for its urgency, may be introduced and if passed by a vote of no fewer than five members of the Council shall become effective immediately.

(e) A proposed ordinance may be amended or modified between the time of its introduction and the time of its final passage, provided its general scope and original purpose are retained.

(f) No ordinance or portion thereof shall be repealed, revised or amended except by ordinance, and all ordinances shall be signed by the Mayor and attested by the City Clerk.

(g) Except as provided by General Law, or by this Charter, no action

providing for any specific public improvement, or for the approval or amendment of the annual fiscal year budget, or for the acquisition, sale, lease, encumbrancing or disposition of real property of the City, or any interest therein, or for the levying of any tax or assessment, or for the granting of any franchise, or for the establishment or changing of zoning regulations, or for the imposing of any penalty, shall be taken except by ordinance.

Article 26 is amended to read as follows:

#### ARTICLE 26. APPOINTIVE COMMISSIONS AND BOARDS

There shall be the Commissions and Boards enumerated in this Article which shall have the powers and duties as provided herein. The appointment of persons to serve on these Commissions and Boards shall be made by the Mayor subject to the confirmation by affirmative vote of four members of the Council.

Before making such appointments the Mayor shall consult with the Council and shall consider fully any and all nominations suggested by other members of the Council.

Members of Commissions and Boards shall serve at the pleasure of the Council. The Council, by an affirmative vote of four of its members, may remove any member of any Commission or Board at any time during the Commission or Board member's term of office.

The term of office for members of Commissions and Boards shall be four years, but in no event shall any person serve more than ten successive years on a single Commission or Board. A person who has served for such ten successive year period on a Commission or Board shall be eligible for reappointment to that Commission or Board after the expiration of two years.

Any person appointed to serve on such Commissions or Boards shall be a registered elector of the City and shall not hold any paid office or employment in the City government or be a member of any other Board as herein enumerated, or be a member of the City Council, except as an ex officio member without vote.

##### a. CITY PLANNING COMMISSION.

There shall be a Planning Commission consisting of seven members, and shall have the following powers and duties:

(1) Recommend to the Council the adoption, amendment, or repeal of a General Master Plan, or any part thereof, for the physical development of the City.

(2) Exercise such functions with respect to land subdivisions, planning and zoning as may be prescribed by ordinance or resolution.

(3) Perform such other duties relating to planning and zoning as the Council may require by ordinance or resolution, or as may be prescribed by the General Laws of the State.

##### b. LIBRARY BOARD.

There shall be a Library Board consisting of five members and shall have the following powers and duties:

(1) Act in an advisory capacity to the Council and City Manager in all matters pertaining to the operation of a public library.



(2) Recommend to the City Council the adoption of such laws, rules, and regulations as it may deem necessary for the administration and protection of the City Library.

(3) Perform such other duties relating to the library services as the Council may require by ordinance or resolution.

**c. MUSEUM BOARD.**

There shall be a Museum Board consisting of five members and shall have the following powers and duties:

(1) Act in an advisory capacity to the Council and City Manager in all matters pertaining to the operation of a public museum.

(2) Recommend to the City Council the adoption of such by laws, rules, regulations as it may deem necessary for the administration and protection of the City Museum.

(3) Perform such other duties relating to the museum service as the Council may require by ordinance or resolution.

**d. RECREATION BOARD.**

There shall be a Recreation Board consisting of five members and shall have the following powers and duties:

(1) Act in an advisory capacity to the Council and City Manager in all matters pertaining to the operation of a City recreation program.

(2) Recommend to the City Council the adoption of such by laws, rules and regulations as it may deem necessary for the administration and operation of a City recreation program.

(3) Promote and stimulate public interest in a recreation program and solicit to the fullest extent possible the cooperation of school authorities and other public and private agencies interested therein.

(4) Perform such other duties relating to the recreation program as the Council may require by ordinance or resolution.

Article 36 is amended to read as follows:

**ARTICLE 36. PAYMENT OF CITY MONEYS**

Every demand against the city shall be presented to the finance officer, who shall examine the same. If the amount thereof is legally due and there remains an unexhausted balance or an appropriation against which the same may be charged, he shall approve such demand and draw a check or warrant on the City treasury therefor, payable out of the proper fund. The finance officer shall transmit such demand or a summary thereof, with his approval or rejection noted thereon, to the City Manager. If the City Manager determines that a demand is one for an item included within an approved budget appropriation, he shall approve it, otherwise it shall require the approval of the City Council. Any person dissatisfied with the refusal of the City Manager to approve any demand, in whole or in part, may present the same to the City Council, which, after examining the matter may approve or disapprove the demand in whole or in part.

Provided, that warrants for wages and salaries shall be approved by the City Manager and paid regularly from the treasury without the necessity of any demand therefor as in this article prescribed for other claims.

Article 40 is amended to read as follows:

#### ARTICLE 40. CONTRACTS ON PUBLIC WORKS; MATERIALS AND SUPPLIES

(a) In the erection, improvement and repair of all public buildings and works, in all street and sewer work, and in furnishing supplies or materials for same when the expenditure required for the same shall exceed the sum of Fifteen Thousand Dollars (\$15,000.00), the same shall be done by contract and shall be let to the lowest responsible bidder, after notice by publication in the official newspaper, and security for the due execution and performance of any such contract may be required of the successful bidder. The Council may provide by ordinance for the detailed procedure for carrying out this Article.

Provided, that the Council may reject any and all bids presented and may re-advertise in their discretion; and provided further, that after rejecting bids the Council may declare and determine by an affirmative vote of five of its members that in its opinion the work in question may be more economically or satisfactorily performed by day labor, by either city employees or others, and after adoption of a resolution to this effect, it may proceed to have the same done in the manner stated without further observance of the foregoing provisions of this Article.

Provided, further, that such contracts likewise may be let without advertising for bids if such work shall be deemed by the Council to be of urgent necessity for the preservation of life, health or property, and shall be authorized by resolution passed by an affirmative vote of five Council members and containing a declaration of facts constituting such urgency.

(b) The Council by ordinance shall adopt policies and procedures, including appropriate bidding regulations, governing purchases of or contracts for supplies, materials and equipment. Purchases of supplies, materials and equipment shall be made only in accordance with the adopted policies and procedures.

Article 42 is amended to read as follows:

#### ARTICLE 42. NEWSPAPER ADVERTISING

The Council shall advertise annually for bids for a contract or contracts for official publications, ordinances and other legal notices required to be published. The newspaper or newspapers to which such a contract or contracts are awarded shall be known as an Official Newspaper of the City. Rates for publishing public notices shall not exceed the customary rates charged for publishing legal notices of a private character.

Each bidder seeking to qualify as an Official Newspaper shall include with its bid a verifiable statement of both net paid circulation and net unpaid circulation of its newspaper within the City. The Council may accept more than one bid in any year. During any such year the City may utilize one or more of said Official Newspapers for any legal publications.

In determining which bids are lowest and best, the Council shall take into consideration, without limitation, the circulation, publication rates, frequency of publication and ability to provide legally required advertising.

The Council may reject any and all bids and may, in the event no

acceptable bid is received, adopt any other legal method for legal publications.

No employee of an Official Newspaper shall be an employee of the City during his employer's term as an Official Newspaper.

Article 45 is added to read as follows:

#### ARTICLE 45. VIOLATION OF CHARTER

Violation of any provision of this Charter shall be deemed a misdemeanor and shall be punishable upon conviction by a fine of not exceeding one thousand dollars (\$1,000.00) or by imprisonment for a term not exceeding one year or by both such fine and imprisonment.

Certified to be a true copy by Florus C. Williams, Mayor, and Fred Smith, City Clerk.

Date of Special Election: June 5, 1984.

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### Charter Amendment 17—City of Redondo Beach

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

[Filed with the Secretary of State July 20, 1984.]

Section 11.2, Article XI is amended to read as follows:

#### Section 11.2. City Attorney

No person shall be eligible for the office of City Attorney unless he shall have been admitted to practice as an attorney at law before the Supreme Court of the State of California, and shall have been engaged in the active practice of law in the State of California for at least five (5) years preceding his appointment or election.

The City Attorney shall devote his full time to the duties of office and shall not engage in private legal practice during his term of office, except to carry to conclusion any matters for which he has been retained prior to taking office.

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

(a) Represent and advise the City Council and all city officers in all matters of law pertaining to the respective offices/duties.

(b) Represent and appear for the city and city officer, employee or any former city officer or employee, in any and all actions or proceedings in which the city or such officer or employee, in or by reason of his official capacity is concerned or is a party. The City Council, at the request of the City Attorney, may employ other attorneys to assist in any litigation or other matters of interest to the city.

(c) Prosecute on behalf of the People any and all criminal cases arising from violations of this Charter or city ordinances; he shall prosecute violation of State misdemeanors, unless otherwise directed by the City Council.

(d) Attend all meetings of the City Council, unless excused, and give

his advice or opinion orally or in writing whenever requested to do so by the City Council or by any boards or officers of the city.

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

(f) Prepare any and all proposed ordinances or resolutions for the city and amendments thereto.

(g) On vacating office, surrender to his successor all books, papers, files, and documents pertaining to the city's affairs.

The City Attorney may appoint such assistant city attorneys or deputy city attorneys who shall serve him. Such assistant city attorneys or deputy city attorneys shall not be included in the classified service and shall be subject to removal by the city attorney.

The City Attorney shall perform such other duties of a legal nature as the Council may by ordinance require or as provided by the Constitution and general laws of the State.

Section 15.2, Article XV is amended to read as follows:

Section 15.2. Membership, appointments, terms

The members of each Board or Commission, except the Taxation and Budget Commission, shall be appointed by the Mayor, subject to confirmation by the City Council. A member shall serve for a term of four (4) years and until his successor is appointed and qualified. If the Mayor shall have failed to obtain confirmation of an appointment of a commissioner to fill a vacancy within sixty (60) days after such vacancy occurs, any member of the Council may nominate an eligible person to fill such vacancy. Four (4) affirmative votes of the council to appoint such nominated person shall result in the appointment of that person to fill the vacancy. Thereafter any appointment to fill an unexpired term shall be for such unexpired period. The Taxation and Budget Commission shall be appointed by the City Manager and any member thereof may be removed by four (4) affirmative votes of the City Council. No person shall serve on more than one board or commission at the same time. No person shall serve more than two full terms on the same board or commission.

Section 15.3, Article XV is amended to read as follows:

Section 15.3. Newly created Boards and Commissions

At the time members are first appointed to a newly created board or commission, terms shall be staggered to provide that, to the extent possible, an equal number of terms shall expire each year.

The terms of members of boards or commissions may be terminated in the event such board or commission is consolidated with another board or commission.

Section 15.7, Article XV is amended to read as follows:

Section 15.7. Membership Eligibility

Membership on any city board or commission shall be limited to the electors of the City of Redondo Beach.

Section 15.10, Article XV is amended to read as follows:

Section 15.10. Planning Commission

The Planning Commission shall consist of seven (7) members. There shall be at least one member chosen from among the resident electors of each city council district.

Section 20.2, Article XX is amended to read as follows:

**Section 20.2. Special Funds**

The City Council shall by ordinance establish the special funds referred to in this Charter and all other funds by law, and, in addition thereto, the City Council shall establish the following funds:

(a) **Treasurer's Departmental Trust Fund.** All funds collected by the Police Department, License Collector, Building Inspector, and other departments may be deposited by the respective officer thereof at frequent intervals during each month. The officers or employees depositing such funds with the Treasurer shall advise the Treasurer concerning the funds deposited. Withdrawals from such fund shall be made by the City Treasurer only on order signed by the proper department head and for the following purposes only:

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

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

(b) Petty cash funds for use by the City Manager and department heads to purchase items which cannot conveniently be handled otherwise than by the payment of cash.

(c) The City Council may by ordinance provide for the establishment and maintenance of such other special funds as it deems necessary for the proper administration of the fiscal affairs of the city.

Certified to be a true copy by John L. Oliver, City Clerk.

Date of Special Municipal Election: June 5, 1984.

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Charter Chapter 18—City of Long Beach

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

[Filed with the Secretary of State July 20, 1984.]

Section 1725 is added to Long Beach City Charter to read as follows:

**Section 1725. Short-Term Revenue Certificates**

(a) In addition to the powers conferred by this Charter, the City Council and, with the prior approval of the City Council, the Board of Harbor Commissioners and the Board of Water Commissioners shall have the power to borrow money and incur indebtedness from time to time for any of the purposes for which it can issue bonds or notes pursuant to this Charter, City ordinances, applicable provisions of the Constitution of the State of California, or general State and Federal laws relating to municipalities. Such indebtedness shall be evidenced by revenue certificates issued in the manner and subject to the limitations hereinafter set forth in this section.

(1) Certificates issued by the City Council, the Board of Harbor Commissioners or the Board of Water Commissioners pursuant to this section may be negotiable or non-negotiable, may be sold at public or private sale, at par or at a discount, at such interest rate or rates, as the City Council or Board of Harbor Commissioners or Board of Water Commissioners may determine and all certificates shall be, and shall recite upon their face that they are, payable both as to principal and interest out of the revenue fund pertaining to the revenue fund on account of which the indebtedness evidenced by such certificates was created and not out of any other fund or moneys of the City or the Harbor or Water Departments. Such recital, however, shall not preclude payment from the proceeds of sale of other certificates issued pursuant to this section or from amounts drawn on bank lines of credit pursuant to subsection (b) of this section or from any other lawfully available source of funds.

(2) In order to exercise the power to borrow money pursuant to this section, the City Council, the Board of Harbor Commissioners or the Board of Water Commissioners shall adopt a resolution authorizing the sale and issuance of certificates for such purpose. In the case of revenue certificates to be issued by the Board of Harbor Commissioners or the Board of Water Commissioners, the prior approval of the City Council shall be expressed by resolution.

(b) The City Council or respective Board of Commissioners may arrange for bank credit for the purpose of providing an additional source of repayment for indebtedness incurred under this section. Amounts drawn on available bank lines of credit may be evidenced by negotiable or non-negotiable promissory notes or other evidence of indebtedness; provided, however, that any such notes or other evidence of indebtedness shall recite upon their face that they are payable, both as to principal and interest, out of funds pertaining to the revenue fund on account of which the indebtedness was created and not out of any other fund or moneys of the City or the Harbor or Water Departments.

(c) This Section 1725 is complete authority for the issuance of certificates and the obtaining of bank credit hereunder, and no action or proceeding not required by this section shall be necessary for the valid authorization of such indebtedness. The powers conferred by this section are in addition and supplemental to, and are not in substitution for, and the limitations imposed by this section shall not affect the powers conferred by any other provision of this Charter or other applicable State or Federal laws.

Certified to be a true copy by Shelba Powell, City Clerk, and Rosemary Bell, Deputy City Clerk.

Date of Special Municipal Election: June 5, 1984.

## Charter Chapter 19—County of San Diego

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

[Filed with the Secretary of State July 30, 1984.]

Section 908.2, Article IX is amended to read as follows:

Section 908.2: The Unclassified Service consists of:

- (a) elective officers, their chief deputies, and special assistants employed by elective officers;
- (b) the Assistant District Attorney, the Chief Deputy District Attorney, the Chief of the Bureau of Investigation, the Assistant Chief of the Bureau of Investigation, and the Confidential Secretary to the District Attorney, and not more than three special assistants designated by the District Attorney;
- (c) the Under-Sheriff, three Assistant Sheriffs, and not more than three special assistants or deputies designated by the Sheriff;
- (d) members of appointed boards and commissions;
- (e) an Executive Secretary employed by the Civil Service Commission;
- (f) the Superintendent of Schools;
- (g) persons serving without compensation;
- (h) officers and employees whose appointments must be approved by the State;
- (i) students engaged in regularly established, accredited training programs;
- (j) persons employed as guards or keepers in law enforcement agencies, including the offices of Sheriff, Marshal and Probation Officer, for less than ninety-one working days during a fiscal year;
- (k) deputy registrars of voters employed only to register electors and election workers;
- (l) persons employed seasonally as guards, custodians, rangers, or caretakers in County parks;
- (m) persons employed for temporary expert professional services in positions that have been exempted from the Classified Service by the Personnel Director for a specified period; and
- (n) persons employed for less than ninety-one working days during a fiscal year on a part-time or intermittent basis in positions exempted from the Classified Service by the Personnel Director.

Certified to be a true copy by Tom Hamilton, Chairman of the Board of Supervisors, and Porter C. Cremans, Clerk of the Board of Supervisors.  
Date of Special Municipal Election: June 5, 1984.

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 Charter Chapter 20—County of Los Angeles
***Amendments to the Charter of the County of Los Angeles***

[Filed with the Secretary of State August 9, 1984.]

SEC. 1. Section 11 (2) of Article III of the Charter of the County of Los

Angeles is repealed

SEC. 2. Article V, Township Officers, Section 17, 18, 19 and 20 of the Charter of the County of Los Angeles is repealed

SEC. 3. Article VIII, Constabulary Department, Section 28 and 29 of the Charter of the County of Los Angeles is repealed

SEC. 4. Section 6 of Article II of the Charter of the County of Los Angeles is amended to read as follows:

Section 6. At each general election at which the Governor is to be elected, and every four years thereafter, supervisors, shall be elected from the First and Third Supervisorial districts, whose terms shall be four years, beginning at noon the first Monday in December following their election, and ending at noon on the first Monday in December, four years thereafter, provided that each shall hold office until his successor is elected and qualified.

At each general election at which the office of President appears on the ballot, and every four years thereafter, supervisors shall be elected from the Second, Fourth and Fifth districts, whose terms shall be four years, beginning at noon on the First Monday in December following their election, and ending at noon on the first Monday in December, provided that each shall hold office until his successor is elected and qualified.

SEC. 5. Section 13 of Article IV of the Charter of the County of Los Angeles is amended to read as follows:

Section 13. At each general election at which the office of President appears on the ballot, and every four years thereafter, a District Attorney shall be elected, whose term shall be four years, beginning at noon on the first Monday if December following his election, and ending at noon on the first Monday in December, four years thereafter.

At each general election at which the Governor is to be elected, and every four years thereafter, a Sheriff and Assessor shall be elected, whose terms shall be four years, beginning at noon on the first Monday in December following their election, and ending at noon on the first Monday in December, four years thereafter. All elective county officers shall hold office until their successors are elected and qualified.

SEC. 6. Section 25 of Article VI of the Charter of the County of Los Angeles is amended to read as follows:

Sections 25. Each County officer, Board or Commission shall have the powers and perform the duties now or hereafter prescribed by general law, and by this Charter, as to such officer, Board or Commission.

Certified to be a true copy by Edmund D. Edelman, Chairman Pro Tem, Board of Supervisors, and Larry J. Monteilh, Executive Officer-Clerk, Board of Supervisors.

Date of Primary Election: June 5, 1984



## Charter Chapter 21—City of Alhambra

*Amendments to the Charter of the City of Alhambra*

[Filed with the Secretary of State August 17, 1984.]

Section 29 is amended to read as follows:

Sec. 29. Designation of councilmen to serve as mayor, vice mayor and as supervisor of city departments.

A. The following offices are established in the City of Alhambra:

1. Mayor and Councilman of Public Affairs.
2. Vice Mayor and Councilman of the Department of Finance.
3. Councilman of the Department of Public Works.
4. Councilman of the Department of Public Safety.
5. Councilman of the Department of Supplies.

B. Commencing with the second regular meeting in August, 1984, the office of Mayor and Councilman of Public Affairs shall be routinely rotated by councilmanic district for a term of nine months each as provided for herein.

DISTRICT	FROM	TO
Third District	August, 1984	May, 1985
Fifth District	May, 1985	February, 1986
Second District	February, 1986	November, 1986
Fourth District	November, 1986	August, 1987
First District	August, 1987	May, 1988
Third District	May, 1988	February, 1989
Fifth District	February, 1989	November, 1989
Second District	November, 1989	August, 1990

C. Commencing with the second regular meeting in August, 1984, the office of Vice Mayor and Councilman of the Department of Finance shall be routinely rotated by councilmanic district for a term of nine months each as provided for herein.

DISTRICT	FROM	TO
Fifth District	August, 1984	May, 1985
Second District	May, 1985	February, 1986
Fourth District	February, 1986	November, 1986
First District	November, 1986	August, 1987
Third District	August, 1987	May, 1988
Fifth District	May, 1988	February, 1989
Second District	February, 1989	November, 1989
Fourth District	November, 1989	August, 1990

D. Commencing with the second regular meeting in August, 1984, the office of Councilman of the Department of Public Works shall be routinely rotated by councilmanic district for a term of nine months each as provided for herein.

DISTRICT	FROM	TO
Second District	August, 1984	May, 1985
Fourth District	May, 1985	February, 1986
First District	February, 1985	November, 1986
Third District	November, 1986	August, 1987
Fifth District	August, 1987	May, 1988
Second District	May, 1988	February, 1989
Fourth District	February, 1989	November, 1989
First District	November, 1989	August, 1990

E. Commencing with the second regular meeting in August, 1984, the office of Councilman of the Department of Public Safety shall be routinely rotated by councilmanic district for a term of nine months each as provided for herein.

DISTRICT	FROM	TO
Fourth District	August, 1984	May, 1985
First District	May, 1985	February, 1986
Third District	February, 1985	November, 1986
Fifth District	November, 1986	August, 1987
Second District	August, 1987	May, 1988
Fourth District	May, 1988	February, 1989
First District	February, 1989	November, 1989
Third District	November, 1989	August, 1990

F. Commencing with the second regular meeting in August, 1984, the office of Councilman of the Department of Supplies shall be routinely rotated by councilmanic district for a term of nine months each as provided for herein.

DISTRICT	FROM	TO
First District	August, 1984	May, 1985
Third District	May, 1985	February, 1986
Fifth District	February, 1985	November, 1986
Second District	November, 1986	August, 1987
Fourth District	August, 1987	May, 1988
First District	May, 1988	February, 1989
Third District	February, 1989	November, 1989
Fifth District	November, 1989	August, 1990

G. Commencing with the second regular meeting in August, 1990, those offices set forth in Paragraph A above shall each respectively rotate on a regular basis in the manner described in Paragraphs B through F above. The terms of such offices shall be for periods of nine months each commencing with the beginning of the second regular monthly meeting and terminating nine months thereafter at the beginning of the second regular monthly meeting.

H. Each such councilman shall act only in an advisory capacity in all matters arising in his respective department, and each councilman shall keep himself informed of all conditions of such respective department and report the same to the council.

Section 38 is amended to read as follows:

Sec. 38. Mayor to preside at meeting.

The mayor shall preside at meetings of the council. In the absence of

the mayor, the vice mayor shall preside at meetings of the council.

Section 138 is amended to read as follows:

Sec. 138. Contracts for official advertising; official newspaper.

The council shall annually let contracts for the official advertising for the ensuing fiscal year. The contracts shall be with a newspaper or newspapers of general circulation which meet the following criteria:

1. The newspaper or newspapers are published for the dissemination of local or telegraphic news and intelligence of a general character.

2. The newspaper or newspapers have a bona fide subscription list of paying subscribers.

3. The newspaper or newspapers have been established and published at regular intervals of at least once weekly in the city for at least ten years.

4. The newspaper or newspapers have a substantial distribution to paid subscribers within the city.

Any such newspaper or newspapers to which a contract is let shall be known and designated as the "official newspaper" of the City of Alhambra.

Certified to be a true copy by Mary Louise Bunker, Mayor, and Dorothy Outwater, City Clerk.

Date of Special Municipal Election: June 5, 1984.

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## Charter Chapter 22—County of Alameda

### *Amendments to the Charter of the County of Alameda*

[Filed with the Secretary of State September 10, 1984.]

Section 15 is amended as follows:

Sec. 15: The elective county officers other than the members of the Board of Supervisors shall be:

Auditor

Assessor

Board of Education, Members of

District Attorney

Sheriff

Superintendent of Schools

Treasurer

County Clerk

Recorder

Tax Collector

The Tax Collector shall be ex-officio License Collector.

Section 17 is amended to read as follows:

Sec. 17: The appointive county officers shall be:

Board of Law Library, Trustee, Members of

Civil Service Commission, Members of

Coroner

Fish and Game Warden  
 Health Officer  
 Horticultural Commissioner  
 Probation Committee, Members of  
 Probation Officer  
 Public Administrator  
 Public Defender  
 Public Works, Director of  
 Purchasing Agent  
 Surveyor

Such other officers as are not mentioned in Section 15 thereof.

Such other officers as may be hereafter provided by law shall also be appointive.

Certified to be a true copy by John George, Chairman of the Board of Supervisors, and W. Mehrwein, Clerk of the Board of Supervisors.

Date of Special Election: June 5, 1984.

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Charter Chapter 23—County of Los Angeles

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

[Filed with the Secretary of State August 9, 1984.]

Sec. 1 Section 42 of Article IX of the Charter of the County of Los Angeles is repealed.

Sec. 2 Section 43 of Article IX of the Charter of the County of Los Angeles is repealed.

Certified to be a true copy by Edmund D. Edelman, Chairman Pro Tem, Board of Supervisors, and Larry J. Monteilh, Executive Officer-Clerk, Board of Supervisors.

Date of Primary Election: June 5, 1984.

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Charter Chapter 24—County of Tehama

***Amendment to the Charter of the County of Tehama***

[Filed with the Secretary of State December 5, 1984.]

Article III, Section 2 is added to read as follows:

**ARTICLE III, SECTION 2**

(f) The county clerk shall be ex-officio clerk of the Board of Supervisors and the clerk shall be responsible for the duties of the clerk of the board as set out in the statutes of the State of California, accurately recording and

indexing of the Supervisors' minutes, maintaining the security of mailed and hand-delivered documents sent to the Board of Supervisors for action and processing, assure compliance with the public records act, thus guaranteeing the public their right to view all action taken by the Board of Supervisors, and preserving the official records of the Board of Supervisors for historical knowledge and research.

Certified to be a true copy by Floyd A. Hicks, County Clerk and Recorder.

Date of General Municipal Election: November 6, 1984.

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Charter Chapter 25—City of Napa

***Amendment to the Charter of the City of Napa***

[Filed with the Secretary of State November 28, 1984.]

Section 172 is added to read as follows:

Section 172. Property Owner Pricing for Real Property

An owner of any real property has the sole right to establish the price for which that property may be sold, leased, rented, transferred or exchanged. Any law of the City of Napa that would abridge that right is hereby repealed. This limitation shall not affect the power of the City of Napa to regulate zoning or its exercise of power of eminent domain.

Certified to be a true copy by Pamyla C. Means, City Clerk.

Date of Special Election: November 6, 1984.

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Charter Chapter 26—City of Salinas

***Amendment to the Charter of the City of Salinas***

[Filed with the Secretary of State December 5, 1984.]

Section 9 is amended to read as follows:

Sec. 9. Same—Compensation.

The monthly salary of the Mayor and the members of the City Council shall be adopted by ordinance. The monthly salary shall not exceed the amount authorized by State law for cities of a similar size; provided however, that the salary of the Mayor may be set at a higher amount than the salary of the members of the City Council.

Certified to be a true copy by Dottie F. Doughty, City Clerk.

Date of Special Election: November 6, 1984.

## Charter Chapter 27—City of Santa Monica

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

[Filed with the Secretary of State December 4, 1984.]

## ARTICLE XVIII

Section 1. Section 1800 is amended to read as follows:

Section 1800. Statement of Purpose. A growing shortage of housing units resulting in a low vacancy rate and rapidly rising rents exploiting this shortage constitute a serious housing problem affecting the lives of a substantial portion of those Santa Monica residents who reside in residential housing. In addition, speculation in the purchase and sale of existing residential housing units results in further rent increases. These conditions endanger the public health and welfare of Santa Monica tenants, especially the poor, minorities, students, young families, and senior citizens. The purpose of this Article, therefore, is to alleviate the hardship caused by this serious housing shortage by establishing a Rent Control Board empowered to regulate rentals in the City of Santa Monica so that rents will not be increased unreasonably and so that landlords will receive no more than a fair return.

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

Through this Article, the City exercises its police power in order to address the serious housing problem recognized in the original enactment of this Rent Control Law in 1979 and still existing in 1984. The 1984 Amendment to the Rent Control Law is intended to clarify the law and ensure that the Rent Control Board possesses adequate and independent authority to carry out its duties. It is intended to ensure due process of law for landlords and tenants, effective remedies for violation of the law, and consistency with constitutional requirements. It is also intended to enable the Board to provide relief to persons facing particular hardship and to protect and increase the supply of affordable housing in the City. Termination or erosion of the protections of this Article would have serious disruptive consequences for persons in need of protection and the supply of affordable housing in the City.

Section 2. Section 1801 of the City Charter is amended to read as follows:

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

(a) Board: The term "Board" refers to the elected Rent Control

Board established by this Article.

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

(c) Controlled Rental Units: All residential rental units in the City of Santa Monica, including mobile homes, and mobile home spaces, and trailers and trailer spaces, except single family homes to the extent provided for in section 1815 and those units found by the Board to be exempt under one or more of the following provisions:

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

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

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

(4) Rental units in owner-occupied dwellings with no more than three (3) units. For purposes of this section:

(i) The term "owner" means a natural person who owns a fifty (50) percent ownership interest in the building and resides on the property as his or her principal place of residence.

(ii) An exemption under this section shall expire by operation of law when the owner ceases to reside on the property as his or her principal place of residence; thereafter, all units on the property shall be subject to all provisions of this Article.

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

(6) Where a unit is actually used for purposes of providing, on a non-profit basis, child care or other residential social services in accordance with applicable laws. This exemption shall expire when the use upon which exemption is based ceases. This exemption shall only apply to units as they become vacant and shall only operate to allow the specified use without the necessity of obtaining a removal permit under this Article. This exemption shall not be construed to authorize the eviction of any tenant nor to authorize the charging of rent in excess of that permitted under this Article. The Board may adopt regulations to determine whether a unit qualifies for an exemption under this section.

(7) Exemptions are not automatic but shall be granted by the Board upon application by the owner pursuant to Board rules, provided that if the Board does not act upon a completed application for exemption within ninety (90) days of its filing it shall be deemed approved.

(d) Housing Service: Housing services include, but are not limited to repairs, maintenance, painting, providing light, hot and cold water, elevator service, window shades and screens, storage, kitchen, bath and laundry facilities and privileges, janitor services, refuse removal, furnishings, telephone, parking, and any other benefit, privilege or facility connected with

the use or occupancy of any rental unit. Services to a rental unit shall include a proportionate part of services provided to common facilities of the building in which the rental unit is contained.

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

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

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

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

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

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

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

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

(m) **Property:** All rental units on a parcel or lot or contiguous parcels or contiguous lots under common ownership.

(n) **Single Family Home:** A property that has been developed with only one one-family dwelling and any lawful accessory structures, or a lawfully created condominium, stock cooperative or similar unit that is part of a larger residential structure or complex, excepting those condominiums, stock cooperatives, or similar units converted after April 10, 1979 for which no removal permit or vested right determination has been issued by the Board, and those created pursuant to Article XX of this Charter.

Section 3. Section 1802 of the City Charter is amended to read as follows:

Section 1802. Integrity and Autonomy of Board. The Rent Control Board shall be an integral part of the government of the City, but shall exercise its powers and duties under this Article independent of and without interference from the City Council, City Manager, and City Attorney. With respect to the internal organization and affairs of the Board:

(a) **Budget.** The Board shall, prior to July 1 of each year, hold a public



hearing on a proposed budget and adopt an annual budget for the ensuing fiscal year. At least thirty-five days prior to the beginning of each fiscal year, the Board's administrator shall submit to the Board the proposed budget as prepared by him or her. After reviewing the same and making such revisions as it may deem advisable, the Board 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 Board at least ten days prior to said hearing. The City Council and the City Manager shall have no authority to oversee, supervise, or approve this budget. Upon final adoption, the budget shall be in effect for the ensuing fiscal year and the amounts stated therein shall be and become appropriated by the Board for the respective objects and purposes therein specified. At any meeting after the adoption of the budget the Board may amend or supplement the budget by the affirmative votes of at least three members. Copies of the adopted budget and any amendments or supplements shall be filed with the City Clerk, City Controller, and City Manager. Necessary adjustments to City administrative procedures shall be made.

(b) Personnel. Except for the elected or appointed Commissioners, the Administrator, and attorneys employed to represent or advise the Board, all employees of the Board are within the classified civil service of the City. The Board shall appoint an Administrator to administer and supervise the exercise of its powers and duties who shall be directly responsible to the Board. All employees of the Board, except the Administrator and attorneys, shall be hired, terminated, suspended, and demoted in accordance with the provisions of Article XI of the Charter and implementing provisions of the Municipal Code. The Board shall classify employee positions, establish employee salaries and benefits, evaluate the performance of its employees, and be responsible for the layoff and recall of its employees, pursuant to regulations and procedures that it establishes. The Board may enter into and approve a Memorandum of Understanding with representatives of its employees concerning their wages, benefits, hours of work, and terms and conditions of employment in accordance with state law. The City Council shall have no power to abolish positions established or classified by the Board under this Article, notwithstanding any other section of this Charter. Provisions of the Municipal Code and other ordinances or resolutions of the City Council shall not limit the Board's power to adopt regulations and policies and to approve Memorandums of Understanding governing its relationship with its employees under this Section.

(c) Board Legal Work. Legal staff hired by the Board shall represent and advise the Board, its Commissioners, and its staff in any civil matters, actions, or proceedings in which the Board, its Commissioners, or its staff, in or by reason of their official capacity, are concerned or are a party. The Board may, in its sole discretion, and without approval of the City Council, retain private attorneys to furnish legal advice or representation in particular matters, actions or proceedings.

(d) Contracts and Purchases. The Board shall comply with the provi-

sions of the City Charter providing for a centralized purchasing system and competitive bidding, and shall procure goods and services as do other City agencies. Provided, however, that the Board shall have sole and final authority to employ attorneys, legislative lobbyists, and other professionals, and to approve contracts for such professional services.

(e) **Conforming Regulations.** If any portion of this Article is declared invalid or unenforceable by decision of a court of competent jurisdiction or rendered invalid or unenforceable by state or federal legislation, the Board and not the City Council shall have authority to enact replacement regulations consistent with the intent and purpose of the invalidated provision and applicable law. Such replacement regulations shall supercede invalidated or unenforceable provisions of this Article to the extent necessary to resolve any inconsistency. The subject matter of such replacement regulations shall be limited to rent control matters as enumerated in this Article.

Section 4. Section 1803 of the City Charter is amended to read as follows:

Section 1803. Permanent Rent Control Board.

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

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

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

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

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

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

- (1) Set the rent ceilings for all controlled rental units.
- (2) Require registration of all controlled rental units under Section 1803(q).
- (3) Establish a base rent ceiling on rents under Section 1804(b).
- (4) To make adjustments in the rent ceiling in accordance with Section 1805.
- (5) Set rents at fair and equitable levels in order to achieve the intent

of this Article.

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

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

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

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

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

(11) Administer oaths and affirmations and subpoena witnesses.

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

(13) Refer violations of this Article to appropriate authorities for criminal prosecution.

(14) Seek injunctive and other civil relief under Section 1811.

(15) Charge and collect registration fees, including penalties for late payments.

(g) Rules and Regulations: The Board shall issue and follow such rules and regulations, including those which are contained in this Article, as will further the purposes of the Article. The Board shall publicize its rules and regulations prior to promulgation in at least one newspaper of general circulation in the City of Santa Monica. The Board shall hold at least one (1) public hearing to consider the views of interested parties prior to the adoption of general adjustments of the decision to decontrol or reimpose control for any class of rental units under Section 1803(r). All rules and regulations, internal staff memoranda, and written correspondence explaining the decisions, orders, and policies of the Board shall be kept in the Board's office and shall be available to the public for inspection and copying. The Board shall publicize this Article so that all residents of Santa Monica will have the opportunity to become informed about their legal rights and duties under Rent Control in Santa Monica. The Board shall prepare a brochure which fully describes the legal rights and duties of landlords and tenants under Rent Control in Santa Monica. The brochure will be available to the public, and each tenant of a controlled rental unit shall receive a copy of the brochure from his or her landlord.

(h) Meetings: The Board shall hold such regularly scheduled meetings as are necessary to ensure the timely performance of its duties under this Article. All regular and special meetings shall be called and conducted in accordance with state law.

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

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

(k) Compensation: Each Commissioner shall receive for every meeting attended seventy-five dollars (\$75.00), but in no event shall any Com-

missioner receive in any twelve month period more than forty-seven hundred and fifty dollars (\$4,750) for services rendered.

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

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

(n) Financing: The Board shall finance its reasonable and necessary expenses by charging landlords annual registration fees in amounts deemed reasonable by the Board. The Board may direct that all or part of such fees may be passed through from landlords to tenants and may establish applicable conditions and procedures. The Board is also empowered to request and receive funding when and if necessary from any available source for its reasonable and necessary expenses.

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

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

(q) Registration: Within sixty (60) days after the adoption of this Article, the Board shall require the registration of all controlled rental units, which shall be re-registered at times deemed appropriate by the Board. The initial registration shall include the rent in effect at the time on the date of the adoption of this Article, base rent ceiling, the address of the rental unit, the name and address of the landlord, the housing services provided to the unit, a statement indicating all operating cost increases since the base rent ceiling date, and any other information deemed relevant by the Board. The Board shall require the landlord to report vacancies in the controlled rental units and shall make a list of vacant controlled rental units available to the public. If the Board, after the landlord has proper notice and after a hearing, determines that a landlord has wilfully and knowingly failed to register a controlled rental unit, the Board may authorize the tenant of such a non-registered controlled rental unit to withhold all or a portion of the rent for the unit until such time as the rental unit is properly registered. After a rental unit is properly registered, the Board shall determine what portion, if any, of the withheld rent is owed to the landlord for the period in which the rental unit was not properly registered. Whether or not the Board allows such withholding, no landlord who has failed to register properly shall at any time increase rents for a controlled rental unit until such units are properly registered.

(r) Decontrol: If the average annual vacancy rate in any category, classification, or area of controlled rental units exceeds five (5) percent, the Board is empowered, at its discretion and in order to achieve the objectives of this Article, to remove rent controls from such category, classification or area. The Board may determine such categories, classifications, or areas for purposes of decontrol consistent with the objectives of this Article. In determining the vacancy rate for any category, classification or area of controlled rental units, the Board shall consider all available

data and shall conduct its own survey. If units are decontrolled pursuant to this subsection, controls shall be reimposed if the Board finds that the average annual vacancy rate has thereafter fallen below five (5) percent for such category, classification or area.

(s) **Security Deposits:** Any payment or deposit of money the primary function of which is to secure the performance of a rental agreement or any part of such agreement, including an advance payment of rent, shall be placed in an interest bearing account at a federally insured financial institution until such time as it is returned to the tenant or entitled to be used by the landlord. Unless and until the Board enacts regulations directing that the interest on such accounts be paid directly to the tenant, the landlord may either pay such interest directly to the tenant or use it to offset operating expenses, in which case the offset shall be a factor in making individual rent adjustments under Section 1805. The Board may regulate the amount and use of security deposits consistent with the purposes of this Article and state law.

(t) **Removal of Controlled Unit From Rental Housing Market:**

(1) Any landlord who desires to remove a controlled rental unit from the rental housing market by demolition, conversion or other means is required to obtain a permit from the Board prior to such removal from the rental housing market in accordance with rules and regulations promulgated by the Board. In order to approve such a permit, the Board is required to find that the landlord cannot make a fair return by retaining the controlled rental unit.

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

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

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

(3) The Housing Element of the General Plan of the City of Santa Monica shall at all times contain a provision that neither the City Council nor any City agency shall approve an application for tentative subdivision map or tentative parcel map for a converted unit until and unless the applicant first obtains a removal permit as required by this Section. This subsection shall not apply to any tentative subdivision map or tentative parcel map approved in accordance with Article XX relating to tenant ownership rights.

(4) The Board shall render its final decision within one hundred and twenty (120) days of the filing of a completed application under this section.

Section 5. Section 1805 of the City Charter is amended to read as follows:

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

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

(b) **Annual General Adjustment:** Each year the Board shall generally adjust rents as follows:

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

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

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

In adjusting rents under this subsection, the Board shall adopt a formula of general application.

(c) **Petitions:** Upon receipt of a petition by a landlord and/or a tenant, the maximum rent of individual controlled rental units may be adjusted upward or downward in accordance with the procedures set forth elsewhere in this Section. The petition shall be on the form provided by the board and shall include a declaration by the landlord that the unit meets all requirements of Section 1805 (h). Notwithstanding any other provision of this Section, the Board or hearing examiner may refuse to hold a hearing and/or grant a rent adjustment if an individual hearing has been held and decision made with regard to maximum rent within the previous six months.

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

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

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

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

(4) **Records:** The hearing examiner may require either party to a rent adjustment hearing to provide it with any books, records and papers deemed pertinent in addition to that information contained in registration statements. The hearing examiner shall conduct a current building inspection and/or request the City to conduct a current building inspection if the hearing examiner finds good cause to believe the Board's current information does not reflect the current condition of the controlled rental

unit. The tenant may request the hearing examiner to order such an inspection prior to the date of the hearing. All documents required under this Section shall be made available to the parties involved prior to the hearing at the office of the Board. In cases where information filed in a petition for rent ceiling adjustment or in additional submissions filed at the request of the hearing examiner is inadequate or false, no action shall be taken on said petition until the deficiency is remedied.

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

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

(7) Hearing Record: The Board shall make available for inspection and copying by any person an official record which shall constitute the exclusive record for decision on the issues at the hearing. The record of the hearing, or any part of one, shall be obtainable for the cost of copying. The record of the hearing shall include: all exhibits, papers and documents required to be filed or accepted into evidence during the proceedings; a list of participants present; a summary of all testimony accepted in the proceedings; a statement of all materials officially noticed; all recommended decisions; orders and/or rulings; all final decisions, orders and/or rulings, and the reasons for each final decision, order and/or ruling. Any party may have the proceeding tape recorded or otherwise transcribed at his or own expense.

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

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

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

(11) Finality of Decision: The decision of the hearing examiner shall be the final decision of the Board in the event of no appeal to the Board. The decision of the hearing examiner shall not be stayed pending appeal; however, in the event that the Board on appeal reverses or modifies the decision of the hearing examiner, the landlord, in the case of an upward adjustment in rent, or the tenant, in the case of a downward adjustment of rent, shall be ordered to make retroactive payments to restore the

parties to the position they would have occupied had the hearing examiner's decision been the same as that of the Board.

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

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

(14) Decisions decreasing rents shall remain in effect until the Board finds that the landlord has corrected the defect warranting the decrease. The Board shall, by regulation, establish procedures for making prompt compliance determinations. Upon a determination of compliance the landlord shall be entitled to reinstatement of the prior rent level, retroactive to the date that the landlord corrected the defect which warranted the decrease.

(e) In making individual and general adjustments of the rent ceiling, the Board shall consider the purposes of this Article and the requirements of law. The Board may adopt as its fair return standard any lawful formula, including but not limited to one based on investment or net operating income. The Board shall consider all factors relevant to the formula it employs; such factors may include: increases or decreases in operating and maintenance expenses, the extent of utilities paid by the landlord, necessary and reasonable capital improvement of the controlled rental unit as distinguished from normal repair, replacement and maintenance, increases or decreases in living space, furniture, furnishings, equipment, or services, substantial deterioration of the controlled rental unit other than as a result of ordinary wear and tear, failure on the part of the landlord to provide adequate housing services or to comply substantially with applicable housing, health and safety codes, federal and state income tax benefits, the speculative nature of the investment, whether or not the property was acquired or is held as a long term or short term investment, the landlord's rate of return on investment, the landlord's current and base date Net Operating Income, and any other factor deemed relevant by the Board in providing the landlord a fair return.

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

(g) No rent increase shall be authorized by this Article because a landlord has a negative cash flow if at the time the landlord acquired the controlled rental unit, the landlord could reasonably have foreseen a negative cash flow based on the rent schedule then in existence within the one



year period following acquisition. This paragraph shall only apply to that portion of the negative cash flow reasonably foreseeable within the one year period following acquisition of a controlled rental unit and shall only apply to controlled rental units acquired after the date of adoption of this Article.

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

(1) Has failed to comply with any provision of this Article and/or regulations issued thereunder by the Board, including the provisions requiring the payment of registration fees and registration penalties.

(2) Has failed to comply substantially with any applicable state or local housing, health or safety law. No landlord shall increase rent unless the notice increasing rent contains a statement in substantially the following form: "The undersigned (landlord) certifies that this unit and common areas are not subject to any uncorrected citation or notices of violation of any state or local housing health, or safety laws issued by any government official or agency." If a landlord fails to comply with this subsection, the tenant may refuse to pay the improperly noticed increase, may seek administrative or civil remedies under this Article, and may raise the landlord's noncompliance as an affirmative defense in any resulting unlawful detainer action.

(i) The Board may, in its discretion, enact regulations to provide for increases of rents on units voluntarily vacated after the effective date of this subsection in properties where the landlord has dedicated a percentage of units to be rented to persons of very low or low income at affordable rents. The Board may enact procedures and other regulations governing determination of the conditions upon which such increases will be permitted, the extent of the increases, the required mix of affordable units to be provided, ways to ensure the continued provision of affordable housing under this subsection, the terms and conditions applicable when landlords cease to participate or when tenants vacate or cease to qualify for units dedicated to affordable housing, and other measures it deems necessary.

If the Board enacts regulations under this subsection, it shall provide for the following:

(1) That a property shall not be eligible for this program unless a specified percentage of all units on the property, no less than fifteen (15) percent, will be occupied by tenants of very low or low income and the rent on each unit so occupied does not exceed a specified percentage, no greater than thirty (30) percent of such tenants' income.

(2) That tenants of very low or low income occupying units maintained at affordable rent levels under this program are protected if the landlord elects not to participate further in the program. Such protection shall include, at a minimum, a provision prohibiting the rent of such tenants from being increased by a percentage greater than the general annual adjustment allowed by the Board even if the resulting rent is below the maximum allowable rent and the landlord has lowered the rent for other units on the property.

Section 6. Section 1806 is amended to read as follows:

Section 1806. Eviction. No landlord shall take action to terminate any tenancy including service of any notice to quit or other eviction notice

or bring any action to recover possession or be granted recovery or possession of a controlled rental unit unless:

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

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

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

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

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

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

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

(h) The landlord seeks to recover possession in good faith for use and occupancy by herself or himself, or her or his children, parents, grandparents, brother, sister, father-in-law, mother-in-law, son-in-law, or daughter-in-law. For purposes of evictions under this subsection:

(1) A "landlord" shall be defined as a natural person who has at least a fifty (50) percent ownership interest in the property.

(2) No eviction may take place if any landlord or enumerated relative already occupies one unit on the property, or if a vacancy already exists on the property and the vacant unit is comparable to the unit for which eviction is sought. Where the vacant unit is determined not to be comparable, thereby permitting eviction under this subsection, the evicted tenant or tenants shall be first given the right to occupy the vacant unit and the rent thereof shall be the lesser of the maximum allowable rent for the vacant unit and the maximum allowable rent of the unit from which the tenant or tenants are evicted. The Rent Control Board shall promulgate regulations defining when a unit is comparable for purposes of this paragraph.

(3) The notice terminating tenancy shall contain the name, address and relationship to the landlord of the person intended to occupy.

(4) The landlord or enumerated relative must intend in good faith to move into the unit within thirty (30) days after the tenant vacates and to occupy the unit as a primary residence for at least one year. The Board

may adopt regulations governing the determination of good faith.

(5) If the landlord or relative specified on the notice terminating tenancy fails to occupy the unit within thirty (30) days after the tenant vacates, the landlord shall:

(i) Offer the unit to the tenant who vacated it.

(ii) Pay to said tenant all reasonable expenses incurred in moving to and/or from the unit.

(6) No eviction pursuant to this subsection shall be allowed in any condominium or stock cooperative unit which has been converted from an apartment or other rental unit after April 10, 1979, unless the Rent Control Board has issued a removal permit or declared a vested right for said unit. As used in this subpart, a unit shall be deemed converted after April 10, 1979, if on April 10, 1979, the recorded tract map or parcel map for the property showed the unit as included in the property.

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

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

Any violation of this section shall render the landlord liable to the tenant in a civil action for actual and punitive damages. The prevailing party in an action based upon this Section shall recover costs and attorneys fees.

Section 7. Section 1809 of the City Charter is amended to read as follows:

(a) Any landlord who demands, accepts, receives, or retains any payment of rent in excess of the maximum lawful rent, in violation of the provisions of this Article or any rule, regulation or order hereunder promulgated, including the provisions ensuring compliance with habitability standards and registration fee requirements, shall be liable in a civil action to the tenant from whom such payments are demanded, accepted, received or retained, for reasonable attorney's fees and costs as determined by the court, plus damages in the amount by which the payment or payments demanded, accepted, received or retained exceeds the maximum lawful rent. A civil penalty of treble the amount by which the payment or payments demanded, accepted, received or retained exceeds the maximum lawful rent shall be awarded against the landlord upon a showing that the landlord has acted willfully or with oppression, fraud or malice. No administrative remedy need be exhausted prior to filing suit pursuant to this subsection.

(b) In lieu of filing a civil action, a tenant may file an administrative complaint. The Board shall establish by rule and regulation a hearing procedure similar to that set forth in Section 1805(d).

(1) The rules and regulations adopted by the Board shall provide for final Board action on any complaint for excess rent within one-hundred and twenty (120) days following the date of filing of the complaint.

(2) In any administrative hearing under this Section, a landlord who demands, accepts, receives or retains any payment of rent in excess of the maximum lawful rent shall be liable for damages in the amount by which the payment or payments demanded, accepted, received or retained exceeds the maximum lawful rent and may be liable for an additional amount not to exceed Five Hundred Dollars (\$500), for costs, expenses incurred in pursuing the hearing remedy, damages and penalties. The tenant shall bear the burden of proving entitlement to the penalty. The tenant may deduct the penalty and award of damages from future rent payments in the manner provided by the Board. An order authorizing rent withholding under this Article shall survive the sale or other transfer of the property and shall be binding upon successors of the landlord against whom the order was made. If a tenant authorized to withhold rent under this Article vacates the property, the landlord shall pay to such tenant a sum equal to the balance of the rent that the tenant could have withheld.

(c) If the tenant from whom such excessive payment is demanded, accepted, received or retained in violation of the foregoing provisions of this Article or any rule or regulation or order hereunder promulgated fails to bring a civil or administrative action as provided for in Section 1809 (a) and 1809 (b) within one hundred and twenty (120) days from the date of occurrence of the violation, the Board may settle the claim arising out of the violation or bring such action. Thereafter, the tenant on whose behalf the Board acted is barred from also bringing an action against the landlord in regard to the same violation for which the Board has made a settlement or brought action. In the event the Board settles said claim, it shall be entitled to retain the costs it incurred in settlement thereof, and the tenant against whom the violation has been committed shall be entitled to the remainder.

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

Section 8. Section 1811 of the City Charter is amended to read as follows:

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

Section 9. Section 1813 of the City Charter is added as follows:

Section 1813. Relationship to Article XX. Section 1803(t) of this Article shall not apply to any building for which approval has been received pursuant to Article XX (Tenant Ownership Rights Charter Amendment) of this Charter. All other provisions of this Article, however, shall continue to apply with full force and effect to each unit in any building receiving

approval pursuant to Article XX. Tenants residing in such units, whether or not “qualifying,” “participating,” or any other such designation under Article XX, shall enjoy all the rights and remedies provided by this Article without limitation as to duration or to ownership of the unit. This Section is declarative of existing law and does not impose any new requirements or limit any existing ones.

Section 10. Section 1814 of the City Charter is added as follows:

Section 1814. Existing Board Practices. To the extent that the amendments to Article XVIII adopted at the same time as this Section incorporate rules, regulations and practices of the Rent Control Board existing on the date of the adoption hereof, this amendment is declarative of existing law and does not impose any new requirements or limit any existing ones.

Section 11. Section 1815 of the City Charter is added as follows:

Section 1815. Single Family Homes. Single Family homes that were not used for residential rental purposes on July 1, 1984 are automatically exempt from the provisions of this Article. Single family homes that are not exempt under the preceding sentence are subject to all requirements of this Article, but shall be permanently exempted by the Board upon proof that the home has been continuously occupied by the owner for a period of two years as a principle place of residence after voluntary vacancy by the tenant or lawful eviction of the tenant. An owner may have only one exemption under this Section at any one time.

Section 1903 is hereby added to the City Charter of the City of Santa Monica to read as follows:

Section 1903. Expenditure Limitation Increase for Police and Protective Services.

(a) Pursuant to Section 4 of Article XIII B of the California Constitution, the City's expenditure limit for each of the fiscal years during the four year period beginning November 7, 1984, and ending November 6, 1988, is increased by four million (\$4,000,000.00) dollars. This increase shall be adjusted each year for changes in population and the lower of changes in cost of living or personal income provided by state law.

(b) Appropriation of funds that may be made for spending by reason of Section (a) shall be made for maintaining and providing increased police and other protective services, for improving the safety of streets and neighborhoods, and for encouraging public involvement in the reduction of crime.

Section 1904 is hereby added to the City Charter of the City of Santa Monica to read as follows:

Section 1904. Expenditure Limitation Increase for Capital Improvements and Outlays.

(a) Pursuant to Section 4 of Article XIII B of the California Constitution, the City's expenditure limit for each of the fiscal years during the four year period beginning November 7, 1984, and ending November 6, 1988, is increased by Three Million Five Hundred Thousand (\$3,500,000.00) Dollars. This increase shall be adjusted each year for changes in population and the lower of changes in the cost of living or personal income provided by state law.

(b) Appropriation of funds that may be made for spending by reason of Section (a) shall be made for providing capital improvements and outlays for street maintenance, sidewalks, street light circuit replacement, new street lights, energy conservation, traffic signals upgrade, park maintenance, vehicles and other equipment, and various one time capital needs for libraries, publicly owned recreational facilities in the City, park development, police and fire facilities, and other capital improvements and outlays required for the protection of public health and safety.

Section 2006 of the City Charter is amended as follows:

Section 2006. Prohibition Against Other Tax and Fee Requirements.

No tax or fee other than those expressly set forth in this Article may be imposed, either directly or indirectly, by the City on a Tenant-Participating Conversion except the imposition of actual processing or map costs not to exceed Five Hundred Dollars (\$500.00) per unit adjusted annually by the Price Index.

Certified to be a true copy by Anna M. Shore, City Clerk.

Date of General Municipal Election: November 6, 1984.

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## Charter Chapter 28—City of Newport Beach

### *Amendments to the Charter of the City of Newport Beach*

[Filed with the Secretary of State November 26, 1984.]

Section 400 is amended to read as follows:

Section 400. Elective Officers. The elective officers of the City shall consist of a City Council of seven members. Candidates for City Council shall be nominated from and by the electors of each of the seven districts referred to in Article X of this Charter and one shall be elected from each of such districts by the voters of the City at large at the times and in the manner provided in this Charter. Ties in voting among candidates for office shall be settled by the casting of lots.

Alternatively, and successively, four four-year terms shall be filled at one general municipal election and three four-year terms at the next such election, consistent with the sequence of terms of Council Members existing on the effective date of this amendment.

The term of office shall be four years. The term of each Council Member shall commence on the date of the City Council meeting, following his or her election, at which the Council receives the certification of election results from the City Clerk.

Section 404 is amended to read as follows:

Section 404. The Mayor, Mayor pro Tempore. On the date of any meeting of the City Council at which time the Council receives the certification of the results of any general or special municipal election at which any member of Council is elected, the City Council shall, after swearing and qualifying any newly elected member, elect one of its members as its

presiding officer, who shall have the title of Mayor. The Mayor shall have a voice and vote in all its proceedings. The Mayor shall have the primary but not exclusive responsibility for interpreting the policies, programs and needs of the City Government to the people, and, as occasion requires, the Mayor may inform the people of any change in such other duties consistent with the office as may be prescribed by this Charter or as may be imposed by the City Council. The Mayor shall serve in such capacity at the pleasure of the City Council.

In addition to the payment for expenses as a Council Member under Section 402b, the City Council may provide by resolution for the payment to the Mayor of an allowance of not exceeding two hundred twenty dollars and fifty-eight cents per month, adjusted annually in accordance with the U.S. Department of Labor, Bureau of Labor Statistics, Los Angeles, Long Beach, Anaheim Consumer Price Index, or five percent (5%) whichever amount is lesser, to reimburse the Mayor for the additional expenses incurred in serving in that capacity.

The City Council shall at the same time the Mayor is elected also designate one of its members as Mayor pro Tempore, who shall serve in such capacity at the pleasure of the City Council. The Mayor pro Tempore shall perform the duties of the Mayor during the Mayor's absence or disability.

Certified to be a true copy by Wanda E. Raggio, City Clerk.

Date of Municipal Election: November 6, 1984.

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## Charter Chapter 29—City of Berkeley

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

[Filed with the Secretary of State December 7, 1984.]

Article XI, Section 68 is amended to read as follows:

Section 68. Publication.

The Council may in its discretion post notices and copies of all matters required by this Charter to be published in ten prominent places in the City of Berkeley, said places to be fixed by ordinance. Such posting shall be sufficient publication of any matter required by Section 44(6) of this Charter to be published.

Article V is amended by adding Section 12.2, as follows:

Section 12.2. Vacancy in Office of Rent Stabilization Board Commissioner.

(1) If a vacancy shall occur in the office of Rent Stabilization Board Commissioner:

(a) If the unexpired term is less than one year, the remaining members of the Rent Stabilization Board shall elect a successor with requisite qualifications to fill the vacancy for the unexpired term. Vacancies shall be filled only at a regular meeting of the Rent Stabilization Board after reasonable notice of intent to fill the vacancy has been given to the re-

maining members of the Board by any Rent Stabilization Board Commissioner by placement on the agenda.

Should the Rent Stabilization Board fail to fill any vacancy within 60 days after its occurrence, the City Council shall, within 10 days, order a special municipal election to be held not less than 60 or more than 90 days after the date of the order.

However, if any regular, statewide or general municipal election is to be held in the City not more than 180 days nor less than 80 days from the date of the occurrence of the vacancy in a case of a regular statewide election, or not more than 180 days nor less than 60 days from the date of the occurrence of the vacancy, in the case of a general municipal election, then the vacancy shall not be filled by the Rent Stabilization Board nor by special election, but at the regularly occurring election.

(b) If the unexpired term is for one year or more, the vacancy shall be filled by special election, to be called by the City Council within 10 days after the occurrence of the vacancy and to be held not less than 60 or more than 90 days after the date of the order; provided, however, if any regular statewide or general municipal election is to be held in the City not more than 180 nor less than 80 days from the date of the occurrence of the vacancy in the case of a regular statewide election, or not more than 180 days nor less than 60 days from the date of the occurrence of the vacancy in the case of a general municipal election, the vacancy shall not be filled by special election, but at the regularly occurring election.

(2) If at any municipal election the required number of Rent Stabilization Board Commissioners are not elected by reason of a tie vote among any of the candidates, then the Rent Stabilization Board, after the qualification of the persons, if any, elected at the election, shall appoint the necessary number of the persons receiving the tie vote to fill any office vacant by reason of the tie vote. In this case, any person so appointed shall hold office, subject to the provisions of a recall, to and including November 30, following the next general municipal election.

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

Date of General Municipal Election: November 6, 1984.

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Charter Chapter 30—City of Huntington Beach

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

[Filed with the Secretary of State December 7, 1984.]

Section 310 is amended to read as follows:

Section 310. CITY CLERK. POWERS AND DUTIES. The City Clerk shall have the power and shall be required to:

(a) Attend all meetings of the City Council, unless excused, and be



responsible for the recording and maintaining of a full and true record of all of the proceedings of the City Council in books that shall bear appropriate titles and be devoted to such purpose.

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

(c) Maintain separate records of all written contracts and official bonds.

(d) Keep all books and records in his possession properly indexed and open to public inspection when not in actual use.

(e) Be the custodian of the seal of the City.

(f) Administer oaths and affirmations, take affidavits and depositions pertaining to the affairs and business of the City and certify copies of officials records.

(g) Be ex officio Assessor, unless the City Council, has availed itself, or does in the future avail itself, of the provisions of the general laws of the State relative to the assessment of property and the collection of City taxes by county officers, or unless the City Council by ordinance provides otherwise.

(h) Have charge of all City elections.

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

The City Clerk may, subject to the approval of the City Council, appoint such deputy or deputies to assist him or act for him, at such salaries or compensation as the Council may by ordinance or resolution prescribe.

The minimum qualifications for the position of City Clerk shall be three years of relevant work experience which demonstrates record management skills and practice of administrative procedures.

Section 311 is amended to read as follows:

**Section 311. CITY TREASURER. POWERS AND DUTIES.** The City Treasurer shall have the power and shall be required to:

(a) Receive on behalf of the city all taxes, assessments, license fees and other revenues of the City, or for the collection of which the City is responsible, and receive all taxes or other money receivable by the City from the County, State or Federal governments, or from any court, or from any office, department or agency of the City.

(b) Have and keep custody of all public funds belonging to or under control of the City or any office, department or agency of the City government and deposit or cause to be deposited all funds coming into his hands in such depository as may be designated by resolution of the City Council, or, if no such resolution be adopted, then in such depository designated in writing by the City Administrator, and in compliance with all of the provisions of the State Constitution and laws of the State governing the handling, depositing and securing of public funds.

(c) Pay out moneys only on proper orders or warrants in the manner provided for in this Charter.

(d) Prepare and submit to the Director of Finance monthly written reports of all receipts, disbursements and fund balances, and shall file

copies of such reports with the City Administrator and City Council.

(e) Perform such other duties consistent with this Charter as may be required by ordinance or resolution of the City Council.

The City treasurer may, subject to the approval of the City Council, appoint such deputy or deputies to assist him or act for him, at such salaries or compensation as the Council may by ordinance or resolution prescribe.

The minimum qualifications for the position of City Treasurer shall be a combination of education and experience in an area related to fiscal management.

Certified to be a true copy by Alicia M. Wentworth, City Clerk.  
Date of General Municipal Election: November 6, 1984.

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Charter Chapter 31—City and County of San Francisco

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

[Filed with the Secretary of State December 10, 1984.]

Section 3.510 is amended to read as follows:

Sec. 3.510 Governmental Services, Purchasing, Real Estate, Public Works, Electricity, County Agricultural Department; Coroner's Office and Convention Facilities Management

The functions, activities and affairs of the city and county that are hereby placed under the direction of the chief administrative officer by the provisions of this charter, and the powers and duties of officers and employees charged with specific jurisdiction thereof, shall, subject to the provisions of section 11.102 and section 3.501 of this charter, be allocated by the chief administrative officer, among the following departments:

Department of Governmental Services, which shall include the functions and personnel of the offices of registrar of voters, recorder, public administrator and such other functions as may be assigned by the chief administrative officer, and shall be administered by the chief administrative officer.

The public administrator shall appoint and at his pleasure may remove an attorney. He may also appoint such assistant attorneys as may be provided by the budget and annual appropriation ordinance.

Purchasing Department, which shall include the functions and personnel of the bureau of supplies, the operation of central stores and warehouses, and the operation of central garages and shops, and shall be administered by the purchaser of supplies who shall be appointed by the chief administrative officer and shall hold office at his pleasure.

Real Estate Department, which shall include the functions and personnel of the office of the right-of-way agent.

Department of Public Works, which shall include the functions and personnel of the telephone exchange and which shall be in charge of and

administered by the director of public works, who shall be appointed by the chief administrative officer and shall hold office at his pleasure.

The director of public works shall appoint a deputy director of public works for operations, a deputy director of public works for engineering, a deputy director of public works for financial management and administration, and an assistant to the director of public works, each of whom shall hold office at the pleasure of said director. The director of public works shall designate a deputy or other employee to perform the duties of city engineer. Said deputy or employee shall possess the same power in the city and county in making surveys, plats and certificates as is or may from time to time be given by law to city engineers and to county surveyors, and his official acts and all plats, surveys and certificates made by him shall have the same validity and be of the same force and effect as are or may be given by law to those of city engineers and county surveyors.

All examinations, plans and estimates required by the supervisors in connection with any public improvements, exclusive of those to be made by the public utilities commission, shall be made by the director of public works, and he shall, when requested to do so, furnish information and data for the use of the supervisors.

The department of public works shall semi-annually notify the tax collector of the amount of each assessment that becomes delinquent and the lot and block number against which such assessment is levied, and it shall be the duty of the tax collector to note such delinquency on each annual tax bill.

The department of public works shall have powers and duties relating to street traffic, subject to the laws relating thereto, as follows:

- (a) to cooperate with and assist the police department in the promotion of traffic safety education;
- (b) to receive, study and give prompt attention to complaints relating to street design or traffic devices or the absence thereof;
- (c) to collect, compile, analyze and interpret traffic and parking data and to analyze and interpret traffic accident information;
- (d) to engage in traffic research and traffic planning; and
- (e) to cooperate for the best performance of these functions with any department and agency of the city and county and the state as may be necessary.

The department shall submit to the traffic bureau of the police department, for its review and recommendation, all proposed plans relating to street traffic control devices; provided, however, that the bureau may waive submission and review of plans of particular devices designated by it. Failure of the said traffic bureau to submit to the department its recommendation on any proposed plan within fifteen (15) days after receipt shall be considered an automatic approval of said traffic bureau. The department shall not, with respect to any traffic control devices, implement such plan until the recommendation of the traffic bureau has been reviewed or until the fifteen (15) day period has elapsed.

Department of Electricity, which shall be administered by a chief of department. The premises of any person, firm or corporation may, for the purpose of police or fire protection, be connected with the police or fire

signal or telephone system of the city and county upon paying a fair compensation for such connection and the use of the same, provided that any such connection shall require the approval of the chief of the department of electricity and shall not in any way overload or interfere with the proper and efficient operation of the circuit to which it is connected. The conditions upon which such connection shall be made and the compensation to be paid therefor shall be fixed by the board of supervisors by ordinance upon the recommendation of the chief of the department.

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

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

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

Convention Facilities Management Department, which shall include the city and county's convention facilities, including but not limited to Brooks Hall, Civic Auditorium and Moscone Center, and shall consist of a general manager and such employees as may be necessary to carry out the functions and duties of said department. The chief administrative officer shall have charge of the department of convention facilities management.

The chief administrative officer shall appoint a general manager of the convention facilities management department who shall hold office at his pleasure. The general manager shall be the administrative head and appointing officer of the department of convention facilities management. Subject to the approval of the chief administrative officer, the general manager shall have power to alter, repair, manage, operate and maintain all of the city and county convention facilities, including but not limited to Brooks Hall, Civic Auditorium and Moscone Center. All contracts or orders for work to be performed on convention facilities shall be awarded and executed by the general manager with the approval of the chief administrative officer and shall be administered by the general manager.

It shall be the function and duty of the department of convention facilities management to manage, operate and maintain all of the city and county convention facilities, including, but not limited to, Brooks Hall, Civic Auditorium and Moscone Center.

If in the election of November 6, 1984 two or more propositions amending section 3.510 of this charter receive the number of votes necessary for their adoption, notwithstanding any other provisions of this charter, the city attorney shall incorporate their provisions into one section.

Section 3.671 is amended to read as follows:

**Sec. 3.671 Functions, Powers and Duties**

The retirement board shall be the sole authority and judge, under such general ordinances as may be adopted by the supervisors, as to the conditions under which members may receive, and may continue to receive,

benefits of any sort under the retirement system, and shall have exclusive control of the administration of the system and the investment of such fund or funds as may be established.

The retirement board shall discharge its duties with respect to the system with the care, skill, prudence, and diligence under the circumstances then prevailing that a prudent person acting in a like capacity and familiar with these matters would use in the conduct of an enterprise of a like character and with like aims.

Section 3.695 is added to read as follows:

#### PART TWENTY-ONE: HEALTH COMMISSION

##### Sec. 3.695 Composition of Department; Commission

The public health department shall consist of a health commission, a director of public health and such employees as shall be necessary and appointed pursuant to the provisions of this charter. The department shall be under the management of a health commission consisting of seven members who shall be appointed by the mayor. Said commission shall have less than a majority of direct providers of health care. Direct providers of health care shall mean all health professionals and others whose "primary current activity" is the provision of patient care or the administration of facilities or institutions which provide patient care. The term of each member of the commission shall be four years, commencing at twelve o'clock, noon, on the 15th day of January in the year 1985; provided, that the respective terms of office of those first appointed shall be as follows: two for four years, two for three years, two for two years, and one for one year. Vacancies occurring on said commission either during or at the expiration of the terms of each of said members shall be filled by the mayor. No commissioner may serve more than two consecutive terms or a total of eight years.

The compensation of each commissioner shall be one hundred dollars (\$100) per month. The commissioners shall annually elect one of their members president. They shall adopt such rules and regulations as may be necessary for the governance of the commission.

Section 3.696 is added to read as follows:

##### Sec. 3.696 Director of Public Health; Other Executives

The health commission shall appoint a director of public health who shall serve at the pleasure of the commission and shall not be subject to the civil service provisions of this charter. The commission shall also appoint a secretary, which appointment shall not be subject to the civil service provisions of this charter. The director of public health shall be a regularly licensed physician in the State of California, with not less than five years' experience in public health administration immediately preceding his or her appointment thereto; provided, however, that the physician requirement may be waived by the health commission. The director of public health shall be the chief executive of the commission and shall, subject to the approval of the commission, manage all operations under its jurisdiction. The director shall have power to appoint and remove a deputy director for operations, a deputy director for community health programs, an administrator for San Francisco General Hospital and an

administrator for Laguna Honda Hospital. The administrators of San Francisco General Hospital and of Laguna Honda Hospital shall have power to appoint and remove associate administrators to the extent such positions are created by ordinance of the board of supervisors.

These positions shall be exempt from the civil service provisions of this charter and shall be held by persons who possess the educational and administrative qualifications and experience necessary to manage the divisions and institutions of the department. However, any person who has civil service status in any of the above positions on the effective date of this amendment shall continue to have such status under the civil service provisions of this charter. All positions in the department legally authorized shall be continued and incumbents therein legally appointed thereto shall be continued as officers and employees of the department under the conditions governing their respective appointments except as otherwise provided in this charter.

Section 3.697 is added to read as follows:

**Sec. 3.697 Powers and Duties**

The health commission shall manage and control the city and county hospitals, emergency medical services, and all matters pertaining to the preservation, promotion, and protection of the lives, health and mental health of the inhabitants of the city and county, except where this charter specifically grants that power to another department. It may also determine the nature and character of public health nuisances and provide for their abatement.

The commission shall inspect the sanitary conditions of the municipal institutions of the city and county, including jails and all public buildings; of the disposition of the dead; of the disposition of garbage, offal and offensive substances.

The commission shall be a policy-making and supervisory body and shall have all the powers provided for in section 3.500 of this charter. The commission shall have the power to establish and make appointments to advisory committees as it shall deem necessary.

Section 8.107 is amended to read as follows:

**Sec. 8.107 Suspension and Removal**

Any elective officer, and any member of the civil service commission, health commission, or public utilities commission or school board may be suspended by the mayor and removed by the board of supervisors for official misconduct, and the mayor shall appoint a qualified person to discharge the duties of the office during the period of suspension. On such suspension, the mayor shall immediately notify the supervisors thereof in writing and the cause therefor, and shall present written charges against such suspended officer to the board of supervisors at or prior to its next regular meeting following such suspension, and shall immediately furnish copy of same to such officer, who shall have the right to appear with counsel before the board in his defense. Hearing by the supervisors shall be held not less than five days after the filing of written charges. If the charges are deemed to be sustained by not less than a three-fourths vote of all members of the board, the suspended officer shall be removed from office; if not so sustained, or if not acted on by the board of supervisors

within thirty (30) days after the filing of written charges, the suspended officer shall thereby be reinstated.

The mayor must immediately remove from office any elective official convicted of a crime involving moral turpitude, and failure of the mayor to act shall constitute official misconduct on his or her part.

Any appointee of the mayor, exclusive of civil service, health, recreation and park, and public utilities commissioners, and members of the school board, may be removed by the mayor. Any nominee or appointee of the mayor whose appointment is subject to confirmation by the board of supervisors, except the chief administrative officer and the controller, as in this charter otherwise provided, may be removed by a majority of such board and with the concurrence of the mayor. In each case, written notice shall be given or transmitted to such appointee of such removal, the date of effectiveness thereof, and the reasons therefor, a copy of which notice shall be printed at length in the journal of proceedings of the board of supervisors, together with such reply in writing as such official may make. Any appointee of the mayor or the board of supervisors guilty of official misconduct or convicted of crime involving moral turpitude must be removed by the mayor or the board of supervisors, as the case may be, and failure of the mayor or any supervisor to take such action shall constitute official misconduct on their part.

Section 8.340 is amended to read as follows:

**Sec. 8.340 Dismissal During Probation Period**

Any person appointed to a permanent position shall serve a probationary period. The civil service commission shall by rule establish a probationary period of not less than six months' service and up to a maximum of twelve months' service for each classification, provided that the probationary period for entrance positions in the uniform rank of the police department, fire department, sheriff's department and San Francisco International Airport police force shall be for twelve months except that, with respect to members of the uniformed ranks of the police department, the probationary period shall be completed after twelve months' service from the day following completion of the prescribed department field training officer program, but in no case to exceed eighty-four weeks from the date of appointment; provided further that probationary members of the uniformed ranks of the police department charged with breach of duty or misconduct shall be afforded the procedural rights set forth in Section 8.343 for such charges. Probationary periods of twelve months and up to a maximum of twenty-four months may be established for executive and management classifications. At any time during the probationary period the appointing officer may terminate the appointment upon giving written notice of such termination to the employee and to the civil service commission specifying the reasons for such termination. Except in the case of members of the uniformed ranks of the police and fire departments the civil service commission shall review the termination. The civil service commission shall by rule establish the procedures for such review. If the appointment resulted from an entrance examination the commission may declare such person dismissed or may return the name to the list of eligibles under such conditions for further appointment as the commission

may deem just. If the appointment resulted from a promotional examination the employee shall have the right of appeal and hearing before the civil service commission. The commission shall render a decision within thirty days after receipt of the notice of termination and (a) may declare such person dismissed; or (b) order such person reinstated to the position without prejudice, and the commission may in its discretion order that the employee be paid salary from time of the termination of the appointment; or (c) order the return of such person to a position in the classification from which that person was promoted and may reestablish the employee's eligibility to a list of eligibles for the same promotive classification under such conditions as the commission may deem just. The decision of the commission shall be final. Immediately prior to the expiration of the probationary period the appointing officer shall report to the civil service commission as to the competence of the probationer for the position, and if competent, shall recommend permanent appointment. Nothing in this section shall preclude the civil service commission from reviewing terminations for the purpose of future employability including terminations in the uniformed ranks of the police and fire departments.

Section 8.405 is amended to read as follows:

**Sec. 8.405 Salaries of Uniformed Forces in the Police and Fire Departments**

(a) Not later than the first day of August of each year, the civil service commission shall survey and certify to the board of supervisors rates of compensation paid police officers or patrol officers employed in the respective police departments in all cities of 350,000 population or over in the State of California, based upon the latest federal decennial census. For the purpose of the civil service commission's survey and certification the rates contained in said certification shall be the average of the maximum rates paid to each police officer or patrol officer classification performing the same or essentially the same duties as police officers or patrol officers in the City and County of San Francisco.

Thereupon the board of supervisors shall have the power, and it shall be its duty, by ordinance, to fix rates of compensation for the members of the police department whose annual compensations are set forth in section 3.531 of this charter and said rates shall be in lieu of said annual compensations and shall be effective from the first day of July of the current fiscal year.

The rates of compensation, fixed in said ordinance,

(1) for the fourth year of service and thereafter for police officers, police patrol drivers and women protective officers the compensation shall be fixed at a rate which is the average maximum wage paid to the police officer or patrol officer classifications in regular service in the cities included in the certified report of the civil service commission. "Average wage" as used in this paragraph shall mean the sum of the maximum averages certified by the civil service commission divided by the number of police officer classifications in cities in said certification;

(2) for the first, second and third year of service for police officers, police patrol drivers and women protective officers shall be established in accordance with the general percentage differential between seniority



steps found in the salary ranges included in the cities certified by the civil service commission for the same class;

(3) for said members of the police department other than police officers, police patrol drivers and women protective officers shall include the same percent of adjustment as that established by said ordinance for police officers in the fourth year of service; and

(4) shall be set at the dollar amount nearest the fractional amount which may result from percentage adjustment specified in this section, half dollars being taken to the next higher dollar amount.

The rates of compensation set forth in the budget estimates, the budget and the annual salary ordinance shall be those fixed by the board of supervisors as in this section provided and appropriations therefor shall be based thereon.

The expression "rates of compensation", as used in this section in relation to said survey, is hereby declared to apply only to a basic amount of wages, with included range scales, and does not include such working benefits as might be set up by any other city by way of holidays, vacations, other permitted absences of any type whatsoever, overtime, night or split shift, or pay for specialized services within a classification or rank, or other premium pay differentials of any type whatsoever. The foregoing enumeration is not exclusive, but it is the intent of this section that nothing other than a basic amount of wages, with included range scales, is to be included within the meaning of "rates of compensation".

Working benefits and premium pay differential of any type shall be allowed or paid to members of the police department referred to herein only as is otherwise provided in this charter.

For all purposes of the retirement system, the expression "rates of compensation" as used in this section, shall mean "salary attached to the rank" as used in section 166 of the charter of 1932, as amended, and with the addition of fifteen dollars (\$15.00) per month now provided in subsection (b) with respect to members assigned to two-wheel motorcycle duty, shall also mean "compensation earnable" as used in section 8.549.

The term "police officers or patrol officers" as used in this section shall mean the persons employed in the police departments of said cities of 350,000 population or over or of the City and County of San Francisco, to perform substantially the duties being performed on the effective date of this section by police officers, police patrol drivers and women protective officers in the San Francisco Police Department.

In determining years of service necessary for a police officer, woman protective officer and police patrol driver to receive the annual compensation as provided for herein, service rendered prior to the effective date of this amendment shall be given full credit and allowed.

The absence of any police officer, woman protective officer or police patrol driver on military leave, as defined by section 8.361 of this charter, shall be reckoned a part of his service under the city and county, for the purpose of computing years of service in gaining added compensation as provided for herein.

On the recommendation of the chief of police, the commission may reward any member of the department for heroic or meritorious conduct.

The form or amount of said reward is to be discretionary with the commission, but not to exceed one month's salary in any one instance.

If any member of the department appointed as an assistant inspector is a sergeant at the time of the appointment or is appointed a sergeant thereafter, such member shall receive the rate of compensation attached to the rank of sergeant.

(b) Not later than the first day of August of each year the civil service commission shall survey, and certify to the board of supervisors, additional rates of pay paid to members assigned to all two-wheel motorcycle duty in the respective police departments of all cities of 350,000 population or over in the State of California, based upon the latest decennial census. For the purpose of the civil service commission's survey and certification the additional rates for two-wheel motorcycle duty shall include the average additional amount paid to members assigned to two-wheel motorcycle duty in the cities surveyed.

Thereupon the board of supervisors shall have the power, and it shall be its duty, by ordinance, to fix the additional rate of pay for the members of the police department who are assigned two-wheel motorcycle duty. The additional rate of pay will be determined by the average additional wage paid to members in regular service in the cities included in the certified report of the civil service commission who are assigned to two-wheel motorcycle duty. "Average wage" as used in this paragraph shall mean the sum of the additional rates of pay certified by the civil service commission divided by the number of cities in said certification. Said additional rates shall be in lieu of said annual compensations and shall be effective from the first day of July of the current fiscal year.

Said rate of pay shall be in addition to the rate of compensation provided for in subsection (a).

In no event shall the additional rate so fixed be less than fifteen dollars (\$15.00) per month.

(c) Not later than the first day of August of each year, the civil service commission shall survey and certify to the board of supervisors rates of compensation paid firefighters employed in the respective fire departments of all cities of 350,000 population or over in the State of California, based upon the latest federal decennial census. For the purpose of the civil service commission's survey and certification the rates contained in said certification shall be the average of the maximum rates paid to each firefighter classification performing the same or essentially the same duties as firefighters in the City and County of San Francisco.

Thereupon, the board of supervisors shall have the power, and it shall be its duty, by ordinance, to fix rates of compensation for the members of the fire department whose annual compensations are set forth or otherwise provided in section 3.542 of this charter, and said rates shall be in lieu of said annual compensations and shall be effective from the first day of July of the current fiscal year.

The rates of compensation, fixed in said ordinance,

(1) for the fourth year of service and thereafter the rate of compensation shall be fixed at a rate which is the average of the maximum compensation paid firefighter classifications in regular service in the cities

included in the certified report of the civil service commission. "Average wage" as used in this paragraph shall mean the sum of the maximum averages certified by the civil service commission divided by the number of firefighter classifications in cities in said certification;

(2) for the first, second and third year of service for firefighters shall be established in accordance with the general percentage differential between seniority steps found in the salary ranges included in the cities certified by the civil service commission for the same class;

(3) for said members of the fire department other than firefighters shall include the same percent of adjustment as that established by said ordinance for firefighters in the fourth year of service; and

(4) shall be set at the dollar amount nearest the fractional amount which may result from percentage adjustment specified in this section, half dollars being taken to the next higher dollar amount.

The expression "rates of compensation" as used in this section, in relation to said survey, is hereby declared to apply only to a basic amount of wages, with included range scales, and does not include such working benefits as might be set up by any other city by way of holidays, vacations, other permitted absences for any type whatsoever, overtime, night or split shift, or pay for specialized services within a classification or rank, or other premium pay differentials of any type whatsoever. The foregoing enumeration is not exclusive, but it is the intent of this section that nothing other than a basic amount of wages, with included range scales, is to be included within the meaning of "rates of compensation".

Working benefits and premium pay differentials of any type shall be allowed or paid to members of the fire department referred to herein only as is otherwise provided in this charter.

For all purposes of the retirement system, the expression "rates of compensation", as used in subsections (c) and (d) of this section shall mean "salary attached to the rank" as used in section 169 of the charter of 1932, as amended and "compensation earnable" as used in section 8.549.

The term "firefighters" as used in this section shall mean the persons employed, in the fire departments of said cities of 350,000 population or over or of the City and County of San Francisco, to perform substantially the duties being performed on the effective rate of this section by drivers, stokers, tillermen, truckmen, or hosemen, in the San Francisco Fire Department.

The expression "members of the fire department" does not include members of the fire commission.

The absence of any officer or member of the fire department on military leave of absence, as defined by section 8.361 of this charter shall be reckoned a part of such member's service under the city and county, for the purpose of computing years of service in gaining added compensation as provided in this charter.

On the recommendation of the chief of department, the commission may reward any officer or member of the department for heroic or meritorious conduct, the form or amount of said award to be discretionary with the fire commission, but not to exceed one month's salary in any one instance.

The rates of compensation for the ranks of captain, bureau of fire prevention and public safety, and lieutenant, bureau of fire investigation, shall be thirteen percent (13%) above the compensation established for the ranks of captain and lieutenant as provided for in this section. The rates of compensation for the ranks of inspector, bureau of fire prevention and public safety, and investigator, bureau of fire investigation, shall be ten percent (10%) above the compensation established for the rank of chief's operator as provided for in this section. The rate of compensation shall be set at the dollar amount nearest the fractional amount which may result from percentage adjustment specified in this subsection, half dollars being taken to the next higher dollar amount.

(d) The rates of compensation fixed pursuant to the provisions of subsection (a) (1), (2) and (3) and the rates of compensation fixed pursuant to the provisions of subsection (c) (1), (2) and (3) shall be the same. Such rates shall not exceed the highest average rate of compensation fixed pursuant to subsections (a) (1), (2) and (3) and (c) (1), (2) and (3) above, whether it be paid to police officers, patrol officers or firefighters; provided, further, that the minimum rate of compensation attached to the rank of sergeant in the police department shall be equal to the rate of compensation attached to the rank of lieutenant in the fire department.

(e) Not later than the 25th day of August the board of supervisors shall have the power and it shall be its duty, subject to the fiscal provisions of the charter but, without reference or amendment to the annual budget, to amend the annual appropriation ordinance and the annual salary ordinance as necessary to include the provisions of paying the rates of compensation fixed by the board of supervisors as in this section provided for uniformed members of the police and fire departments for the then current fiscal year.

(f) Not later than the first day of August of each year, the civil service commission shall determine and certify to the board of supervisors the percentage of increase or decrease in the cost of living during the 12-month period ending March 31st of that same year as shown by the Consumer Price Index, All Items San Francisco, and the percentage of increase or decrease in the cost of living during the same period as shown by the Consumer Price Index, All Items, in the cities included in the certified report of said commission. The Consumer Price Index referred to herein is defined as that certain index issued by the U.S. Bureau of Labor Statistics and published in the Monthly Labor Review or a successor publication. In the event the U.S. Bureau of Labor Statistics discontinues the compilation and publication of said indexes, the board of supervisors shall have the power, and it shall be its duty, to appoint a statistical fact finding committee to determine the same data pursuant to the methods theretofore used by the U. S. Bureau of Labor Statistics. The cost of living adjustments as hereinafter provided shall be based upon the percentage of such increases or decreases. The board of supervisors may, in addition to the rates of compensation as established herein, and at the same time said rates of compensation are established, increase said rates of compensation by an amount equal to the difference between the average cost of living increase of the cities included in the certified report of the civil

service commission and the actual cost of living increase for San Francisco. In the event the board of supervisors elects not to grant such cost of living increase in any year in which any such increase might be granted, the board of supervisors shall, upon a written request filed with the clerk of the board of supervisors not later than the 10th day of September of said year by representatives of the uniformed members of the police and fire departments, as designated by the police and fire commissions, respectively, submit the question of said cost of living increase to the qualified electors of the city and county at the next succeeding citywide election. In the event said cost of living increase is approved by a majority of the qualified electors voting thereon, said cost of living increase shall be effective as of the first day of the then current fiscal year.

(g) Notwithstanding any of the provisions contained in this section, no uniformed member of the police or fire department employed before July 1, 1976, whose compensation is fixed pursuant to the formula contained herein, shall suffer a salary reduction by the application of any new compensation schedules, and the rates for fiscal year 1975-76 shall continue until such time as the new schedules equal or exceed the current salary increment schedules, provided, however, that such time shall not be extended beyond June 30, 1982, and provided further that this prohibition against reduction of compensation for the designated employees shall not be deemed to supersede the provisions of section 8.406 of this charter.

(h) Notwithstanding any of the provisions contained in this section, no uniformed member of the police or fire department, whose compensation is fixed pursuant to the formula contained herein, shall suffer a salary reduction by the application of the compensation schedules provided for herein. Provided, however, that this prohibition against reduction of compensation for the designated employee shall not be deemed to supersede the provisions of section 8.406 of this charter.

Section 8.428 is amended to read as follows:

**Sec. 8.428 Health Service System Fund**

There is hereby created a health service system fund. The costs of the health service system shall be borne by the members of the system and retired persons, the City and County of San Francisco because of its members and retired persons and because of members and retired persons of the parking authority of the City and County of San Francisco, the San Francisco Unified School District because of its members and retired persons and the San Francisco Community College District because of its members and retired persons. A retired person as used in this section means a former member of the health service system retired under the San Francisco City and County Employees' Retirement System, and the surviving spouse of an active employee and the surviving spouse of a retired employee, provided that the surviving spouse and the active or retired employee have been married for a period of at least one year prior to the death of the active or retired employee.

The city and county, the school district and the community college district shall each contribute to the health service fund amounts sufficient for the following purposes, and subject to the following limitations:

(a) All funds necessary to efficiently administer the health service system.

(b) For the fiscal year commencing July 1, 1973, the city and county, the school district and the community college district shall contribute to the health service system fund with respect to each of their members an amount equal to one-half of "the average contribution," as certified by the health service board in accordance with the provisions of section 8.423. For the fiscal year commencing July 1, 1974, and each fiscal year thereafter, the city and county, the school district and the community college district shall contribute to the health service system fund with respect to each of their members an amount equal to "the average contribution," as certified by the health service board in accordance with the provisions of section 8.423.

(c) Monthly contributions required from retired persons and the surviving spouses of active employees and retired persons participating in the system shall be equal to the monthly contributions required from members in the system, except that the total contributions required from retired persons who are also covered under medicare shall be reduced by an amount equal to the amount contributed monthly by such persons to medicare; provided, however, that for the fiscal year commencing July 1, 1973, and for each fiscal year thereafter, the city and county, the school district and the community college district shall contribute funds sufficient to defray the difference in cost to the system in providing the same health coverage to retired persons and the surviving spouses of active employees and retired persons as is provided for active employee members.

(d) The city and county, the San Francisco Unified School District and the San Francisco Community College District shall not contribute to the health service system fund any sums, except as hereinbefore set forth, on account of participation in the benefits of the system by members' dependents except surviving spouses, retired persons' dependents except surviving spouses, persons who retired and elected not to receive benefits from San Francisco City and County Employees' Retirement System and resigned employees and teachers defined in section 8.425, and any employee whose compensation is fixed in accordance with sections 8.401, 8.403, or 8.404 of this charter and whose compensation therein includes an additional amount for health and welfare benefits or whose health service costs are reimbursed through any fund established for said purpose by ordinance of the board of supervisors.

It shall be the duty of the board of supervisors, the board of education and the governing board of the community college district annually to appropriate to the health service system fund such amounts as are necessary to cover the respective obligations of the city and county, the San Francisco Unified School District and the San Francisco Community College District hereby imposed. Contributions to the health service system fund of the city and county, of the school district and of the community college district shall be charged against the general fund or the school, utility, bond or other special fund concerned.

The amendments of this section contained in the proposition therefor submitted to the electorate on November 6, 1984 shall be effective July 1, 1985.

Section 8.509 is amended as follows:

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

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

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

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

“Compensation,” as distinguished from benefits under the workers’ compensation laws of the State of California shall mean all remuneration whether in cash or by other allowances made by the city and county, for service qualifying for credit under this section.

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

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

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

For the purposes of the retirement system and of this section, the terms “miscellaneous officer or employee,” or “member,” as used in this section shall mean any officer or employee who is not a member of the fire or

police departments as defined in the charter for the purpose of the retirement system, under section 8.507 of the charter.

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

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

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

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

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

(b) Any member who completes at least twenty years of service in the aggregate credited in the retirement system and attains the age of fifty years, or at least ten years of service in the aggregate credited in the retirement system, and attains the age of sixty years, said service to be computed under subsection (g) hereof, may retire for service at his option. Members shall be retired on the first day of the month next following the attainment by them of the age of sixty-five years. A member retired after reaching the age of sixty years shall receive a service retirement allowance at the rate of 2 per cent of said average final compensation for each year of service; provided, however, that upon the compulsory retirement of a member upon his attainment of the age of sixty-five years, if the allowance available to such member pursuant to the provisions of subsection (f) of this section shall be greater in amount than the service retirement allowance otherwise payable to such member under this subsection (b), then such member shall receive as his service retirement allowance, in lieu of the allowance otherwise payable under this subsection (b), an allowance computed in accordance with the formula provided in said subsection (f). The service retirement allowance of any member retiring prior to attaining the age of sixty years, after rendering twenty years or more of such service and having attained the age of fifty years, computed under subsection (g), shall be an allowance equal to the percentage of said average final compensation set forth opposite his age at retirement, taken to the preceding completed quarter year, for each year of service, computed under subsection (g):

Age at Retirement	Percent for Each Year of Credited Service
50	1.0000
50 $\frac{1}{4}$	1.0250
50 $\frac{1}{2}$	1.0500
50 $\frac{3}{4}$	1.0750
51	1.1000
51 $\frac{1}{4}$	1.1250
51 $\frac{1}{2}$	1.1500
51 $\frac{3}{4}$	1.1750



52	1.2000
52 $\frac{1}{4}$	1.2250
52 $\frac{1}{2}$	1.2500
52 $\frac{3}{4}$	1.2750
53	1.3000
53 $\frac{1}{4}$	1.3250
53 $\frac{1}{2}$	1.3500
53 $\frac{3}{4}$	1.3750
54	1.4000
54 $\frac{1}{4}$	1.4250
54 $\frac{1}{2}$	1.4500
54 $\frac{3}{4}$	1.4750
55	1.5000
55 $\frac{1}{4}$	1.5250
55 $\frac{1}{2}$	1.5500
55 $\frac{3}{4}$	1.5750
56	1.6000
56 $\frac{1}{4}$	1.6250
56 $\frac{1}{2}$	1.6500
56 $\frac{3}{4}$	1.6750
57	1.7000
57 $\frac{1}{4}$	1.7250
57 $\frac{1}{2}$	1.7500
57 $\frac{3}{4}$	1.7750
58	1.8000
58 $\frac{1}{4}$	1.8250
58 $\frac{1}{2}$	1.8500
58 $\frac{3}{4}$	1.8750
59	1.9000
59 $\frac{1}{4}$	1.9250
59 $\frac{1}{2}$	1.9500
59 $\frac{3}{4}$	1.9750
60	2.0000

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

Before the first payment of a retirement allowance is made, a member retired under this subsection or subsection (c) of this section, may elect to receive the actuarial equivalent of his allowance, partly in an allowance to be received by him throughout his life, and partly in other benefits payable after his death to another person or persons, provided that such election shall be subject to all the conditions prescribed by the board of supervisors to govern similar elections by other members of the retirement system, including the character and amount, of such other benefits; provided, however, that at any time within thirty days after the date on which his compulsory retirement would otherwise have become effective, a member who has attained the age of sixty-five years may elect, without right to revocation, to withdraw his accumulated contributions, said election to be exercised in writing on a form furnished by the retirement

system and filed at the office of said system and a member so electing shall be considered as having terminated his membership in said system on the date immediately preceding the date on which his compulsory retirement would otherwise have become effective and he shall be paid forthwith his accumulated contributions, with interest credited thereon. Notwithstanding the provisions of section 8.514 of the charter, the portion of service retirement allowance provided by the city and county's contributions shall be not less than one hundred (\$100) dollars per month upon retirement after thirty years of service and after attaining the age of sixty years, and provided further that as to any member within fifteen years or more of service at the compulsory retirement age of sixty-five, the portion of the service retirement allowance provided by the city and county's contribution shall be such that the total retirement allowance shall not be less than one hundred (\$100) dollars per month. In the calculations under this subsection of the retirement allowance of a member having credit for service in a position in the evening schools and service in any other position, separate retirement allowances shall be calculated, in the manner prescribed for each class of service, the average final compensation in each case being that for the respective class of service; provided that the aggregate retirement allowance shall be taken into account in applying the provisions of this subsection providing for a minimum retirement allowance. Part time service and compensation shall be reduced to full time service and compensation in the manner prescribed by the board of supervisors, and when so reduced shall be applied on full time service and compensation in the calculation of retirement allowances.

(c) Any member who becomes incapacitated for performance of duty because of disability determined by the retirement board to be of extended and uncertain duration, and who shall have completed at least ten years of service credited in the retirement system in the aggregate, computed as provided in subsection (g) hereof, shall be retired upon an allowance of one and eight-tenths percent of the average final compensation of said member, as defined in subsection (a) hereof for each year of credited service, if such retirement allowance exceeds forty percent of his average final compensation; otherwise one and eight-tenths percent of his average final compensation multiplied by the number of years of city-service which would be credited to him were such city-service to continue until attainment by him of age sixty, but such retirement allowance shall not exceed forty percent of such average final compensation. In the calculation under this subsection of the retirement allowance of a member having credit for service in a position in the evening schools and service in any other position, separate retirement allowances shall be calculated, in the manner prescribed for each class of service, the average final compensation in each case being that for the respective class of service; provided that the average final compensation upon which the minimum total retirement allowance is calculated in such case shall be based on the compensation earnable by the member in the classes of service rendered by him during the one (1) year immediately preceding his retirement. Part time service and compensation shall be reduced to full time service and compensation in the manner prescribed by the board of supervisors, and when

so reduced shall be applied as full time service and compensation in the calculation of retirement allowances. The question of retiring a member under this subsection may be brought before the retirement board on said board's own motion, by recommendation of any commission or board, or by said member or his guardian. If his disability shall cease, his retirement allowance shall cease, and he shall be restored to service in the position or classification he occupied at the time of his retirement.

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

(e) If a member shall die, before retirement:

(1) If no benefit is payable under subdivision (2) of this subsection (e):

(A) Regardless of cause, a death benefit shall be paid to the member's estate or designated beneficiary consisting of the compensation earnable by the member during the six months immediately preceding death, plus the member's contributions and interest credited thereon.

(B) If a member sustains a traumatic bodily injury through external and violent means in the course and scope of employment and death results within 180 days of such injury, an additional insurance benefit of twelve months of compensation earnable shall be paid to the member's estate or designated beneficiary.

(2) If, at the date of his death, he was qualified for service retirement by reason of service and age under the provisions of subsection (b) of this section, and he has designated as beneficiary his surviving spouse, who was married to him for at least one full year immediately prior to the date of his death, one-half of the retirement allowance to which the member would have been entitled if he had retired for service on the date of his death shall be paid to such surviving spouse who was his designated beneficiary at the date of his death, until such spouse's death or remarriage, or if there be no surviving spouse, to the unmarried child or children of such member under the age of eighteen years, collectively, until every such child dies, marries or attains the age of eighteen years, provided that no child shall receive any allowance after marrying or attaining the age of eighteen years. If, at the death of such surviving spouse, who was receiving an allowance under this subdivision (2), there be one or more unmarried children of such member under the age of eighteen years, such allowance shall continue to such child or children, collectively, until every such child dies, marries or attains the age of eighteen years, provided that no child shall receive any allowance after marrying or attaining the age of eighteen years. If the total of the payments of allowance made pursuant to this subdivision (2) is less than the benefit which was otherwise payable under subdivision (1) of this subsection, the amount of said benefit payable under subdivision (1) less than an amount equal to the total of the payments of allowance made pursuant to this subdivision (2) shall be paid in a lump sum as follows:

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

(B) Otherwise, to the surviving children of the member, share and share alike, or if there are no such children, to the estate of the person last

entitled to said allowance.

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

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

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

(f) Should any miscellaneous member cease to be employed as such a member, through any cause other than death or retirement, all of his contributions, with interest credited thereon, shall be refunded to him subject to the conditions prescribed by the board of supervisors to cover similar terminations of employment and reemployment with and without redeposit of withdrawn accumulated contributions of other members of the retirement system; provided that if such member is entitled to be credited with at least ten years of service or if his accumulated contributions exceed one thousand dollars (\$1,000), he shall have the right to elect, without right of revocation and within ninety days after said termination of service, or if the termination was by lay-off, ninety days after the retirement board determines the termination to be permanent, whether to allow his accumulated contributions to remain in the retirement fund and to receive benefits only as provided in this paragraph. Failure to make such election shall be deemed an irrevocable election to withdraw his accumulated contributions. A person who elects to allow his accumulated contributions to remain in the retirement fund shall be subject to the same age requirements as apply to other members under this section for service retirement but he shall not be subject to a minimum service requirement. Upon the qualification of such member for retirement by reason of age, he shall be entitled to receive a retirement allowance which shall be the actuarial equivalent of his accumulated contributions and an equal amount of the contributions of the city and county, plus one and two-thirds ( $1\frac{2}{3}$ ) percent of his average final compensation for each year of service credited to him as rendered prior to his first membership in the retire-

ment system. Upon the death of such member prior to retirement, his contributions with interest credited thereon shall be paid to his estate or designated beneficiary.

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

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

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

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

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

(5) The board of supervisors, by ordinance enacted by a three-fourths vote of its members, may provide for the crediting as service under the retirement system of service, other than military service, rendered as an employee of the federal government and services rendered as an employee of the State of California or any public entity or public agency in the State of California. Said ordinance shall provide that all contributions required as the result of the crediting of such service shall be made by the member and that no contributions therefore shall be required of the city and county .

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

(1) There shall be deducted from each payment of compensation made to a member under section 8.509 a sum equal to seven and one-half (7½) percent of such payment of compensation. The sum so deducted shall be paid forthwith to the retirement system. Said contribution shall be credited to the individual account of the member from whose salary it was deducted, and the total of said contributions, together with interest credited thereon in the same manner as is prescribed by the board of supervisors for crediting interest to contributions of other members of the retirement system, shall be applied to provide part of the retirement allowance granted to, or allowance granted on account of said member under section

8.509, or shall be paid to said member or his estate or beneficiary as provided in sections 8.509(e) and 8.509(f).

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

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

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

Notwithstanding the provisions of this subdivision (4), any additional liabilities created by the amendments of this section 8.509 contained in the proposition therefor submitted to the electorate on November 6, 1973, shall be amortized over a period of thirty years.

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

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

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

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

(l) Notwithstanding the provisions of subsections (b), (c), (f) and (i) of this section, any member convicted of a crime involving moral turpitude, committed in connection with his duties as an officer or employee of the City and County of San Francisco, shall, upon his removal from office or employment pursuant to the provisions of this charter, forfeit all rights to any benefits under the retirement system except refund of his accumulated contributions; provided, however, that if such member is qualified for service retirement by reason of service and age under the provisions of subsection (b) of this section, he shall have the right to elect, without right of revocation and within ninety days after his removal from office of employment, whether to withdraw all of his accumulated contributions or to receive as his sole benefit under the retirement system an annuity which shall be the actuarial equivalent of this accumulated contributions at the time of such removal from office or employment.

(m) The amendments of this section contained in the proposition submitted to the electorate on November 6, 1984 are hereby declared to be prospective and shall not give any person a claim against the city and county relating to a death prior to ratification of this amendment by the State Legislature.

Section 8.584-5 is amended to read as follows:

Sec. 8.584-5 Death Benefit

If a member shall die, before retirement:

(a) If no benefit is payable under subsection (b) of this section:

(1) Regardless of cause, a death benefit shall be paid to the member's estate or designated beneficiary consisting of the compensation earnable by the member during the six months immediately preceding death, plus the member's contributions and interest credited thereon.

(2) If a member sustains a traumatic bodily injury through external and violent means in the course and scope of employment and death results within 180 days of such injury, an additional insurance benefit of twelve months of compensation earnable shall be paid to the member's estate or designated beneficiary.

(b) If, at the date of his death, he was qualified for service retirement by reason of service and age under the provisions of section 8.584-2, and he has designated as beneficiary his surviving spouse, who was married to him for at least one full year immediately prior to the date of his death, one-half of the retirement allowance to which the member would have been entitled if he had retired for service on the date of his death, shall be paid to such surviving spouse who was his designated beneficiary at the date of his death, until such spouse's death or remarriage, or if there be no surviving spouse, to the unmarried child or children of such member under the age of eighteen years, collectively, until every such child dies, marries or attains the age of eighteen years, provided that no child shall receive any allowance after marrying or attaining the age of eighteen years. If, at the death of such surviving spouse, who was receiving an allowance under this subsection (b), there be one or more unmarried children of such member under the age of eighteen years, such allowance shall continue to such child or children, collectively, until every such child dies, marries or attains the age of eighteen years, provided that no child shall receive any allowance after marrying or attaining the age of eighteen years. If the total of the payments of allowance made pursuant to this subsection (b) is less than the benefit which was otherwise payable under subsection (a) of this section, the amount of said benefit payable under subsection (a) less an amount equal to the total of the payments of allowance made pursuant to this subsection (b) shall be paid in a lump sum as follows:

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

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

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



it appears to be in their interest and advantage, and the election so made shall be binding and conclusive upon all parties in interest.

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

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

Upon the death of a member after retirement, an allowance, in addition to the death benefit provided in the immediately preceding paragraph, shall be paid to his surviving spouse, until such surviving spouse's death or remarriage, equal to one-half of his retirement allowance as it was prior to optional modification and prior to reduction as provided in subsection (a) of section 8.514 of this charter, but exclusive of the part of such allowance which was provided by additional contributions. No allowance, however, shall be paid under this paragraph to a surviving spouse unless such surviving spouse was married to said member at least one year prior to his retirement. If such retired person leaves no such surviving spouse, or if such surviving spouse should die or remarry before every child of such deceased retired person attains the age of eighteen years, the allowance which such surviving spouse would have received had he or she lived and not remarried shall be paid to retired person's child or children under said age, collectively, to continue until every such child dies or attains said age, provided that no child shall receive any allowance after marrying or attaining the age of eighteen years.

The amendments of this section contained in the proposition submitted to the electorate on November 6, 1984 are hereby declared to be prospective and shall not give any person a claim against the city and county relating to a death prior to ratification of this amendment by the State Legislature.

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

Date of General Municipal Election: November 6, 1984.

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Charter Chapter 32—City of San Jose

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

[Filed with the Secretary of State December 12, 1984 ]

Section 609 is amended to read as follows:

**SECTION 609. VIOLATION AND PENALTY**

The Council may make the violation of its ordinances a misdemeanor for which a violator may be prosecuted in the name of the People of the State of California and may prescribe punishment for each violation by a fine in an amount not to exceed that set by State law or by imprisonment not to exceed six (6) months, or by fine and imprisonment. Such violations may also be redressed by civil actions.

Certified to be a true copy by Margret Sekaquaptewa, Deputy City Clerk.

Date of General Municipal Election: November 6, 1984.

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Charter Chapter 33—City of Redondo Beach

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

[Filed with the Secretary of State December 13, 1984.]

Section 7 and 7.1, Article VII, are amended to read as follows:

Sec. 7. City Council Districts.

The City shall be divided into five (5) districts, within its corporate limits, for all elections of Councilmen. Council districts shall be as nearly equal in population as practicable and in compliance with State and Federal law. Council districts in existence upon the effective date of the Charter Amendment shall continue to exist until altered as provided in Section 7.1.

Sec. 7.1. Redistricting.

The City Council shall, within nine (9) months after receipt of the decennial United States census data, examine the boundaries of each council district for compliance with the population standard set forth in Section 7, and by ordinance shall modify the boundaries of districts, if necessary, to bring all district boundaries into compliance with said standard.

Section 9.18 is added to Article XVIII to read as follows:

Sec. 9.18. Ordinances, violation, penalty.

A violation of any ordinance of the City shall constitute a misdemeanor, unless it is made an infraction. The maximum fine or penalty for the violation of any ordinance which is a misdemeanor shall be the sum of One Thousand Dollars (\$1,000) or a term of imprisonment for a period not exceeding six (6) months, or by both fine and imprisonment. The maximum fine or penalty for the violation of any ordinance which is an infraction shall be as provided for in Government Code § 36900 or any amendments thereto. A violation of any ordinance may be prosecuted in the name of the People of the State of California or may be redressed by civil action.

Section 18.4, Article XVIII, is amended to read as follows:

Sec. 18.4. Majority vote: Runoff elections.

A majority (more than half) of the votes cast for all candidates for each City elective office is required for the election of a candidate for such office. In the event no candidate for elective office receives a majority of the votes cast for all candidates for such office, the two candidates receiving the highest numbers of votes cast for any such office shall thereby qualify as candidates for such office at a runoff election to be held not later than 70 days after such election; notwithstanding the foregoing, members of the Board of Education shall continue to be elected by a plurality of votes cast.

Certified to be a true copy by Linda Gregory, Deputy City Clerk.  
Date of Special Municipal Election: November 6, 1984.

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Charter Chapter 34—City of Los Angeles

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

[Filed with the Secretary of State December 14, 1984.]

Section 60 is amended to read as follows:

Sec. 60. (a) The Treasurer, as that officer deems advisable, may deposit the money under his or her supervision and control, in such institutions and upon such terms as the laws of the State of California may permit, and the evidence of such deposits shall be counted and considered the same as cash in the City Treasury.

(b) Notwithstanding other provisions of this Charter, the Board of Harbor Commissioners, the Board of Recreation and Park Commissioners, the Board of Library Commissioners, the Board of Airport Commissioners, and the Board of Water and Power Commissioners may grant to the Treasurer the authority to combine money in funds under their respective controls with other City money for the purpose of investment, at the Treasurer's discretion, in the manner that he or she is authorized to invest money in other City funds. Interest earned from the investment of such department money shall be paid by the Treasurer to the department fund from which the money was derived in proportion to the share of the total investment supplied by such fund. The computation of the proportionate shares shall be by a method proposed by the Treasurer subject to the approval of each of the above boards.

Section 190.09 of Article XVIII, is amended to read as follows:

Sec. 190.09. Budget.

The Board annually shall prepare and transmit to the Mayor, the Council and the Controller a budget setting forth the estimated cost of maintaining the New System Service Pension Fund and the New System General Pension Fund, which said budget shall include therein separate items as follows:

(1) A sum equal to that percentage of the salaries of all System Members shown in the last rendered actuarial valuation to be required to cover the entry age cost to be paid by the City on account of new System

Member entrants into the New System, said entry age cost being defined as the level percentage of salary of new System Member entrants which must be paid into the New System General Pension Fund from their respective dates of entry in order to provide the benefits pursuant to this Article, less the deductions to be made from the salaries of such new entrants, while they are System Members, as provided by Section 190.10; provided, however, that the Board shall include in its budget for the fiscal year 1967-1968 a sum equal to 7.55% of the estimated total payrolls, for said year, of the Fire Department and of the Police Department for all members of said departments.

(2) A sum equal to that percentage of the aggregate salaries of all members of the Fire Department and of the Police Department who are included under the provisions of Article XVII, XVIII or XXXV of this Charter, as shown in the last rendered actuarial valuation required to amortize the unfunded liabilities of the New System, which sum will remain level as a percentage of salary, but which will increase in dollar amount in accordance with the aggregate salary increase assumption. Unfunded liabilities are defined as the present value of all of the assumed obligations of the system less (a) the present value of the future contributions to be made by the City pursuant to the preceding subsection, (b) the present value of the deductions to be made from the salaries of the System Members and (c) the assets of the New System Service Pension Fund and of the New System General Pension Fund. The amortization period shall be 70 years beginning with the fiscal year 1967-68, provided, however, that the Board shall assume that the unfunded liabilities of the New System shall be \$258,000,000.00 as of July 1, 1967, and shall include in its budget for the fiscal year 1967-1968 a sum equal to 12.65% of the estimated total payrolls, for said year, of the Fire Department and of the Police Department for all members of said departments.

(3) A sum sufficient to cover the cost, as determined by an actuarial estimate, of benefits granted by the City Council, under the authority of Section 190.50 of this Article.

(4) Administrative expenses of the New System and of the Fire and Police Pension System provided by Article XVII of this Charter.

For the purpose of providing funds to meet the budget of said New System and of its New System Service Pension Fund and of its New System General Pension Fund the Council or the Controller annually shall levy, in addition to all other taxes levied by the City, a tax clearly sufficient to provide the total amount of all items in said budget.

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

Date of Special Municipal Election: November 6, 1984.

## Charter Chapter 35—City of Bakersfield

*Amendments to the Charter of the City of Bakersfield*

[Filed with the Secretary of State December 13, 1984 ]

Section (183) is amended to read as follows:

Section (183)

Appointment and Removal of Civil Service  
Commissioners—Fire Department

The Civil Service Board shall consist of three (3) members, appointed by the City Council, who shall be residents of the City throughout their terms, but who otherwise shall have no connection with City government. Members shall be appointed for terms of three (3) years. Vacancies shall be filled by appointment for the unexpired term. Within sixty (60) days after ratification of this amendment, the City Council shall reappoint the incumbent members for terms of three (3), two (2), and one (1) years, the three (3) year term to be that of the incumbent with the longest remaining term, the one (1) year term to be that of the incumbent with the shortest remaining term. Members may be removed from office in the same manner as are elective officers of the City and not otherwise.

Section (209) is amended to read as follows:

Section (209)

Appointment and Removal of Civil Service  
Commissioners—Miscellaneous Departments

The Civil Service Board shall consist of five (5) members, appointed by the City Council, who shall be residents of the City throughout their terms, but who otherwise shall have no connection with City government. Members shall be appointed for terms of three (3) years. Vacancies shall be filled by appointment for the unexpired term. Within sixty (60) days after ratification of this amendment, the City Council shall reappoint two incumbent members for terms of three (3) years, two incumbent members for terms of two (2) years, and one (1) incumbent member for a term of one (1) year, the three (3) year term to be that of the incumbents with the longest remaining term, the one (1) year term to be that of the incumbent with the shortest remaining term. Members may be removed from office in the same manner as are elective officers of the City and not otherwise.

Section (221) is amended to read as follows:

Section (221)

Appointment and Removal of Civil Service  
Commissioners—Police Department

The Civil Service Board shall consist of three (3) members, appointed by the City Council, who shall be residents of the City throughout their terms, but who otherwise shall have no connection with City government. Members shall be appointed for terms of three (3) years. Vacancies shall be filled by appointment for the unexpired term. Within sixty (60) days after ratification of this amendment, the City Council shall reappoint the

incumbent members for terms of three (3), two (2), and one (1) years, the three (3) year term to be that of the incumbent with the longest remaining term, the one (1) year term to be that of the incumbent with the shortest remaining term. Members may be removed from office in the same manner as are elective officers of the City and not otherwise.

Certified to be a true copy by Mary K. Shell, Mayor, and Marguerite Anderson, City Clerk.

Date of Special Municipal Election: November 6, 1984.

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Charter Chapter 36—City of Burbank

***Amendment to the Charter of the City of Burbank***

[Filed with the Secretary of State December 17, 1984.]

Section 27 is amended to read as follows:

**SECTION 27. ELECTIONS**

Municipal elections held in the City of Burbank shall be classified as of three kinds, to wit:

- (1) Primary nominating elections.
- (2) General municipal elections.
- (3) Special elections.

Primary nominating elections shall be held on the last Tuesday in February in every odd-numbered year, and general municipal elections shall be held on the second Tuesday in April in every odd-numbered year, except that if either of said days is a legal holiday such election shall be held on the following day. The officers elected at a primary or general municipal elections shall, after they have qualified, enter upon the discharge of the duties of the offices to which they have been elected, on the first day of May next succeeding their election and shall hold office for the period of four (4) years thereafter or until their successors are elected and qualified.

Candidates to be voted for at any general municipal election shall be nominated at a primary nominating election. No person shall be eligible to be nominated for an elective office of the City unless such person has resided in the City for at least twenty-nine days prior to filing nomination papers or a declaration of candidacy, and such person is a qualified elector of the City at the time of nomination or election to office, whichever is sooner; and no names shall be printed upon the ballot for such general election other than those selected in the manner hereinafter prescribed.

Whenever possible the officers of election who shall be appointed for the primary nominating election shall be the officers of election of such general municipal election, and such general municipal election shall be held at the same places as far as possible, and the polls shall be opened and closed at the same hours, as may be provided for primary nominating elections.

In the event that any candidate for nomination to any office for which only one (1) person is to be elected shall receive a majority of the votes cast for all candidates for nomination to such office at such primary nominating election, the candidate so receiving such majority vote shall be deemed to be and declared by the Council to be elected to such office; provided, that in the case of candidates for the offices of member of the Council and member of the Board of Education, the candidates therefor equal to or less than the number of such offices for which nominations are to be made who receive the votes of more than one-half (1/2) of the qualified electors voting at such election shall be deemed to be and declared by the Council to be elected to such office or offices, and their names shall not be printed upon the ballot to be used at the following general election.

Except as hereinabove provided, the two (2) candidates receiving the highest number of votes for any given office at the primary nominating election shall be the candidates, and the only candidates, for such office whose names shall be printed upon the ballots to be used at the general municipal election; provided, that where more than one (1) office of the same kind is to be filled the candidates therefor, equaling in number twice the number of such offices, who receive the highest number of votes at the primary nominating election, shall be the candidates, and the only candidates, for such offices whose names shall be printed upon the ballot to be used at such general election.

Whenever it shall appear upon the canvass of the returns of either a primary or general election that two (2) or more persons have received an equal number of votes as candidates for any office at such election, so that the result of such election does not determine which of such persons has been nominated for or elected to such office, the City Clerk shall notify in writing all such persons so receiving such equal vote to appear before the Council at the time specified in said notice. Such persons shall appear before the Council at such time and place and then and there, in open session, draw lots, in such manner as the Council shall prescribe, to determine which of said persons shall be nominated for or elected to such office. If any such persons shall not so appear, the City Clerk shall act for such person or persons in such drawing of lots.

All municipal elections shall, except as in this Charter otherwise provided, be conducted and held in substantial accordance with the provisions of the laws of the state for holding of municipal elections until such time as the Council by ordinance shall adopt a City Election Code. After the adoption of such City Election Code all elections, except as in this Charter otherwise provided, shall be conducted substantially in the manner therein prescribed. The Council is hereby authorized to adopt a City Election Code, by ordinance; provided that no such code shall be adopted, nor amendment made therein, during the six months immediately preceding any General Municipal Election in the City of Burbank, nor during the period between the ordering of a special election and the holding thereof.

The Council shall have power to submit to the electors of said City at

any election any proposition or question or ordinance required or authorized to be so submitted by the Constitution of the State of California, the law, this Charter, or by ordinance; provided, that in case such proposition or question is required by the said Constitution, law, Charter, or ordinance to be submitted at a special or other particular kind of election, it shall be so submitted, and not otherwise.

Except as in this Charter otherwise provided, every special election shall be ordered, held and conducted (except as to the date thereof) and the result thereof made known and declared in the same manner as herein provided for other elections. The Council may consolidate special elections with each other or with any municipal, county or state election. When any elections shall have been consolidated as herein provided, they shall be held, conducted, the returns thereof canvassed and the result thereof declared in all particulars the same as one election. Provided, that when any municipal election is consolidated with any state or county election, the ballots used may be the ballots used at such state or county election, or may be separate ballots, or the voting may be in such manner as may be authorized by law, and the appropriate officials of the County of Los Angeles shall canvass the returns and shall certify the result of such canvass of all municipal questions submitted at such election, to the Council, who shall thereupon declare the result thereof, and any act in relation to the conduct of such election, required by this Charter to be performed by any officer or employee of the City, shall be performed by the proper officer or employee of the County.

The Council shall, by ordinance, order the holding of all elections. Every such ordinance shall specify the object and time of holding any such election. Such ordinance shall also establish election precincts, designate polling places therefor, and name officers of election for each precinct. This shall be done in said ordinance by incorporating by reference a list of election precincts, polling places, and officers of election theretofor prepared by the City Clerk. The ordinance shall also set forth the places of posting by the City Clerk of three (3) copies of such list of election precincts, polling places and officers of election. One (1) copy of such list shall be posted on the bulletin board near the main entrance to the City Hall; one (1) in the office of the City Clerk; and one (1) in the lobby of the Public Service Building; and said lists shall so remain until the day after such election when two (2) or more municipal elections are consolidated by the Council, it shall not be necessary to set forth the precincts polling places and officers for election in more than one (1) list. In case a municipal election is consolidated with a state or county election, it shall not be necessary to set forth the precincts, polling places, or officers of election, but reference shall be made to the notice, resolution, or ordinance of the Board of Supervisors of Los Angeles County calling such election and fixing precincts, polling places and officers of election. All ordinances ordering the holding or consolidation of elections shall be published once in a newspaper of general circulation at least five (5) days prior to the date of such election.

Certified to be a true copy by Evelyn L. Haley, City Clerk.

Date of Special Municipal Election: November 6, 1984.



## Charter Chapter 37—City of Long Beach

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

[Filed with the Secretary of State December 17, 1984]

Section 1207 of Article XII is amended to read as follows:

**Section 1207. Leasing**

(d) All such franchises, permits, and leases shall be granted subject to such terms and conditions and such rental and compensation as prescribed therein, and to the limitations, conditions, restrictions and reservations contained in this article. Every such grant for a period of five (5) years or less shall be made by resolution, and every such grant for a period of more than five (5) years shall be made by ordinance.

Every ordinance making any such grant for a period of more than five (5) years shall be published and/or posted once in the same manner as ordinances of the City. Every such ordinance, whether published and/or posted, shall, before the same becomes effective, be subject to the referendum provisions of the charter relating to ordinances.

Every such grant shall provide for a readjustment of the rental or the compensation at least every five (5) years during the term thereby created, upon such procedure as shall be specified in such grant.

Certified to be true copy by Shelba Powell, City Clerk.

Date of Special Municipal Election: November 6, 1984.

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Charter Chapter 38—County of Alameda***Amendments to the Charter of the County of Alameda***

[Filed with the Secretary of State December 19, 1984 ]

Section 34 is amended to read as follows:

Sec. 34: Each Commissioner shall receive a compensation as may be fixed by the Board of Supervisors for each meeting of the Commission attended by him, not to exceed five meetings in any calendar month. The Commission shall appoint a Chief Examiner, and such other employees as it may deem necessary. The Chief Examiner shall act as secretary.

Section 37 is amended to read as follows:

Sec. 37: Appointments to positions in the classified civil service shall be either regular or temporary.

Whenever a position in the competitive classified civil service is to be filled by a regular appointment, the appointing authority shall notify the Commission of that fact, and the Commission shall certify the names and addresses of the candidates having the five highest scores on the eligible list for the class or grade to which such position belongs, and the appoint-

ing authority shall appoint to such position one of the persons certified to him.

If a candidate refuses three offers of a regular appointment from the same eligible list, his name shall be moved to the last place on said list, provided however that a candidate may file a written request with the Commission that his name be withheld from certification, in which event he shall not be certified until he files a written request with the Commission that his name be restored on said list if said list is then in existence.

Whenever a position in the competitive classified civil service is to be filled by a temporary appointment the appointing authority shall notify the Commission of the fact, stating the length of employment, which shall not exceed a period of five months except when employed for the duration of a leave of absence, and the Commission shall certify the names and addresses of the candidates having the five highest scores on the eligible list for the class or grade to which such position belongs, who have filed with the Commission a written request for temporary appointments, and the appointing authority shall appoint to such position one of the persons certified to him.

Temporary appointments cannot exceed a total period of five months for any one person in any one county department in any one fiscal year except when employed for the duration of one leave of absence.

During the time a person is occupying a position under a temporary appointment, such person shall be eligible to certification for a regular appointment in the same manner as though such person had not received a temporary appointment.

Employment under a temporary appointment, or under a temporary appointment for the duration of a leave of absence, shall give no right or preference to a regular appointment, and shall serve as no part of a period of probation.

A person in any position in the classified civil service may be appointed to another position of no higher rate of compensation in the same class and grade without certification from an eligible list with the written consent of himself, and where the appointment is to another county department then also with the written consents of the appointing authorities, such consent or consents being first filed with the County Clerk and duplicate copies thereof being filed with the Civil Service Commission.

Certified to be a true copy by John George, Chairman of the Board of Supervisors, and William Mehrwein, Clerk of the Board of Supervisors.

Date of Special Election: November 6, 1984.

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Charter Chapter 39—City of Chula Vista

*Amendments to the Charter of the City of Chula Vista*

[Filed with the Secretary of State December 26, 1984 ]

## ARTICLE III

Section 300 is amended to read as follows:

Sec. 300. Members, Eligibility and Terms.

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

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

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

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

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

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

Any person to be elected for any numbered Council seat 1 through 4 or the office of Mayor for which nomination papers have been filed shall be deemed elected upon receipt of the highest number of votes for the particular Council seat or the office of Mayor.

## ARTICLE V

Section 500 is amended to read as follows:

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

(a) Appointment. The City Manager, City Attorney and City Clerk shall be appointed by and serve at the pleasure of the City Council and shall be in the Unclassified Service. In addition, there shall be in the

Unclassified Service a private secretary for the City Manager, City Attorney and the Mayor and Council who shall be appointed by the respective officers for whom they serve. All other officers and department heads of the City and the Assistant City Manager shall be appointed by the City Manager subject to the approval of the City Council. The City Attorney shall also appoint Assistant or Deputy City Attorneys as may be authorized by the Council, subject to the approval of the Council, who shall be in the Unclassified Service. The City Clerk may also appoint Assistant or Deputy City Clerks as may be authorized by the Council subject to the approval of the Council who shall be in the Unclassified Service. It is further provided the City Council may, by ordinance, place Assistant and Deputy Department Heads, Assistants to the City Manager and new management level positions in the Unclassified Service by a four-fifth's vote of the Council.

## ARTICLE VII

Section 701 is amended to read as follows:

Sec. 701. Unclassified and Classified Service

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

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

(1) All elective officers;

(2) City Manager, Assistant City Manager, Deputy City Manager, Director of Finance, City Clerk, Assistant or Deputy City Clerks, City Attorney, Assistant or Deputy City Attorneys, a private secretary to the City Manager, a private secretary to the Mayor and Council, a private secretary to the City Attorney, department heads, or as provided in Section 500 of this Charter.

(3) All members of boards and commissions;

(4) Positions in any class or grade created for a special or temporary purpose and which may exist for a period of not more than ninety (90) days in any one calendar year;

(5) Persons employed to render professional, scientific, technical or expert service of any occasional and exceptional character;

(6) Part-time employees paid on an hourly or per diem basis;

(7) Persons employed to fill positions which have been created for work and/or projects funded entirely or in part by grants made to the City or as provided and as designated by the City Council pursuant to Section 500 of this Charter; and

(8) The City may place Assistant and Deputy Department Heads, Assistants to the City Manager and new management level positions in the Unclassified Service by an ordinance adopted by a four-fifth's vote.

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

Certified to be a true copy by Jennie M. Fulasz, City Clerk.

Date of Special General Election: November 6, 1984.

## Charter Chapter 40—City of Pasadena

***Amendment to the Charter of the City of Pasadena***

[Filed with the Secretary of State December 17, 1984.]

Section 508 is amended to read as follows:

Section 508. PUBLICATION OF ORDINANCES. All ordinances adopted under this Charter shall be published by the City Clerk at least once in a newspaper of general circulation in the City, and until such publication no ordinance shall take effect. Land use zones may be established (a) by legal description; (b) by reference to a map or plat referred to in such ordinance and published as a part thereof, or (c) by reference to a map or plat on file with the City Clerk provided the ordinance designates the area in relation to the names of the public streets within the area depicted and incorporates such map or plat by reference. As an alternative to publication as specified herein, after adoption, the title and summary, as approved by the Board of Directors, may be published in a newspaper of general circulation in the City.

Certified to be a true copy by J. E. de Sevren Jacquet, Deputy City Clerk.

Date of Special Municipal Election: November 6, 1984.

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 Charter Chapter 41—City of Richmond
***Amendments to the Charter of the City of Richmond***

[Filed with the Secretary of State December 12, 1984.]

## ARTICLE III

Section 7 amended to read as follows:

Sec. 7. No ordinance shall be passed, no officer appointed or removed, no contract shall be awarded and no obligation incurred by the city in excess of one thousand dollars without the affirmative vote of at least five members of the Council; provided that, the Council may by ordinance authorize the City Manager to enter into contracts and incur obligations on behalf of the City not in excess of ten thousand dollars.

## ARTICLE III-A

Section 2 (c) amended to read as follows:

(c) Appointments and Removals. The Mayor shall have the authority at any regularly scheduled meeting of the City Council to make appointments to or removals from all City boards, commissions and committees with the concurrence of at least four (4) other members of the City Council.

## ARTICLE XI

Section 8 is amended to read as follows:

Sec. 8. No person shall be retired for disability hereunder or receive any pension therefor unless there shall be filed with the Pension Board certificates of disability subscribed and sworn to by three (3) legally licensed practicing physicians, one to be selected by the petitioner whose certificate of disability shall be attached to the petition as hereinabove provided, one of whom shall be the City Physician, and one of whom shall be selected by the Pension Board; provided that, the Pension Board may grant a disability retirement where less than three (3) certificates of disability are submitted if there is sufficient medical evidence of disability. The Board may require other and additional evidence of disability before ordering such retirement, but only on satisfactory evidence of disability and of the right to be retired as provided herein, said Pension Board shall retire such person. The decision of the Pension Board shall be final and conclusive.

## ARTICLE XII

Section 8 is amended to read as follows:

Sec. 8. No person shall be retired for disability hereunder or receive any pension therefor unless there shall be filed with the Pension Board certificates of disability subscribed and sworn to by three (3) legally licensed practicing physicians, one to be selected by the petitioner, whose certificate of disability shall be attached to the petition as hereinabove provided, one of whom shall be the City Physician, and one of whom shall be selected by the Pension Board; provided that, the Pension Board may grant a disability pension where less than three (3) certificates of disability are submitted if there is sufficient medical evidence of disability. The Board may require other and additional evidence of disability before ordering such retirement, but only on satisfactory evidence of disability and of the right to be retired as provided herein, said Pension Board shall retire such person. The decision of the Pension Board shall be final and conclusive.

## ARTICLE XII

Section 23 is amended to read as follows:

Sec. 23. Notwithstanding any other provision of this Article to the contrary, the minimum pension for employees or their dependents presently retired on the date of the adoption of this section, or placed on retirement after the date of the adoption of this section, shall, commencing January 1, 1985, be Five Hundred Dollars (\$500.00) per month.

## ARTICLE XII

Section 24 is deleted at election November 6, 1984.

## ARTICLE XII

Section 25 is added to read as follows:

Sec. 25. Notwithstanding any other provision of this Article, the pensions of retired employees or their eligible dependents shall be increased annually by two percent (2%) on January 1 of each year commencing

January 1, 1985. In addition to said automatic two percent (2% increase, the City Council may increase annually said pensions by an additional amount of up to three percent (3%) on January 1 of each year commencing January 1, 1985. In no event shall the total increases in said pensions exceed five percent (5%) in any year.

### ARTICLE XIII

Section 4 is amended to read as follows:

Sec. 4. Additions to or Revisions in the Classified and Exempt Services:

All new positions which hereafter are created and which are not specifically included in the Exempt Service shall be a part of the Classified Service unless the City Manager and the Personnel Board recommend, and the Council approves by resolution, that the new position be made a part of the Exempt Service.

The Council may, upon the recommendation of the City Manager and the Personnel Board, approve by resolution the changing of a position from the Exempt Service to the Classified Service or from the Classified Service to the Exempt Service.

Any officer in the Exempt Service who is removed by appointing authority shall be restored to the grade in Classified Service which he held previously unless removal is for fraud, criminal behavior, etc., in which case charges shall be filed before the Personnel Board according to the normal procedure therefor.

### ARTICLE XIII

Section 6 is amended to read as follows:

Sec. 6. Creation of a Personnel Board:

The Personnel Board shall consist of five members who shall be appointed by the Council in the following manner: one of the board members shall be appointed from a panel of three persons designated by a committee from the Police and Fire Department. One of the board members shall be appointed from a panel of three persons designated by a committee representing the general employees, and the remaining three board members shall be appointed by the City Council as hereinafter provided. Designation of said panels shall be in writing and signed by duly authorized committee members.

The first Board to be appointed shall at its first meeting choose one of its members as Chairman, who shall serve for one year and until a successor is elected. The Secretary to the Board shall be the Personnel Director. The members shall so classify themselves by lot that one of them shall serve for a term that shall expire July 1, 1952, one shall serve for a term that shall expire July 1, 1954, one shall serve for a term that shall expire July 1, 1955, and one shall serve for a term that shall expire July 1, 1956. Effective July 1, 1959, the member whose term expires on July 1, 1959, shall remain in office and his term shall expire on December 31, 1959; the member whose term expires on July 1, 1960, shall remain in office and his term shall expire on December 31, 1960; the member whose term expires on July 1, 1961, shall remain in office and his term shall expire on Decem-

ber 31, 1961; the member whose term expires on July 1, 1962, shall remain in office and his term shall expire on December 31, 1962; the member whose term expires on July 1, 1963, shall remain in office and his term shall expire on December 31, 1963. Thereafter, the term of office of each member shall be five years. All members shall serve after the expiration of their term until their successor has been appointed and qualified.

Every other (alternate) appointment shall be made from a panel of three names submitted by city employees. Said panel shall be selected through an election to be conducted by the City Clerk in accordance with rules established by the Personnel Board. Members appointed to this board shall be subject to removal from said board for a just cause by a six-ninths vote of the Council prior to the expiration of the term of which they were appointed.

Vacancies on the Personnel Board, caused by a member not completing his term, shall be filled by the Council. If the member vacating his office was appointed from a panel submitted by a committee representing all city employees, then said vacancy shall be filled from such a panel; if the member vacating his office was appointed directly by the Council, then said vacancy shall be filled by direct appointment of the Council.

Members of the board shall have been qualified electors of the City of Richmond for at least three years and shall be persons sympathetic to the principles of modern personnel administration. No person shall be appointed to said board who holds any salaried public office or employment in the service of the City of Richmond, nor is a retired city employee, nor shall any member, while a member of the board or for a period of one year after he has ceased to be a member of the board, for any reason, be eligible for appointment to any salaried office or employment in the service of the city, or for appointment to any elective office in the city.

The members of this board shall serve without pay, and shall hold regular meetings monthly at such time and place as designated by the chairman of the board. The board, in addition, may hold such special meetings as the affairs of the board may require. Such special meetings shall be held upon the call of the chairman or any two members of the board. Three members shall constitute a quorum for the transaction of business, provided that all members of the board shall have been officially notified under the rules established by said board for such notification.

The unexcused absence of any member of the Personnel Board for more than three regularly scheduled meetings of the Board within any twelve consecutive months period shall constitute an automatic resignation from the Board. Such a resignation shall not, however, disqualify an individual from subsequently being appointed to the same or any other City board or commission. The provisions of this paragraph shall operate prospectively so as to apply only to absences which occur after the effective date of this paragraph. Any and all absences of any member occurring prior to that date which did not result in removal of the member from the Board by the City Council are hereby excused. A member may request the Board to excuse an absence. Such request must be in writing and be submitted to the Board within thirty (30) days from the date of such absence. The granting of such a request shall require an affirmative vote from at least



three (3) of the members of the Board. In the event of any such automatic resignation, the vacancy shall be filled for the unexpired portion of the term of the resigned member through the same procedure that was used for the appointment of the resigned member to the Board.

### ARTICLE XIII

Section 7 (f) is amended to read as follows:

(f) To entertain appeals on any matter arising under this Article by any aggrieved employee, or by the City and make appropriate recommendations to the City Manager. Neither the Personnel Board nor any of its members shall have power to take any action in these appeals except by majority vote of the entire board.

Section 7 (h) is added to read as follows:

(h) To subpoena witnesses to testify concerning any matter before the Board.

### ARTICLE XIII

Section 8 is amended to read as follows:

Sec. 8. The City Manager shall appoint a qualified Director of Personnel. The Director of Personnel shall be responsible for the proper administration of the personnel system and its operation. He shall have the power, and it shall be his duty:

(a) To serve as a Secretary to the Personnel Board, to see to the keeping of its minutes and records, to conduct investigations and prepare reports for the Personnel Board in matters under its consideration, and in all other proper ways to facilitate its actions and proceedings.

(b) To appoint his assistants in the operation of the personnel system, and to direct and control their work, and under the customary financial procedures of the City, to control the expenditures from appropriations for the administration of the personnel system.

(c) To establish and maintain a roster of all city employees.

(d) To prepare, together with duly authorized employee representation, and to recommend for consideration by the Personnel Board, and the Council, personnel rules, including a classification plan, and drafts of ordinances for recommendation to the Personnel Board and Council, including such changes as are deemed desirable from time to time in such rules and ordinances.

(e) To allocate each position in the Classified Service to its proper class in the Classification Plan adopted under the provisions of this Article, and reallocate positions as the facts warrant.

(f) To develop and maintain class specifications, and to amend them from time to time as changing conditions warrant.

(g) To recruit candidates for employment, to pass upon qualifications of applicants, to conduct promotional and entrance examinations, to establish eligible lists which are to be in effect for such time as is prescribed in the City Personnel Rules but for not more than two years for certification of eligibles and for appointments to positions in the classified service on the basis of such tests, subject to a work test period of probation of not more than six months or longer if prescribed by rule in initial appoint-

ments; eligibility lists are to be made a matter of public record at all times.

(h) To receive, record, transmit and to discuss with the employee concerned, written reasons for rejection during probation.

(i) To make such investigations as he may deem desirable with respect to the enforcement and effect of the provisions of this Article, and the personnel rules and related ordinances.

(j) To pass upon, for compliance with the provisions of this Article, the personnel rules and related ordinances, and to approve or disapprove as to compliance therewith, all appointments, demotions, transfers, promotions, service ratings, rejections, leaves of absence, changes in rates of pay, suspensions, separations and other employment transactions affecting the status of employees.

(k) To make annual reports to the Personnel Board for its approval and transmission to the Council on the administration and effect of this Article, with such recommendations as he may deem desirable, and to render such special reports as the Personnel Board may request. Such reports shall be public record.

(m) To do all other things necessary or proper for making effective the provisions of this Article, the personnel rules and ordinances adopted in pursuance thereof.

Certified to be a true copy by Harlan J. Heydon, City Clerk.

Date of General Election: November 6, 1984.

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GOVERNOR'S REORGANIZATION  
PLAN NO. 1 of 1984

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**GOVERNOR'S REORGANIZATION  
PLAN NO. 1 OF 1984**

Received by Assembly April 11, 1984; received by Senate April 11, 1984.

Takes effect on June 11, 1984; by operation of Government Code Section 12080.5.

April 11, 1984

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**STATUTORY PROVISIONS**

An act to amend Sections 3517.6, 18802, 19816, 19889, and 19889.2 of, to amend and renumber Sections 19816.5, 19817, 19818, 19819, and 19819.1 of, to add Sections 19816.12, 19816.14, and Article 2.5 (commencing with Section 19818) to Chapter 1 of Part 2.6 of Division 5 of Title 2 of, and to repeal Sections 18704, 18708.5, 18715, 18716, 18801, 18803, 18805, 19255, and 19761 of, the Government Code, relating to state employees.

**LEGISLATIVE COUNSEL'S DIGEST**

**Governor's Reorganization Plan No. 1 of 1984**

**State government reorganization: state employees**

Existing law requires the department of personnel Administration to administer various nonmerit aspects of state employment for civil service employees.

This bill would transfer various functions from the State Personnel Board to the Department of Personnel Administration relating to the maintenance of an official roster of persons holding civil service positions and relating to the allowance of claims for additional reimbursement for work outside of the employee's classification, and would make related changes.

This bill would delete specific administrative responsibilities of the State Personnel Board relating to the creation and adjustment of classes of positions in the state civil

service under the Personnel Classification Plan. It would require the board, in establishing, altering, or abolishing classes, to consider the recommendations of the Department of Personnel Administration.

This bill would provide for the transfer to the Department of Personnel Administration of responsibilities with respect to the administration of the Personnel Classification Plan, subject to Article VII of the California Constitution, as well as the employees, records, property, and funds of the State Personnel Board, and would make related changes.

This bill would also make the department responsible for salary administration, position classification, and for the motivation and training of executive personnel in career executive assignments, and would make related changes.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 3517.6 of the Government Code  
 2 is amended to read:  
 3 3517.6. In any case where the provisions of Section  
 4 70031 of the Education Code, or subdivision (h) of  
 5 Section 3513, or Section 14876, 18714, 19080.5, 19100,  
 6 19143, 19261, *19818.16*, 19819.1, 19820, 19822, 19824, 19826,  
 7 19827, 19828, 19829, 19830, 19831, 19832, 19833, 19834,  
 8 19835, 19836, 19837, 19838, 19839, 19840, 19841, 19842,  
 9 19843, 19844, 19845, 19846, 19847, 19848, 19849, 19849.1,  
 10 19849.4, 19850.1, 19850.2, 19850.3, 19850.4, 19850.5, 19850.6,  
 11 19851, 19853, 19854, 19856, 19856.1, 19858.1, 19858.2, 19859,  
 12 19860, 19861, 19862, 19862.1, 19863, 19863.1, 19864, 19866,  
 13 19869, 19870, 19871, 19871.1, 19872, 19873, 19874, 19875,  
 14 19876, 19877, 19877.1, 19878, 19879, 19880, 19880.1, 19881,  
 15 19882, 19883, 19884, 19885, 19886, 19886.1, 19886.2, 19887,  
 16 19887.1, 19887.2, 19888, 19990, 19991, 19991.1, 19991.2,  
 17 19991.3, 19991.4, 19991.5, 19991.6, 19991.7, 19992, 19992.1,  
 18 19992.2, 19992.3, 19992.4, 19993, 19994.1, 19994.2, 19994.3,  
 19 19994.4, 19995, 19995.1, 19995.2, 19995.3, 19996.1, 19996.2,  
 20 19998, 19998.1, 20750.11, 21400, 21402, 21404, 21405, 22825,  
 21 or 22825.1 are in conflict with the provisions of a

1 memorandum of understanding, the memorandum of  
2 understanding shall be controlling without further  
3 legislative action. In any case where the provisions of  
4 Section 19997.2, 19997.3, 19997.8, 19997.9, 19997.10,  
5 19997.11, 19997.12, 19997.13, or 19997.14 are in conflict  
6 with the provisions of a memorandum of understanding,  
7 the terms of the memorandum of understanding shall be  
8 controlling unless the State Personnel Board finds those  
9 terms to be inconsistent with merit employment  
10 principles as provided for by Article VII of the California  
11 Constitution. Where such finding is made, the provisions  
12 of the Government Code shall prevail until those affected  
13 sections of the memorandum of understanding are  
14 renegotiated to resolve the inconsistency. If any  
15 provision of the memorandum of understanding requires  
16 the expenditure of funds, those provisions of the  
17 memorandum of understanding shall not become  
18 effective unless approved by the Legislature in the  
19 annual Budget Act. If any provision of the memorandum  
20 of understanding requires legislative action to permit its  
21 implementation by amendment of any section not cited  
22 above, those provisions of the memorandum of  
23 understanding shall not become effective unless  
24 approved by the Legislature.

25 SEC. 2. Section 18704 of the Government Code is  
26 repealed.

27 ~~18704. The board shall establish and maintain in~~  
28 ~~suitable form an official roster of all persons holding~~  
29 ~~positions under this part and enter thereupon their~~  
30 ~~names, complete record of State employment, and other~~  
31 ~~facts prescribed by board rule.~~

32 SEC. 3. Section 18708.5 of the Government Code is  
33 repealed.

34 ~~18708.5. Upon the request of the Director of the~~  
35 ~~Department of Personnel Administration, the board shall~~  
36 ~~examine any position exempt from civil service, and~~  
37 ~~make a survey of the classification, duties, responsibilities,~~  
38 ~~and proper salary range of that position with respect to~~  
39 ~~comparable positions in civil service and report its~~  
40 ~~findings and facts to the Director of the Department of~~

1 **Personnel Administration:**

2 SEC. 4. Section 18715 of the Government Code is  
3 repealed.

4 **18715.** Notwithstanding the provisions of Sections  
5 905.2, 19255, and 19823, the State Personnel Board shall  
6 have the authority to review employee claims for  
7 additional reimbursement for the performance of duties  
8 outside the scope of their present classification and to  
9 authorize additional reimbursement for these duties. The  
10 State Personnel Board shall award employee claims  
11 under this section for a period no greater than one year  
12 preceding the filing of a grievance. The provisions of this  
13 section pertaining to the amount of additional  
14 reimbursement where the board finds that an employee  
15 has performed duties outside the scope of the employee's  
16 current classification may be superseded by a  
17 memorandum of understanding reached pursuant to  
18 Section 3517.5, in instances where the employee claims to  
19 have performed duties in a classification to which he  
20 could have been temporarily appointed, transferred,  
21 reinstated, or appointed from an employment list under  
22 the provisions of this part and board rule.

23 SEC. 5. Section 18716 of the Government Code is  
24 repealed.

25 **18716.** Upon the allowance of the State Personnel  
26 Board of all or part of an employee claim for additional  
27 reimbursement for the performance of duties outside the  
28 scope of their present classification, certification by the  
29 Director of Finance that a sufficient appropriation exists,  
30 the execution and presentation of such documents as the  
31 board may require which discharge the state of all  
32 liability under the claim, and notwithstanding the  
33 provisions of Section 19630, the board shall designate the  
34 fund from which the claim is to be paid and the state  
35 agency concerned shall pay the claim from such fund.  
36 Where no sufficient appropriation for such payment is  
37 available, the board shall submit a request to the  
38 Legislature for appropriation of such funds.

39 SEC. 6. Section 18801 of the Government Code is  
40 repealed.



1 18801. Every position in the state civil service shall be  
2 allocated to the appropriate class in the classification  
3 plan. The allocation of a position to a class shall derive  
4 from and be determined by the ascertainment of the  
5 duties and responsibilities of the position and shall be  
6 based on the principle that all positions shall be included  
7 in the same class if:

8 (a) Sufficiently similar in respect to duties and  
9 responsibilities that the same descriptive title may be  
10 used.

11 (b) Substantially the same requirements as to  
12 education, experience, knowledge and ability are  
13 demanded of incumbents.

14 (c) Substantially the same tests of fitness may be used  
15 in choosing qualified appointees.

16 (d) The same schedule of compensation can be made  
17 to apply with equity.

18 SEC. 7. Section 18802 of the Government Code is  
19 amended to read:

20 18802. From time to time as it deems necessary, the  
21 board may establish additional classes and divide,  
22 combine, alter, or abolish existing classes. *In establishing,*  
23 *altering, or abolishing classes, the board shall consider the*  
24 *recommendations of the Department of Personnel*  
25 *Administration.* When ~~such~~ those actions are taken the  
26 board shall determine in each instance whether positions  
27 affected are to be reallocated to another class or classes  
28 after taking into account the duties and responsibilities,  
29 qualifications, performance standards, and other related  
30 criteria before and after the change, and shall determine  
31 the status of the probationary and permanent employees  
32 affected.

33 SEC. 8. Section 18803 of the Government Code is  
34 repealed.

35 18803. Reasonable opportunity to be heard shall be  
36 provided by the board to any employee affected by the  
37 allocation or reallocation of his position.

38 SEC. 9. Section 18805 of the Government Code is  
39 repealed.

40 18805. Positions in the state service shall be

1 established by the appointing power as authorized by law  
2 subject to budgetary authorization and the availability of  
3 funds. Each appointing power shall promptly report to  
4 the board his intention to establish new positions in order  
5 that such positions may be classified and allocated, and  
6 shall so report material changes in the duties of any  
7 position in his jurisdiction.

8 SEC. 10. Section 19255 of the Government Code is  
9 repealed.

10 ~~19255.~~ A person shall not be assigned to perform the  
11 duties of any class other than that to which his or her  
12 position is allocated except as described in Section  
13 ~~19994.9.~~

14 SEC. 11. Section 19761 of the Government Code is  
15 repealed.

16 ~~19761.~~ The board, with the concurrence of the  
17 Department of Finance, shall provide for such audit and  
18 certification of pay rolls as it deems necessary to insure  
19 that all persons in the state civil service, for whom claim  
20 for payment of salaries or compensation is made on the  
21 Controller, are holding positions as provided by law.

22 SEC. 12. Section 19816 of the Government Code is  
23 amended to read:

24 19816. Except as provided by Section ~~19816.5~~ 19816.2,  
25 the department succeeds to and is vested with the duties,  
26 purposes, responsibilities, and jurisdiction exercised by  
27 the State Personnel Board with respect to the  
28 administration of salaries, hours and other personnel  
29 related matters, training, performance evaluations, and  
30 layoffs and grievances.

31 The department succeeds to and is vested with the  
32 duties, purposes, responsibilities, and jurisdiction  
33 exercised by the State Board of Control and the  
34 Department of General Services with respect to the  
35 administration of miscellaneous employee entitlements.

36 The department succeeds to and is vested with the  
37 duties, purposes, responsibilities, and jurisdiction  
38 exercised by the Department of Finance with respect to  
39 the administration of salaries of employees exempt from  
40 civil service and within range salary adjustments.

1 SEC. 13. Section 19816.5 of the Government Code is  
2 amended and renumbered to read:

3 ~~19816.5.~~

4 *19816.2.* Notwithstanding any other provision of this  
5 part, regulations and other provisions pertaining to the  
6 layoff or demotion of civil service employees that are  
7 established or agreed to by the department shall be  
8 subject to review by the State Personnel Board for  
9 consistency with merit employment principles as  
10 provided for by Article VII of the California Constitution.

11 SEC. 14. Section 19817 of the Government Code is  
12 amended and renumbered to read:

13 ~~19817.~~

14 *19816.4.* The department shall have possession and  
15 control of all records, papers, offices, equipment,  
16 supplies, moneys, funds, appropriations, land, and other  
17 property real or personal held for the benefit or use by  
18 the State Personnel Board, the State Board of Control,  
19 the Department of General Services, and the  
20 Department of Finance in the performance of the duties,  
21 powers, purposes, responsibilities, and jurisdiction that  
22 are vested in the department by Section 19816.

23 SEC. 15. Section 19818 of the Government Code is  
24 amended and renumbered to read:

25 ~~19818.~~

26 *19816.6.* All officers and employees of the State  
27 Personnel Board, the State Board of Control, the  
28 Department of General Services, and the Department of  
29 Finance, who, on the operative date of this part, are  
30 serving in the state civil service, other than as temporary  
31 employees, and engaged in the performance of a function  
32 vested in the department by Section 19816 shall be  
33 transferred to the department. The status, positions, and  
34 rights of such persons shall not be affected by the transfer  
35 and shall be retained by them as officers and employees  
36 of the department pursuant to the State Civil Service Act,  
37 except as to positions exempt from civil service.

38 SEC. 16. Section 19819 of the Government Code is  
39 amended and renumbered to read:

40 ~~19819.~~

1     **19816.8.** The department may expend, in accordance  
2 with law, all moneys made available for its use or for the  
3 administration of any statute administered by it.

4     **SEC. 17.** Section 19819.1 of the Government Code is  
5 amended and renumbered to read:

6     ~~19819.1.~~

7     **19816.10.** (a) In order to secure substantial justice  
8 and equality among employees in the state civil service,  
9 the department may provide by rule for days, hours and  
10 conditions of work, taking into consideration the varying  
11 needs and requirements of the different state agencies  
12 and the prevailing practices for comparable services in  
13 other public employment and in private business.

14     (b) If the provisions of this section are in conflict with  
15 the provisions of a memorandum of understanding  
16 reached pursuant to Section 3517.5, the memorandum of  
17 understanding shall be controlling without further  
18 legislative action, except that if such provisions of a  
19 memorandum of understanding require the expenditure  
20 of funds, the provisions shall not become effective unless  
21 approved by the Legislature in the annual Budget Act.

22     **SEC. 18.** Section 19816.12 is added to the Government  
23 Code, to read:

24     **19816.12.** The department shall establish and  
25 maintain in suitable form an official roster of all persons  
26 holding positions under this part and enter thereupon  
27 their names, complete record of state employment, and  
28 other facts prescribed by board rule.

29     **SEC. 19.** Section 19816.14 is added to the Government  
30 Code, to read:

31     **19816.14.** The department, with the concurrence of  
32 the Department of Finance, shall provide for such audit  
33 and certification of payrolls as it deems necessary to  
34 insure that all persons in the state civil service, for whom  
35 claim for payment of salaries or compensation is made on  
36 the Controller, are holding positions as provided by law.

37     **SEC. 20.** Article 2.5 (commencing with Section  
38 19818) is added to Chapter 1 of Part 2.6 of Division 5 of  
39 Title 2 of the Government Code, to read:

1 Article 2.5. Personnel Classification Plan

2

3 19818. Subject to Article VII of the California  
4 Constitution the department succeeds to and is vested  
5 with the duties, purposes, responsibilities, and  
6 jurisdiction exercised by the State Personnel Board with  
7 respect to the administration of the Personnel  
8 Classification Plan.

9 19818.2. The department shall have possession and  
10 control of all records, papers, offices, equipment,  
11 supplies, moneys, funds, appropriations, land, and other  
12 property, real or personal, held for the benefit or use by  
13 the State Personnel Board in the performance of the  
14 duties, powers, purposes, responsibilities, and  
15 jurisdictions that are vested in the department by Section  
16 19818.

17 19818.4. All officers and employees of the State  
18 Personnel Board, who, on the effective date of this article,  
19 are serving in the state civil service, other than as  
20 temporary employees, and engaged in the performance  
21 of a function vested in the department by Section 19818  
22 shall be transferred to the department.

23 19818.6. The department shall administer the  
24 Personnel Classification Plan of the State of California  
25 including the allocation of every position to the  
26 appropriate class in the classification plan. The allocation  
27 of a position to a class shall derive from and be  
28 determined by the ascertainment of the duties and  
29 responsibilities of the position and shall be based on the  
30 principle that all positions shall be included in the same  
31 class if:

32 (a) The positions are sufficiently similar in respect to  
33 duties and responsibilities that the same descriptive title  
34 may be used.

35 (b) Substantially the same requirements as to  
36 education, experience, knowledge, and ability are  
37 demanded of incumbents.

38 (c) Substantially the same tests of fitness may be used  
39 in choosing qualified appointees.

40 (d) The same schedule of compensation can be made

1 to apply with equity.

2 19818.8. A person shall not be assigned to perform the  
3 duties of any class other than that to which his or her  
4 position is allocated.

5 19818.10. The department shall assess the adequacy of  
6 the Personnel Classification Plan and, as needed,  
7 recommend changes in the plan to the State Personnel  
8 Board. The recommendations shall include the need for  
9 the establishment of additional classes or the abolishment  
10 or alteration of existing classes.

11 19818.12. Positions in the state service shall be  
12 established by the appointing power as authorized by law  
13 subject to budgetary authorization and the availability of  
14 funds. Each appointing power shall promptly report to  
15 the department his or her intention to establish new  
16 positions in order that such positions may be classified  
17 and allocated, and shall so report material changes in the  
18 duties of any position in his or her jurisdiction.

19 19818.14. The department may designate an  
20 appointing power to allocate positions to the Personnel  
21 Classification Plan in accordance with Section 19818.6  
22 and department rule. The department may audit position  
23 allocations and order corrective action. Any corrective  
24 action including the reallocation of a position that  
25 impacts an incumbent shall be reported promptly to the  
26 State Personnel Board which shall determine the status of  
27 the probationary or permanent employee affected.

28 19818.16. (a) Notwithstanding Sections 905.2,  
29 19818.8, and 19823, the department shall have the  
30 authority to review employee claims for additional  
31 reimbursement for the performance of duties outside the  
32 scope of their present classification and to authorize  
33 additional reimbursement for such duties. The  
34 department shall award employee claims under this  
35 section for a period no greater than one year preceding  
36 the filing of a claim.

37 (b) If the provisions of this section are in conflict with  
38 the provisions of a memorandum of understanding  
39 reached pursuant to Section 3517.5, the memorandum of  
40 understanding shall be controlling without further

1 legislative action, except that if such provisions of a  
2 memorandum of understanding require the expenditure  
3 of funds, the provisions shall not become effective unless  
4 approved by the Legislature in the annual Budget Act.  
5 19818.18. Upon the allowance of the department of all  
6 or part of an employee claim for additional  
7 reimbursement for the performance of duties outside the  
8 scope of their present classification, certification by the  
9 Director of Finance that a sufficient appropriation exists,  
10 the execution and presentation of such documents as the  
11 department may require which discharge the state of all  
12 liability under the claim, and notwithstanding the  
13 provisions of Section 19630, the department shall  
14 designate the fund from which the claim is to be paid and  
15 the state agency concerned shall pay the claim from such  
16 fund. Where no sufficient appropriation for such  
17 payment is available, the department shall submit a  
18 request to the Legislature for appropriation of such  
19 funds.

20 19818.20. Reasonable opportunity to appeal shall be  
21 provided by the department to any employee affected by  
22 the allocation or reallocation of his or her position.

23 SEC. 21. Section 19889 of the Government Code is  
24 amended to read:

25 19889. It is the purpose of this article to encourage the  
26 development and effective use in the civil service of  
27 well-qualified and carefully selected executives. In order  
28 to carry out this purpose the State Personnel Board shall  
29 establish by rule a system of merit personnel  
30 administration specifically suited to the selection and  
31 placement of ~~managerial~~ executive personnel. The  
32 department shall be responsible for *salary administration,*  
33 *position classification, and for the motivation and training*  
34 *of* ~~managerial~~ executive personnel. For the purpose of  
35 administering this system there is established herewith a  
36 category of civil service appointment called "career  
37 executive assignments." The department ~~may~~ shall  
38 designate positions of a high administrative and policy  
39 influencing character for inclusion in or removal from  
40 this category ~~with the approval of~~ *subject to review by*

1 the State Personnel Board, except that the department  
2 shall not so designate a position in which there is an  
3 incumbent already appointed under the provisions of this  
4 part governing employees other than career executives.

5 SEC. 00. Section 19889.2 of the Government Code is  
6 amended to read:

7 19889.2. The provisions of this part governing the  
8 selection, classification, and tenure of employees in the  
9 regular civil service shall not apply in administering  
10 ~~managerial~~ *executive* personnel through a merit system  
11 utilizing "career executive assignments" unless the  
12 application is provided by State Personnel Board rule.  
13 The provisions of this part relating to punitive actions  
14 shall apply to employees serving in career executive  
15 assignments, except that termination of a career  
16 executive assignment as provided for in Section 19889.3 is  
17 not a punitive action. With reference to termination of  
18 career executive assignments, the State Personnel Board  
19 rules shall, as a minimum, afford an employee a right of  
20 appeal to the State Personnel Board for restoration of his  
21 or her assignment when he or she alleges that his or her  
22 termination was for reasons prohibited in Chapter 10  
23 (commencing with Section 19680) of Part 2.