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1985-86 Regular Session

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APPENDIX

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

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

CHARTER AMENDMENTS—1985

Charter Chapter Number	City—County	Date of Election	Date of Filing
1	City of Chico	Nov. 6, 1984	Jan. 3, 1985
2	County of San Diego	Nov 6, 1984	Jan. 22, 1985
3	City of Sunnyvale	March 5, 1985	March 15, 1985
4	City of San Bernardino	March 5, 1985	March 22, 1985
5	City of Redondo Beach	March 5, 1985	April 1, 1985
6	City of Los Angeles	April 9, 1985	April 19, 1985
7	City of Chico	April 9, 1985	April 24, 1985
8	City of Fresno	March 5, 1985	May 6, 1985
9	City of Pomona	March 5, 1985	May 10, 1985
10	City of Big Bear Lake	June 4, 1985	June 14, 1985
11	City of Monterey	May 14, 1985	June 18, 1985
12	City of Los Angeles	June 4, 1985	June 20, 1985
13	City of Mountain View	Nov. 6, 1984	Nov. 1, 1985
14	City of San Luis Obispo	Nov 5, 1985	Dec 23, 1985
15	City of San Rafael	Nov 5, 1985	Dec. 6, 1985
16	City and County of San Francisco	Nov 5, 1985	Dec 11, 1985
17	City of Roseville	Nov 5, 1985	Dec 11, 1985

Charter Chapter 1—City of Chico

Amendments to the Charter of the City of Chico

[Filed with the Secretary of State January 3, 1985.]

The following sections are amended to read as follows:

Section 401. Terms generally.

A. Councilmembers elected to office prior to the general municipal election on November 4, 1986 shall assume office at 7:30 p.m. on the first Tuesday in May following the date of their election and hold office for a period of four years thereafter and until successors are elected and qualified, except that councilmembers elected to office on April 5, 1983 shall hold office only until December 2, 1986 and Councilmembers elected to office on April 2 or April 9, 1985 shall hold office only until December 6, 1988.

Councilmembers elected to office on or after the general municipal election on November 4, 1986 shall assume office at 7:30 p.m. on the first Tuesday in December following the date of their election and shall hold office for a period of four years thereafter and until successors are elected and qualified.

B. If, on the date an incoming councilmember is to assume office, the identity of the person elected to such office has not been finally determined, then no person shall be deemed qualified to assume such office until the first meeting held by the council following the date the identity of the person elected to such office has been finally determined and if, on the date an incoming councilmember is to assume office, there is any uncertainty as to which outgoing councilmember has been succeeded, then such uncertainty shall be resolved by the remainder of the council at its meeting on such date.

Section 403. Eligibility of candidates.

Candidates for city councilmember shall have all of the following qualifications at the time nomination papers are issued: (a) reside in the city, such residency having been for such period of time, if any, provided by state law for general law cities; (b) be over the age of twenty-one (21) years; and (c) be a qualified voter as defined by the Elections Code of the State of California.

Section 406. Same—Vacancies.

A. Prior to December 2, 1986, a vacancy in an elective municipal office, from whatever cause arising, shall be filled by appointment by the city council, such appointee to hold office until the first Tuesday in May following the next general municipal election and until such appointee's successor qualifies. Except that, where the council makes an appointment for a vacancy occurring on and after May 7, 1985 but prior to December 2, 1986, such appointee shall hold office only until December 2, 1986.

On and after December 2, 1986, a vacancy in an elective municipal

office, from whatever cause arising, shall be filled by appointment by the city council, such appointee to hold office until the first Tuesday in December following the next general municipal election and until such appointee's successor qualifies.

B. At the next general municipal election following any vacancy, a successor shall be elected to serve for the remainder of any unexpired term.

C. In the event the council shall fail to fill a vacancy by appointment within thirty (30) days after such office shall have been declared vacant, it shall cause an election to be held forthwith to fill such vacancy.

Section 500. General municipal elections.

Prior to November 4, 1986, general municipal elections for the election of councilmembers of the city, and for such other purposes as the council may prescribe, shall be held in the city on the first Tuesday after the first Monday in April of each odd-numbered year; provided, however, that the council may, by resolution adopted on or before December 1st of the year immediately preceding the year in which a general municipal election is to be held, order the election on the second Tuesday rather than the first Tuesday following the first Monday in April of such year.

On and after November 4, 1986, general municipal elections for the election of councilmembers of the city, and for such other purposes as the council may prescribe, shall be held in the city on the first Tuesday after the first Monday in November of each even-numbered year.

Section 602. Meetings.

A. The council shall meet in regular session at 7:30 p.m. on the first Tuesday of each month, provided, however, that the council may designate a different time and date by ordinance subject to the following conditions: (1) such ordinance shall provide for meetings no less often than once each month; and (2) such ordinance shall provide for a regular meeting at 7:30 p.m. of the first Tuesday in May of each odd-numbered year prior to December 2, 1986, and at 7:30 p.m. of the first Tuesday in December of each even-numbered year on and after December 2, 1986.

B. The council may meet at such other times as it shall determine. A special meeting may be called by the mayor, or any four (4) members. Written notice of such special meeting and the purposes thereof shall be given to each member of the council not less than twenty-four (24) hours before the meeting or within that time prescribed by state law, whichever is greater. At any special meeting, only such matters may be acted upon as are referred to in the said written notice or consent. All meetings shall be held in the municipal building of the city unless another location is designated by ordinance, or in such a place to which any such meeting may be adjourned.

Section 603. Mayor, vice-mayor, mayor pro tempore.

A. The council shall choose one of its members to serve as mayor, and another to serve as vice-mayor. Prior to December 2, 1986, such mayor and vice-mayor shall be chosen by the council at its meeting on the first Tuesday in May in each odd-numbered year to serve for a term of two (2) years, except that the mayor and vice-mayor chosen by the council at its meeting on May 7, 1985 shall only serve to the beginning of the council

meeting on December 2, 1986. On and after December 2, 1986, the mayor and vice-mayor shall be chosen by the council at its first meeting in December in each even-numbered year to serve for a term of two (2) years. Should a vacancy occur in either the office of mayor or vice-mayor, the council shall elect a successor to serve for the remainder of the unexpired term.

B. The mayor shall preside over the sessions of the council and shall sign official documents when the signature of the mayor is required by law. The mayor shall be recognized as the official head of the city for all public and ceremonial purposes and by the Governor for military purposes. In times of emergency, the mayor may take command of the police, maintain order and enforce laws for a period not exceeding forty-eight (48) hours, and the mayor shall be the judge of what constitutes such public dangers or emergencies; such command may be continued for a longer period by a majority of the city council at a special meeting called for that purpose. The mayor shall exercise such other powers and perform such other duties as may be prescribed by law or ordinance or by resolution of the council, except as limited by this Charter. The mayor shall possess no veto power.

C. The vice-mayor shall, in the absence of the mayor, assume all his or her powers and duties.

D. When both the mayor and vice-mayor are absent, the council may choose one of its own members to act as mayor pro tempore.

Section 614. Same—Sale, exchange, lease or purchase of real property.

The sale or exchange of real property owned by the city shall be authorized by resolution adopted by the affirmative vote of at least five (5) members of the council, provided that the provisions of this section shall not apply to properties dedicated to the City of Chico for park purposes by Annie E.K. Bidwell or Guy R. Kennedy, by deed or will, and such properties shall not be conveyed or exchanged.

The purchase or lease (whether as lessor or lessee) of real property shall also be approved by resolution of the council, except as set forth in paragraph (e) of Section 1000 of Article X of this Charter.

Section 1001. Appointments; terms.

A. Members of each board or commission shall be appointed by the council. In order to be eligible for an appointment to any board or commission, persons shall be residents of the city and qualified voters as defined by the Elections Code of the State of California.

B. Members of each board or commission shall be appointed to serve a term of four (4) years and until their respective successors are appointed and qualified. Prior to January 1, 1987, the ordinance determining the number of members to comprise any board or commission shall provide further that the four-year terms of members shall be staggered so that a substantially equal number of members shall have their terms commence at 7:30 p.m. on June 10th of every second year, except with respect to commissions having more than seven (7) members, who shall have their terms staggered so that a substantially equal number of the members thereof shall have their terms commence at 7:30 p.m. on June 10th of each year. On and after January 1, 1987, the ordinance determining the number of members to comprise any board or commission shall provide that the

four-year terms of members shall be staggered so that a substantially equal number of members shall have their terms commence at 7:30 p.m. on January 1st of every second year, except with respect to commissions having more than seven (7) members, who shall have their terms staggered so that a substantially equal number of the members thereof shall have their terms commence at 7:30 p.m. on January 1st of each year. Notwithstanding anything in this section to the contrary, the term of any member of a board or commission commencing on June 10, 1983 shall terminate at 7:30 p.m. on January 1, 1987, the term of a member of a board or commission commencing on June 10, 1984 shall terminate at 7:30 p.m. on January 1, 1988, the term of a member of a board or commission commencing on June 10, 1985 shall terminate at 7:30 p.m. on January 1, 1989, and the term of a member of a board or commission commencing on June 10, 1986 shall terminate at 7:30 p.m. on January 1, 1990.

C. A member of any board or commission may be removed from office at any time at the discretion of the council by a action of the council adopted by at least four (4) affirmative votes.

Section 1003. Organization.

A. Prior to January 1, 1987, each board and commission shall, during the month of July, organize by electing one of its members to serve as presiding officer at the pleasure of such board or commission. On and after January 1, 1987, each board or commission shall, during the month of February, organize by electing one of its members to serve as presiding officer at the pleasure of such board or commission.

B. Each board or commission shall hold regular meetings as required by ordinance of the council, and such special meetings as each board or commission may require. Written notice of such special meeting and the purpose thereof must be given not less than twenty-four (24) hours before the meeting to each member of the board or commission calling such special meeting, or within that time prescribed by state law, whichever is greater. All meetings and proceedings shall be open to the public, except as otherwise provided by law. Each board or commission shall elect a secretary who shall keep a record of its proceedings and transactions, and a copy thereof shall be filed monthly with the city manager.

Certified to be a true copy by Barbara A. Evans, City Clerk.

Date of General Election: November 6, 1984.

Charter Chapter 2—County of San Diego

Amendments to the Charter of the County of San Diego

[Filed with the Secretary of State January 22, 1985.]

Article V, Section 501 is amended to read as follows:

Section 501: Duties. The Board shall appoint the following appointive officers:

- (a) The Chief Administrative Officer;
- (b) The County Counsel;
- (c) The Probation Officer, subject to confirmation by a majority of the judges of the San Diego County Superior Court; and
- (d) The Director of the Equal Opportunity Management Office.

All other appointive officers, whether established by this Charter, general law or ordinance, shall be appointed by the Chief Administrative Officer. The Board shall, by ordinance, provide for the appointment of all employees.

Article V, Section 501.9 is added to read as follows:

Section 501.9: Non-interference. No member of the Board nor any member of the Supervisor's staff shall give orders, instruct, or interfere, publicly or privately, with any officer or employee appointed by or under the Chief Administrative Officer except through the Chief Administrative Officer.

This section does not limit a member of the Board or member of the Supervisors' staff from seeking information. The Chief Administrative Officer shall establish a procedure for responding to requested information from members of the Board and the staff.

A violation of the provisions of this section shall constitute an infraction and violation by a member of the Board of Supervisors shall also constitute misconduct in office. The District Attorney shall enforce the provisions of this section.

Article VII, Section 703.1 is amended to read as follows:

Section 703.1: The Chief Administrative Officer shall be in the Unclassified Service and shall serve at the pleasure of the Board. The Chief Administrative Officer may be removed by a majority vote of all members of the Board fifteen days after written notice of intention to remove.

Article VII, Section 709 is repealed.

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

Section 902: Administration. The Personnel Director, who is appointed by the Chief Administrative Officer, is responsible for the administration of the personnel department in accordance with this Charter, the Rules for the Unclassified Service, and the Rules for the Classified Service.

Article IX, Section 902.1 is repealed.

Article IX, Section 908 is amended to read as follows:

Section 908: Classified and Unclassified Services. Employment in the County is divided into the Classified and Unclassified Services.

Article IX, Section 908.1 is amended to read as follows:

Section 908.1: The Classified Service consists of all offices and positions not included by this Charter in the Unclassified Service.

Article IX, Section 908.2 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 designat-

- ed 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) each appointive County officer and that officer's principal assistant, or principal assistants, except:
 - (1) the County Counsel, the Auditor and Controller, and their principal assistants, who shall be in the Classified Service; and
 - (2) appointed officers and their principal assistants who held their offices on January 20, 1969, who shall be in the Classified Service;
 - (e) Management employees having significant responsibilities for formulating or administering County policies and programs. Each such position shall be exempted from the Classified Service, by ordinance, upon recommendation of the Chief Administrative Officer and approval by the Board.
 - (f) members of appointed boards and commissions;
 - (g) an Executive Secretary employed by the Civil Service Commission;
 - (h) the Superintendent of Schools;
 - (i) persons serving without compensation;
 - (j) officers and employees whose appointments must be approved by the State;
 - (k) students engaged in regularly established, accredited training programs;
 - (l) 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;
 - (m) deputy registrars of voters employed only to register electors and election workers;
 - (n) persons employed seasonally as guards, custodians, rangers, or caretakers in County parks;
 - (o) 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
 - (p) 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 Personnel Director.

Article IX, Section 908.3 is repealed.

Article IX, Section 909.2 is repealed.

Article IX, Section 909.3 is renumbered to Section 909.2 and amended to read as follows:

Section 909.2: Persons in the Unclassified Service shall acquire no tenure in their position and serve at the pleasure of their appointing authorities. The Board shall adopt rules governing persons other than elective officers in the Unclassified Service. The provisions of Sections 904.3 and 910 of the Charter shall not apply to the adoption or amendment of such rules. The Rules for the Classified Service shall not apply to persons in the Unclassified Service.

Article IX, Section 910.1 is amended to read as follows:

Section 910.1: The Rules for the Classified Service shall include provi-

sions for:

- (a) determining the classification of all positions according to duties and responsibilities;
- (b) the development of a County career service;
- (c) appointments, not exceeding a period of one year, to temporary positions;
- (d) open and promotional competitive examinations for classified employees to measure the relative fitness of applicants; and the creation of eligible lists of persons qualified through examination and their certification therefrom;
- (e) a process for the temporary suspension of competitive examinations where impractical for positions requiring extraordinary scientific, professional or expert qualifications;
- (f) the making of provisional appointments in the absence of eligible lists. Provisional appointments shall not exceed six months and may not be renewed;
- (g) probationary periods of six months for classified employees appointed to regular positions from eligible lists. Such probationary periods may be extended to no more than eighteen months for Deputy Sheriffs or no more than twelve months for all other classified employees, upon approval of the Personnel Director. An appointing authority has the right to dismiss a person in the Classified Service during the probationary period if the appointing authority considers the employee unsatisfactory for or incompetent to fulfill the duties of the position. The appointing authority of an employee dismissed during probation shall give the dismissed employee a statement of the reasons for dismissal, and shall file such statement with the Personnel Director; the dismissed employee shall have no right of appeal to the Commission;
- (h) the regulation and accumulation of vacation and other leaves of absence for persons in the Classified Service;
- (i) procedures for the transfer of employees within the County services;
- (j) performance appraisals;
- (k) the disciplining of employees in the Classified Service for cause and their rights of appeal;
- (l) the appeal processes to be conducted under the jurisdiction of the Commission; and
- (m) the review of proposed Rules for the Classified Service and amendments to those Rules.

Article IX, Section 916 is amended to read as follows:

Section 916: Independent Contractors. Nothing in this Article prevents the County from employing an independent contractor when the Civil Service Commission or one of its authorized members, upon recommendation of the Board of Purchasing Agent, determines that services can be provided more economically and efficiently by an independent contractor than by persons employed in the Classified Service.

Article IX, Section 918 is amended to read as follows:

Section 918: Continuance in Office. Nothing in this Article affects the

present term or the tenure of office of any Commissioner holding office upon the effective date of this Article.

Article X, Section 1006 is added to read as follows:

Section 1006: Operative Date. The amendment to the Charter of the County of San Diego approved by the voters at the General Election on November 6, 1984, shall become operative on February 6, 1985 and shall apply to all persons who are in the Executive Service on the date immediately preceding the operative date of these amendments and nothing in these amendments shall affect the continuity of employment of persons in the positions held at that time.

Certified to be a true copy by Leon Williams, Chairman of the Board of Supervisors, and Porter C. Cremans, Clerk of the Board of Supervisors.

Date of General Election: November 6, 1984.

Charter Chapter 3—City of Sunnyvale

Amendments to the Charter of the City of Sunnyvale

[Filed with the Secretary of State March 15, 1985.]

Article IV, Section 603 is amended to read as follows:

Section 603. Compensation. In addition to reimbursement for necessary traveling and other expenses actually incurred when on official duty in or out of the City on order of the City Council, each member of the City Council shall receive as salary, each month, that sum which has been established by the State Legislature for members of the City Councils of general law cities having that population range within which the City of Sunnyvale falls, all as specified in Government Code Sec. 36516 as it now exists or may hereafter be amended to read, and the Mayor shall receive as salary, each month, a salary equal to 133- $\frac{1}{3}$ % of that established herein for Councilmembers. In order to provide a cost of living adjustment, the salaries provided herein shall be increased annually, effective January 1 of each year, by the amount permitted for general law cities by Government Code Sec. 36516(c), as may hereafter be amended. If a member of the City Council, or the Mayor, does not attend all meetings of the City Council or study sessions called on order of the City Council and held during the month, his/her salary for such month shall be reduced by the sum of \$25 for each meeting or study session not attended unless he/she is absent on official duty with the consent of or on order of the City Council.

Certified to be a true copy by Carol Ann Butler, Deputy City Clerk.

Date of Special Municipal Election: March 5, 1985.

Charter Chapter 4—City of San Bernardino

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

[Filed with the Secretary of State March 22, 1985]

Article X, Section 186 Third is amended by adding (e) to read as follows:

THIRD SPECIAL SALARY PROVISIONS**(e) Fire Fighters**

(1) All employees (below the rank of Battalion Chief) assigned to an average 56 hours per week assignment shall be compensated at an hourly rate of time and one-half ($1\frac{1}{2}$) their regular hourly rate of base pay, such compensation to be computed for each one quarter ($\frac{1}{4}$) hour increment worked in excess of their average 56 hour weekly assignment.

(2) All employees (below the rank of Battalion Chief) working a 40 hour per week assignment shall be compensated at an hourly rate of time and one-half ($1\frac{1}{2}$) their regular hourly rate of base pay, such compensation to be computed for each 30 minute increment worked in excess of their regular eight (8) hour per day assignment of their 80 hours assignment during each pay period.

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

Date of Primary Municipal Election: March 5, 1985.

Charter Chapter 5—City of Redondo Beach

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

[Filed with the Secretary of State April 1, 1985.]

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

Sec. 5. Form of government.

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

Article VI, Section 6 is amended to read as follows:

Sec. 6. Number and term.

The City Council shall consist of five (5) members elected from the City by districts, at the times and in the manner in this Charter provided, and who shall serve for a term of four (4) years. All members shall take office on the first day of the month following the general municipal election; except that a person elected at a run-off election shall take office after the canvass of votes and upon installation pursuant to law. Each member shall serve until his successor is elected and qualified.

Article X, Section 10.3 is amended to read as follows:

Sec. 10.3.

No person shall be eligible to file as a candidate or hold office as City Clerk, City Treasurer, or City Attorney under Article X unless he shall be a qualified elector at the time of filing his nomination papers and shall have been a resident of the City for at least thirty (30) days immediately preceding the date of such filing or appointment.

Article X, Section 10.4 is deleted.

Article XIV, Section 14.6(d) is amended to read as follows:

Sec. 14.6(d). Chief of Police, powers and duties.

(d) Perform additional duties as may be prescribed by ordinance or by the City Council.

Article XVIII, Section 18.2 is amended to read as follows:

Sec. 18.2. Procedure, elections code.

All elections held under this Charter shall be held and conducted in accordance with the provisions of the Elections Code of the State of California as the same now exists or may hereafter be amended, for the holding of elections in general law cities unless such provisions are in conflict with the provisions of this Charter or unless an ordinance providing for the manner of holding and conducting elections is adopted by the City Council.

Article XIX, Section 19.3 is amended to read as follows:

Sec. 19.3. Actions against city.

No suit shall be brought for money or damages against the City or any board, commission or officer thereof until a claim or demand for the same has been presented in the manner prescribed by Government Code sections 900 et seq., as they currently exist and may hereafter be amended. The City Council may prescribe additional claims procedures by appropriate ordinance.

Article XXI, Section 21.1 is amended to read as follows:

Sec. 21.1. Official bonds, City Clerk and Treasurer, officers and employees.

The City Clerk and the City Treasurer shall before entering upon the duties of their respective offices, each execute a bond to the City which shall conform to the requirements of the provisions of the Government Code relating to bonds of public officials. The penal sum of such bonds shall be fixed by the City Council by ordinance adopted not less than thirty (30) days prior to the election of such officials. The City Council shall require bonds of all other officers and employees handling moneys of the City of Redondo Beach when deemed necessary by the City Council. All bonds shall be approved by the City Attorney as to form and by the Mayor as to amount and filed with the City Clerk except the bond of the Clerk which shall be filed with the City Treasurer. The premiums of all officials' bonds shall be paid from the General Fund of the City. All provisions of any law of the State of California relating to the official bonds of officers shall apply to any bonds herein required or authorized except as herein otherwise set forth.

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

Sec. 24. Violations.

The violation of any provision of this Charter shall be a misdemeanor and shall be punishable upon conviction by a fine of not exceeding Five Hundred Dollars (\$500) or by imprisonment for a term not exceeding six (6) months or by both such fine and imprisonment.

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

Date of General Municipal Election: March 5, 1985.

Charter Chapter 6—City of Los Angeles

Amendments to the Charter of the City of Los Angeles

[Filed with the Secretary of State April 19, 1985.]

Section 3(14) is amended to read as follows:

Section 3.

(14) The City may make the violation of its ordinances a misdemeanor and may prescribe punishment therefor by fine not to exceed the maximum amount provided by the general laws of the state, or by imprisonment not to exceed six months, or by both such fine and imprisonment.

Section 139(h) is amended to read as follows:

Section 139.

(h) The powers conferred in this section upon the Board of Harbor Commissioners relating to the making and enforcement of rules and regulations of general application, and to the fixing, regulating and collecting of rates, tolls, and charges to be collected by the city, shall be exercised by order of the board adopted by a majority of its members. Every such order must be approved by the Council by ordinance before the same shall become effective; provided, however, that the board shall have power to suspend, modify or amend temporarily any such rule or regulation, or rate, toll or charge, or to place in effect any temporary rule or regulation, or rate, toll or charge, for periods not exceeding ninety days, and every such ordinance shall so provide. Every such ordinance shall prescribe penalties for the violation of the provisions of such order, and any person, firm or corporation who shall violate the provisions of any such order shall be guilty of a misdemeanor and shall be punishable by fine not to exceed the maximum amount provided by the general laws of the state, or by imprisonment not exceeding six months, or by both such fine and imprisonment as may be prescribed in such ordinance.

Section 247 is amended to read as follows:

Sec. 247. The Board of Traffic Commissioners may by resolution, which shall become effective when published once in a newspaper of general circulation in the city, adopt rules regulating the use of the public streets or other public ways for travel, including parking or other use of vehicles thereon, when determined by the board to be necessary

to meet an emergency. The violation of any such rule, if so declared by the board in the resolution adopting it, shall be a misdemeanor and shall be punishable by fine not to exceed the maximum amount provided by the general laws of this state, or by imprisonment or by both such fine and imprisonment. No rule adopted under the authority of this section shall remain in force longer than thirty days unless incorporated into an ordinance.

The board is authorized to submit to the Council ordinances for adoption, relating to traffic, which must be adopted or rejected by the Council within ninety days from the receipt thereof.

Section 272 is amended to read as follows:

Sec. 272.

(a) Any proposed ordinance, which the Council itself might adopt, may be submitted to the Council by a petition filed with the City Clerk, as provided in Section 273, requesting the adoption of the ordinance, or, if the same be not adopted, that it be submitted to a vote of the electors of the city. Any such petition shall be known as an initiative petition.

Any proposed ordinance amending or repealing an ordinance theretofore proposed by petition and adopted by a vote of the electors, may be submitted to the Council by a petition filed with the City Clerk, as provided in Section 273, requesting that the ordinance be submitted to a vote of the electors of the city. Any such petition shall be known as an initiative petition.

An initiative petition shall set forth the proposed ordinance in full, and shall be signed by qualified electors of the city equal in number to the percentages hereinafter prescribed. The basis on which such percentages of qualified electors of the city shall be estimated shall be the total number of votes cast for all candidates for the office of Mayor at the last general municipal election, or primary nominating election, at which a Mayor was elected prior to the filing of such petition.

(b) Petitions to amend the Charter shall be governed by provisions of Chapter 2 of Part 1 of Division 2 of Title 4 of the California Government Code.

Section 273 is amended to read as follows:

Sec. 273. Any petition submitting a proposed ordinance to the Council as provided in this article, shall comply with the provisions of the Charter and the Los Angeles City Election Code. It shall identify the names and addresses of five electors of the city who, as a committee of petitioners, shall be officially recorded as sponsoring and filing the petition. The following shall apply to all such petitions:

(a) The petition shall be signed by registered, qualified electors of the city in their own proper person. In order to be acceptable for filing, the petition must on its face purport to have appended to it signatures in the required number, and all names signed to a petition must have been secured not more than one hundred twenty days prior to the date of filing. In the event any name shall have been affixed more than one hundred twenty days prior to the date of filing of the petition, such name shall not be counted in determining the sufficiency of the petition.

(b) Except as provided in Section 273(c), within thirty days from the

date of the filing of an initiative petition, the City Clerk shall examine the same and ascertain from the County of Los Angeles records of voter registration whether or not the petition is signed by the requisite number of qualified registered electors of the city. A signature shall be considered valid only if an affidavit is found in said County records which is dated on or prior to the time of signing the initiative petition and the signature and address correspond with that on the petition. The City Clerk may discontinue the further checking of a petition after having obtained the number of names required by law. The legibility of the names on the petition is the responsibility of the sponsors. The Clerk shall not be required to examine precinct lists or any other address directory or to undertake any investigation to identify the names of signers of the petition, and shall be required only to use reasonable diligence in reading and identifying such names.

In determining the number of valid signatures, the Clerk shall compare the signatures on the petition with the original affidavits of registration or with any duplicates or facsimiles thereof, provided that the method of preparing and displaying such duplicates or facsimiles complies with law.

(c) The City Clerk, within 15 days from the date of filing of the petition, may use a random sampling technique for verification of signatures. The random sample of signatures to be verified shall be drawn in such a manner that every signature filed with the clerk shall be given an equal opportunity to be included in the sample. Such a random sampling shall include an examination of at least 5 percent of the signatures. If the statistical sampling shows that the number of valid signatures is within 90 to 110 percent of the number of signatures of qualified voters needed to declare the petition sufficient, the clerk shall within 30 days after completion of the random sampling, examine and verify each signature filed. In determining the number of valid signatures on the petition pursuant to this subsection the Clerk shall examine the petition in the manner provided in Section 273(b).

(d) When the City Clerk has completed the examination of the petition, the Clerk shall prepare a dated certificate of that office showing the result of such examination, and shall notify the sponsors of the petition of either the sufficiency or insufficiency of the petition without delay.

If, by the certificate of the City Clerk, the petition is found to be insufficient, it may be supplemented by filing, within ten days, a supplemental petition, in form a duplicate of the original petition, bearing additional signatures secured within such ten day period; provided, however, that no such supplement may be filed later than one hundred twenty days after the date of the earliest signature counted in determining the sufficiency of the original petition. No signature on the supplemental petition shall be considered valid if it is shown, by the date affixed to the petition, that it was signed prior to the date of the certificate of insufficiency of the City Clerk to the original petition, or if that signature appeared on the original petition and was previously given proper credit. Within ten days after the filing of such supplemental

petition, the City Clerk shall make like examination of the same and certify to the result of such examination as hereinbefore provided.

If the City Clerk's certificate shall show any such petition, or any such petition as supplemented, to be insufficient, it shall be retained by the City Clerk and kept as a public record, without prejudice however to the filing of a new petition to the same effect after the expiration of six months from date of City Clerk's certificate. But if, by the certificate of the City Clerk, the petition, or the petition as supplemented, is shown to be sufficient, the City Clerk shall present the same to the Council without delay. The sufficiency or insufficiency of the petition shall not be subject to review by the Council.

If any supplemental petition is properly filed as herein provided, all valid signatures appended to the original petition and to the supplemental petition shall be considered in determining the sufficiency or insufficiency of the petition.

(e) If an initiative petition, or petition as supplemented, is certified by the Clerk to be insufficient, the sponsors thereof, within 30 days after the date of such certification, may file with the City Clerk a statement of contest of the certification on the ground that the petition contains signatures of qualified registered electors not counted by the Clerk and that said signatures are valid and sufficient in number for a certificate of sufficiency to issue. The statement of contest shall be verified and shall contain a list identifying all such signatures. For each such signature the list shall contain the following:

1. The name and address of the signer;
2. The section and line number where such signature is located in the petition; and
3. The reference number by which the affidavits of registration may be located in the microfilm records of the Office of the County Registrar of Voters.

In lieu of the foregoing list, for each such signature the proponents may furnish certified copies of the applicable affidavit of registration.

Within 15 days after the filing of a statement of contest the City Clerk shall examine the statement and the affidavits attached or referred to therein and after such examination shall certify the sufficiency or insufficiency of the petition. No further statement of contest may be filed. The City Clerk shall notify the proponents of the petition of the results of said examination. If the Clerk determines that the petition is sufficient the Clerk shall prepare a new certification to so indicate and shall present the new certificate to the Council at its next regular meeting.

Any action challenging the City Clerk's determination on the statement of contest shall be filed no later than 30 days following the date of certification of the statement of contest. In any such action, no signatures shall be considered which were not on the statement of contest.

(f) Any signer of a petition or supplemental petition may withdraw his or her name by filing with the City Clerk a verified revocation of his or her signature before such petition or supplemental petition containing said signature has been filed with the City Clerk. No signature can be revoked after the petition, or supplemental petition to which it is

attached, has been filed. The City Clerk shall endorse on said petition and on any supplemental petition the name of the person or persons who filed the same, respectively. If any signature to such petition or supplemental petition is questioned, and in the judgment of the City Clerk should be investigated, the City Clerk shall forthwith mail notice to such purported signer, stating that his or her name is attached to such petition or supplemental petition, and cite said person to appear before the City Clerk forthwith to answer whether such signature is genuine. If the City Clerk finds that any signature is not genuine the Clerk shall strike the same from the petition or supplemental petition. After an election based on any petition, whether or not supplemented, the sufficiency of such petition and supplemental petition, if any, shall not be subject to judicial review or be otherwise questioned in any respect.

(g) All petitions and supplemental petitions hereinabove referred to which have been filed with the City Clerk shall be retained for two years. If a contest is not commenced within two years from the date of the certificate of the City Clerk to the City Council, the City Clerk may then, in conformity with legal requirements, cause the petition and any supplemental petition to be destroyed unless it has been entered in evidence in some action or proceeding then pending, provided however that in any event a copy of that section marked "No. 1" on the petition with the Clerk's certificate shall be kept indefinitely.

(h) The sponsors of a petition shall be fully responsible for such petitions and the signatures thereon being complete in every detail, legible and in proper form when filed with the City Clerk. No amendments, changes, alterations or corrections of any kind, clerical or otherwise, shall be permitted to be made in any petition subsequent to it being filed with the City Clerk.

Section 274 is amended to read as follows:

Sec. 274. The petition requesting the adoption by the Council any proposed ordinance, or if the same be not so adopted, for the submission of such ordinance to a vote of the electors of the city, shall be signed by fifteen percent (15%) of the qualified electors of said city, estimated upon the basis set forth in Section 272(a). When the petition is presented, the Council may either:

(a) Adopt the proposed ordinance, without alteration, within twenty (20) days after such presentation; or

(b) It may at its discretion call a special election and submit the proposed ordinance, without alteration, to a vote of the electors of the city.

Any ordinance proposed by initiative petition, adopted by the Council and approved by the Mayor, or adopted over the Mayor's veto, shall be subject to a referendary vote as provided in the Charter in the case of other ordinances.

If such ordinance is not adopted, or submitted to a vote of the electors of the city at a special election, as hereinabove provided, the Council shall submit such proposed ordinance, without alteration, to a vote of the electors of the city at the next election, at which all the qualified voters of the city are entitled to vote, that shall be held at any time after

ninety (90) days from the date of the certification of such petition to the Council by the City Clerk.

Section 275 is amended to read as follows:

Sec. 275. Any person or persons filing an initiative petition or the person or organization on whose behalf such petition is filed, shall have the right to file with the City Clerk, not later than five days after the certification of sufficiency of the petition, an argument favoring the proposed ordinance. The Council shall have the right to present, or permit to be presented and filed with the City Clerk within the same limit of time, an argument opposing said ordinance. No such argument shall exceed two thousand words in length. Not later than fifteen days after the certification of sufficiency of the petition, each person or organization, including the Council, which presented arguments in favor of, or in opposition to, the proposed ordinance shall have the right to file with the City Clerk rebuttal arguments, not to exceed one thousand words in length. All such arguments and rebuttal arguments submitted in connection with any particular measure shall be printed in the voter information pamphlet in the same format and type size, which format and type size, no smaller than six point and not larger than ten point type, the City Clerk shall prescribe. Nothing in this section shall authorize the Council to expend money of the City for formulating or printing any such argument. The person or organization submitting any such arguments shall reimburse the City Clerk for all expenses incurred in printing said arguments in the voter information pamphlet.

Section 290.1 is added to read as follows:

Sec. 290.1. Notwithstanding the provisions of Section 290, the following shall apply to recall proceedings with respect to an incumbent of the elective office of Mayor, City Attorney, Controller and Member of the City Council. Any incumbent of such elective office, whether elected by vote of the people or appointed to fill a vacancy, may be removed from office by the qualified electors of the City of Los Angeles, as hereinafter provided. Such removal of the incumbent of an elective office shall be known as the recall, and the procedure to effect the removal shall be as hereinafter provided.

(a) A petition signed by qualified electors equal in number to at least fifteen percent of the registered voters eligible to vote for the office, the incumbent of which is sought to be removed, demanding the submission to the electors of the city of the question whether the incumbent of such office shall be removed by vote of the electors, and if so removed, the election of a successor of such incumbent, shall be addressed to the Council and filed with the City Clerk. The fifteen percent shall be computed upon the number of registered voters on the date of filing with the City Clerk of the notice of intent to circulate the petition.

If the petition demands the submission to the voters of the question of removal of a Member of Council, the fifteen percent shall be computed upon the total number of registered voters within the District from which the Councilmember, for whose recall the petition asks, was elected. Only signatures of registered voters living within the district shall be counted in computing said fifteen percent, and only voters residing

within such district shall be entitled to vote at such election.

(b) The petition shall contain a general statement of the grounds for which such removal is sought, of not more than three hundred words in length. The sufficiency of such statement shall not be subject to review by the City Council; however, the petition, when circulated, shall have attached thereto an affidavit of one or more of the proponents that all of the facts stated in said statement are true.

Except as otherwise herein provided, the provisions of this article relating to the form and to the mode of signing initiative petitions, and to the filing, examining, certifying, supplementing, presenting to the Council and the retaining thereof, shall apply to any petition filed with the City Clerk under this section. Such petition shall be designated as a recall petition. The sufficiency or insufficiency of any recall petition shall not be subject to review by the Council.

(c) Before submitting a recall petition for signatures, its proponents shall publish a notice of intention so to do; provided, however, that no such notice shall be effective if published (1) before the officer has held his or her current term of office for three months, or (2) within six months of the expiration of the current term of office, or (3) within six months after a recall election at which said officer was retained in office. The notice shall be accompanied by a printed statement, not exceeding 300 words in length, of the reasons for the proposed recall. The notice and statement shall be published at least once in a newspaper of general circulation published in the city.

(d) A copy of the notice of intention shall be served upon, or sent by registered mail to the officer sought to be recalled and a copy thereof shall be filed forthwith with the City Clerk. Said copies shall have attached thereto an affidavit of one or more of the proponents of the petition stating that all of the facts in the notice and statement are true and shall designate the manner of service of said notice and statement.

(e) Within 14 days after the publication of the notice and statement, the officer sought to be recalled, or anyone upon his or her behalf, may publish an answer to the statement. The answer to the statement shall not exceed 300 words in length, and shall be published in a newspaper of general circulation published in the city. The statement and answer are intended solely for the information of the voters and no insufficiency in the form or substance thereof shall affect in any manner the validity of the proceedings taken under this Charter.

(f) Twenty-one days after the publication or posting of the notice and statement, the petition demanding the recall of the officer may be circulated among the qualified voters of the city for the securing of signatures. The petition shall bear a copy of the printed notice of intention and accompanying statement and the answer, if any. If the officer has not answered, the petition shall so state. Signatures shall be secured and the petition filed within one hundred twenty days from the first day to circulate. Notwithstanding any time provisions of Section 273(d) no supplemental petition may be filed after said one hundred twenty day period.

(g) Upon the presentation of a recall petition to the Council by the

City Clerk, the Council shall thereupon, by ordinance, order the holding of a special election for the purpose of submitting to the electors of the city at large or in the district, as the case may be, the question whether such officer shall be recalled, and if recalled, for the election of his or her successor. Such special election shall be held not less than sixty days nor more than ninety days after the date of the certificate of the City Clerk to the sufficiency of such recall petition; provided, however, that if any other election for any purpose at which all the qualified voters of the city are entitled to vote, is to occur during said time period, the Council may, in its discretion, order the holding of such recall election, and the consolidation thereof with such other election.

Section 290.2 is added to read as follows:

Sec. 290.2 Notwithstanding the provisions of Section 290, the following shall apply to recall proceedings with respect to an incumbent of an elective office of Member of the Board of Education. Any Member of the Board of Education, whether elected by vote of the people or appointed to fill a vacancy, may be removed from office by the qualified electors of the Los Angeles Unified School District, as hereinafter provided. Such removal of a Member of the Board of Education shall be known as the recall, and the procedure to effect the removal shall be as hereinafter provided.

(a) A petition signed by qualified electors equal in number to at least fifteen percent of the registered voters eligible to vote for the office, the incumbent of which is sought to be removed, demanding the submission to the electors of the applicable district in the Los Angeles Unified School District of the question whether the incumbent of such office shall be removed by vote of such electors, and if so removed, the election of a successor of such incumbent, shall be addressed to the Council and filed with the City Clerk. The fifteen percent shall be computed upon the number of registered voters in the applicable district on the date of filing with the City Clerk of the notice of intent to circulate the petition. The fifteen percent shall be computed upon the total number of registered voters within the District from which the member for whose recall the petition asks was elected. Only the signatures of registered voters living within the district shall be counted in computing said fifteen percent, and only voters residing within such district shall be entitled to vote at such election.

(b) The petition shall contain a general statement of the grounds for which such removal is sought, of not more than three hundred words in length. The sufficiency of such statement shall not be subject to review by the City Council; however, the petition, when circulated, shall have attached thereto an affidavit of one or more of the proponents that all of the facts stated in said statement are true.

Except as otherwise herein provided, the provisions of this article relating to the form and to the mode of signing initiative petitions, and to the filing, examining, certifying, supplementing, presenting to the Council and the retaining thereof, shall apply to any petition filed with the City Clerk under this section. Such petition shall be designated as a recall petition. The sufficiency or insufficiency of any recall petition

shall not be subject to review by the Council.

(c) Before submitting a recall petition for signatures, its proponents shall publish a notice of intention so to do; provided, however, that no such notice shall be effective if published (1) before the officer has held his or her current term of office for three months, or (2) within six months of the expiration of the current term of office, or (3) within six months after a recall election at which said officer was retained in office. The notice shall be accompanied by a printed statement, not exceeding 300 words in length, of the reasons for the proposed recall. The notice and statement shall be published at least once in a newspaper of general circulation published in the Los Angeles Unified School District.

(d) A copy of the notice of intention shall be served upon, or sent by registered mail to the officer sought to be recalled and a copy thereof shall be filed forthwith with the City Clerk. Said copies shall have attached thereto an affidavit of one or more of the proponents of the petition stating that all of the facts in the notice and statement are true and shall designate the manner of service of said notice and statement.

(e) Within 14 days after the publication of the notice and statement, the officer sought to be recalled, or anyone upon his or her behalf, may publish an answer to the statement. The answer to the statement shall not exceed 300 words in length, and shall be published in a newspaper of general circulation published in the Los Angeles Unified School District. The statement and answer are intended solely for the information of the voters and no insufficiency in the form or substance thereof shall affect in any manner the validity of the proceedings taken under this Charter.

(f) Twenty-one days after the publication or posting of the notice and statement, the petition demanding the recall of the officer may be circulated among the qualified voters of the Los Angeles Unified School District for the securing of signatures. The petition shall bear a copy of the printed notice of intention and accompanying statement and the answer, if any. If the officer has not answered, the petition shall so state. Signatures shall be secured and the petition filed within one hundred twenty days from the first day to circulate. Notwithstanding any time provisions of Section 273 (d) no supplemental petition may be filed after said one hundred twenty day period.

(g) Upon the presentation of a recall petition to the Council by the City Clerk, the Council shall thereupon, by ordinance, order the holding of a special election for the purpose of submitting to the electors of the district, the question whether such officer shall be recalled, and if recalled, for the election of his or her successor. Such special election shall be held not less than sixty days nor more than ninety days after the date of the certificate of the City Clerk to the sufficiency of such recall petition; provided, however, that if any other election for any purpose at which all the qualified voters of the Los Angeles Unified School District are entitled to vote, is to occur during said time period, the Council may, in its discretion, order the holding of such recall election, and the consolidation thereof with such other election.

Section 292.1 is amended to read as follows:

Sec. 292.1. Notwithstanding the provisions of Section 292, the following shall apply to recall proceedings with respect to an incumbent of the elective office of Mayor, City Attorney, Controller and Member of the City Council. Any incumbent of one of the above offices whose removal is sought under the provisions of this article may file with the City Clerk, not later than five days after the certification of sufficiency of a recall petition, a statement of not more than two thousand words in length, justifying such incumbent's course in office; and the person filing such recall petition, or the person or organization on whose behalf a recall petition was filed, shall have the right to present to the City Clerk, within the same limit of time, a statement in support of such recall of not exceeding two thousand words in length. All statements filed under this section in connection with the recall of a particular officer shall be printed in the voter information pamphlet in the same format and type size, which format and type size, no smaller than six point and not larger than ten point type, the City Clerk shall prescribe. The person or organization submitting any such statement shall reimburse the City Clerk for all expenses incurred in printing such statement in the voter information pamphlet.

Section 295.1 is amended to read as follows:

Sec. 295.1. Notwithstanding the provisions of Section 295 the following shall apply to recall proceedings with respect to an incumbent of the elective office of Mayor, City Attorney, Controller and Member of the City Council. Any candidate to be voted for at a recall election, other than the incumbent sought to be removed, may be nominated by petition, which petition shall conform to the provisions of this Charter, so far as applicable, relating to nominating petitions at primary nominating elections. Each petition must be filed with the City Clerk within 15 days from the date of the City Clerk's certification as to the sufficiency of the recall petition. The City Clerk shall have available nominating petitions for the candidates at the time of certification to the sufficiency of the petition, and nominating petitions may be circulated upon the City Clerk's certificate of sufficiency.

Immediately upon the presentation of any such petition the City Clerk shall ascertain and determine, in the manner hereinbefore provided in Charter Section 273, whether or not such petition is signed by the requisite number of qualified electors of the city or district. The City Clerk, within five days after filing of such a petition, shall attach his or her certificate to such petition, showing the result of his or her examination. If the Clerk certifies that the petition is not signed by the requisite number of qualified registered electors, the same may be supplemented within three days from the date of such certificate by filing a supplemental petition in form a duplicate of the original petition. The City Clerk shall, within five days after such supplemental petition is filed, make like examination thereof and shall certify the result of such examination, but no further supplemental petition shall be allowed. If any such petition, as supplemented by a supplemental petition, be signed by the requisite number of qualified registered electors, both the original petition and supplemental petition being considered together for that

purpose, the person therein named shall be deemed to be nominated as a candidate to be voted for at such recall election.

Section 292.2 is amended to read as follows:

Sec. 292.2. Notwithstanding the provisions of Section 292, the following shall apply to proceedings with respect to recall of Members of the Board of Education. Any Member of the Board of Education whose removal is sought under the provisions of this article may file with the City Clerk, not later than five days after the certification of sufficiency of the recall petition, a statement of not more than two thousand words in length, justifying such Member's course in office; and the person filing such recall petition, or the person or organization on whose behalf a recall petition was filed, shall have the right to present to the City Clerk, within the same limit of time, a statement in support of such recall of not exceeding two thousand words in length. All statements filed under this section in connection with the recall of a particular officer shall be printed in the voter information pamphlet in the same format and type size, which format and type size, no smaller than six point and not larger than ten point type, the City Clerk shall prescribe. The person or organization submitting any such statement shall reimburse the City Clerk for all expenses incurred in printing such statement in the voter information pamphlet.

Section 295.2 is added to read as follows:

Sec. 295.2. Notwithstanding the provisions of Section 295 the following shall apply to proceedings with respect to recall of Members of the Board of Education. Any candidate to be voted for at a recall election, other than the incumbent sought to be removed, may be nominated by petition, which petition shall conform to the provisions of this Charter, so far as applicable, relating to nominating petitions at primary nominating elections. Each petition must be filed with the City Clerk within 15 days from the date of the City Clerk's certification as to the sufficiency of the recall petition. The City Clerk shall have available nominating petitions for the candidates at the time of certification to the sufficiency of the petition, and nominating petitions may be circulated upon the City Clerk's certificate of sufficiency.

Immediately upon the presentation of any such petition the City Clerk shall ascertain and determine, in the manner hereinbefore provided in Charter Section 273, whether or not such petition is signed by the requisite number of qualified electors of the district. The City Clerk, within five days after filing of such a petition, shall attach his or her certificate to such petition, showing the result of his or her examination. If the Clerk certifies that the petition is not signed by the requisite number of qualified registered electors, the same may be supplemented within three days from the date of such certificate by filing a supplemental petition in form a duplicate of the original petition. The City Clerk shall, within five days after such supplemental petition is filed, make like examination thereof and shall certify the result of such examination, but no further supplemental petition shall be allowed. If any such petition, as supplemented by a supplemental petition, be signed by the requisite number of qualified registered electors, both the original

petition and supplemental petition being considered together for that purpose, the person therein named shall be deemed to be nominated as a candidate to be voted for at such recall election.

Section 312 is added to read as follows:

Sec. 312. Limitations on Campaign Contributions in City Elections.

A. Purpose. The purpose of this section is to encourage a broader participation in the political process by placing limits on the amount any person may contribute or otherwise cause to be available to candidates for election to the offices of Mayor, City Attorney, Controller and City Council of the City of Los Angeles and by regulating the disposition of unexpended contributions received by or on behalf of such candidates.

B. Definitions.

1. The definitions set forth in the Political Reform Act of 1974 as amended (Government Code Sections 82000 through 82055) shall govern the interpretation of this section, unless otherwise specified herein.

2. The term "elective City office", as used herein, shall mean the offices of Mayor, City Attorney, Controller and Member of the City Council.

C. Campaign Contribution Limitations.

1. No intended candidate for any elective City office, and no committee acting on behalf of such candidate, shall solicit or accept, or cause to be solicited or accepted, any contribution for use in an election for such office unless and until such candidate shall have filed a declaration of intent to solicit and receive contributions in connection with candidacy for a specific elective City office. That declaration shall be filed with the City Clerk on a form prescribed by the City Clerk. No person may file such declaration for more than one elective City office nor have more than one such declaration on file at the same time. A candidate may, however, file a form cancelling one declaration and may thereafter file a new declaration.

2. No person other than a candidate shall make, and no person or candidate shall solicit or accept, any contribution which will cause the total amount contributed by such person with respect to a single election for Member of the City Council, in support of or opposition to a candidate for such office, including contributions to all committees supporting or opposing such candidate, to exceed \$500.

3. No person other than a candidate shall make, and no person or candidate shall solicit or accept, any contribution which will cause the total amount contributed by such person with respect to a single election for Mayor, City Attorney or Controller, in support of or opposition to a candidate for such office, including contributions to such candidate and any controlled committees of any candidate, to exceed \$1,000.

4. No person shall make, and no person or candidate shall solicit or accept, any contribution which will cause the total amount contributed by such person with respect to a single election for Mayor, City Attorney or Controller in support of or opposition to a candidate for such office, including contributions to all committees supporting or

opposing such candidate other than controlled committees, to exceed \$500.

5. No person shall make a contribution in connection with a single election for an elective City office which would cause the aggregate amount of such contributions by that person to exceed a sum equal to \$500 multiplied by the number of City Council offices appearing on the ballot at that election plus \$1,000 multiplied by the number of citywide offices appearing on the ballot at that election, but in no case less than \$1,000, in connection with all candidates in that election seeking election to all elective City offices; provided, however, that a candidate shall not be limited by this subdivision 5 in the amount he or she may contribute or expend in connection with his or her own campaign, subject to the provisions of subdivision 9 of this subsection C.

6. No person shall make, and no person shall solicit or accept, any contribution which would cause the total amount contributed by that person to independent committees that make independent expenditures in support of or in opposition to candidates for elective City office to exceed \$500.

7. Loans for use in connection with an election for elective City office for a period of more than thirty (30) days are prohibited. Loans of more than \$500 for use in connection with an election for City Council, or of more than \$1,000 for use in connection with an election for Mayor, City Attorney or Controller, are prohibited. Loans to a candidate or his or her controlled committees shall be counted against the contribution limitations applicable to that candidate. Provided, however, a candidate is not prohibited from obtaining a personal loan of any amount from a duly licensed financial lending institution in the regular course of business, unless the loan is made for political purposes.

8. Except as provided in Subsection J, any contributions solicited or accepted pursuant to this section shall be expended only in connection with the candidacy for the office specified in the candidate's declaration of intent to solicit and receive contributions. Contributions solicited or accepted pursuant to this section for one individual shall not be expended for the candidacy of any other individual or in support of or opposition to any City ballot measure.

9. No candidate shall expend or contribute more than \$30,000 in personal funds in connection with his or her campaign for elective City office unless and until the following conditions are met:

(1) Notice of the candidate's intent to so expend or contribute shall be provided by registered mail to all opponents and to the City Clerk at least 30 days in advance of the election, specifying the amount intended to be expended or contributed; and

(2) All personal funds to be expended or contributed by the candidate in excess of \$30,000 shall first be deposited in the candidate's campaign contribution checking account at least 30 days before the election. In making any distribution of unexpended contributions pursuant to Subsection J, such candidate shall be ineligible for a pro

rata return of unexpended funds.

Each opponent of any candidate who has complied with the above conditions shall be permitted to solicit and receive, and contributors to each such opponent may make, contributions in excess of the limits established in Subdivision 2 and 3 of Subsection C until such opponent has raised contributions in amounts above such limits equal to the amount of personal funds deposited by the candidate in his or her campaign contribution checking account.

D. Cash Contributions. No person shall make, and no candidate or committee shall solicit or accept, any cash contribution in excess of \$25.

E. Anonymous Contributions. Total anonymous contributions to a candidate or committee which exceed in the aggregate \$200 with respect to a single election shall not be used by the candidate or committee for whom such contributions were intended, but instead, such excess shall be paid promptly to the City Treasurer for deposit in the General Fund of the City.

F. Adjustment of Limits. The amounts specified in Subsections C and D of this section may be modified from time to time by ordinance to reflect changes in the consumer price index for the Los Angeles-Long Beach metropolitan statistical area.

G. Campaign Contribution Checking Account. One campaign contribution checking account shall be established by each candidate for elective City office, and by each committee supporting or opposing such candidate, at an office of a bank or savings and loan institution located in the City of Los Angeles. Upon opening such account, the name of the bank or savings and loan institution and the account number shall be filed with the office of the City Clerk on the next regular business day on which said office is open. Funds shall only be disbursed from such account by checks signed by the candidate or by the candidate's or committee's campaign treasurer or designated agents of the campaign treasurer.

H. Accountability. Every candidate or committee establishing a campaign contribution checking account pursuant to this section shall make available on demand to any public officer having legal authority to enforce this section, the details of any such checking account requested by such officer and the records supporting such details. Such records shall be kept by the candidate or treasurer of the committee establishing the account for the periods specified in the regulations of the California Fair Political Practices Commission relating to retention of documents.

I. Petty Cash Fund. Subsection G notwithstanding, a candidate, campaign treasurer or other designated agents authorized to issue checks on a campaign contribution checking account may disburse to the candidate or committee establishing the checking account an amount not greater than \$50 per week to be used for petty cash purposes by the candidate or committee.

J. Unexpended Contributions. If a candidate cancels his or her declaration of intent to solicit and receive contributions for a particular office, ceases to be a candidate or fails to qualify under the provisions of the Charter for an office for which contributions have been solicited or accepted, or if there remains a balance in the campaign checking account of the

candidate or committee after the date of the election in which said candidate appeared on the ballot, all unexpended funds in excess of \$5,000 remaining in the account shall be returned on a pro rata basis to those who have made said contributions, or shall be paid promptly to the City Treasurer for deposit to the General Fund of the City, or be donated to one or more charitable organizations qualifying for federal income tax exemption. A maximum of \$5,000 in unexpended funds may be retained by a candidate or committee and may be used for any political purpose or other lawful use, but may not be used in connection with any future election for elective City office.

K. Assumed Name Contributions. No contribution shall be made, directly or indirectly, by any person or combination of persons acting jointly in a name other than the name by which they are identified for legal purposes, nor in the name of another person or combination of persons. No person shall make a contribution in his, her, or its name of anything belonging to another person or received from another person on the condition that it be used as a contribution. In the event it is discovered by a candidate or committee treasurer that a contribution has been received in violation of this subsection, the candidate or treasurer shall promptly pay the amount received in violation of this subsection to the City Treasurer for deposit in the General Fund of the City.

L. Campaign Expenditures—Uncontrolled by Candidate or Committee. Persons or organizations not subject to the control of a candidate or committee but who make independent expenditures for or against a candidate or committee shall indicate clearly on any material published, displayed or broadcast that it was not authorized by a candidate or committee controlled by a candidate.

M. Suppliers of Goods and Services—Disclosure of Records Required. No person who supplies goods or services or both goods and services to a candidate or committee for use in connection with the campaign for an elective City office shall knowingly refuse to divulge or disclose to the City Attorney the record of any expenditures made by the candidate or committee in payment for such goods or services or both.

N. Duties of City Clerk. The City Clerk shall administer the provisions of this section. In addition to other duties required of the City Clerk under the terms of this section, the City Clerk shall:

(a) Supply appropriate forms and manuals prescribed by the California Fair Political Practices Commission. These forms and manuals shall be furnished to all candidates and committees, and to all other persons required to file reports.

(b) Determine whether required documents have been filed and, if so, whether they conform on their face with the requirement of state law.

(c) Notify promptly all persons and known committees who have failed to file a document in the form and at the time required by state law.

(d) Report apparent violations of this section and applicable state law to the City Attorney.

(e) Compile and maintain a current list of all statements or parts of

statements filed with the City Clerk's office pertaining to each candidate and each measure.

(f) Conduct audits and investigations of reports and statements filed by candidates and committees supporting or opposing candidates for city offices immediately after the last date for filing the first report or statement following the primary, general or special election for the offices for which the candidates competed as required under the Political Reform Act of 1974 as amended.

(g) Enforce or cause to be enforced the provisions of this section pursuant to Subdivision (b) of Section 90002 of the Government Code. O. Penalty. Any person who knowingly or willfully violates any provision of this Section is guilty of a misdemeanor.

P. Effect of Violation on Outcome of Election.

1. If a candidate is convicted of a violation of any provision of this section, and if the court determines that the violation was substantial and that it might have had a bearing on the outcome of the election, then:

(a) if such conviction becomes final before the date of the election, the votes for such candidate shall not be counted, and the election shall be determined on the basis of the votes cast for the other candidates in that race;

(b) if such conviction becomes final after the date of the election, and if such candidate was declared to have been elected, then such candidate shall not assume office, the office shall be deemed vacant and shall be filled as otherwise provided in this Charter;

(c) the person so convicted shall be ineligible to hold any elective City office for a period of five (5) years after the date of such conviction.

2. The City Clerk shall not issue any certificate of nomination or election to any candidate until his or her pre-election campaign statements required by the Political Reform Act of 1974, as amended, or, if no campaign statement is required, the written declaration permitted under Section 84205 of the Government Code, have been filed in the form and at the place required by the Political Reform Act of 1974.

Q. Verification. All declarations, reports and statements filed under this section shall be signed and verified by the filer under penalty of perjury.

R. Injunction. Any person residing in the City of Los Angeles may sue for injunctive relief to enjoin violations or to compel compliance with the provisions of this section. The Court may award a plaintiff or defendant who prevails his or her costs of litigation, including reasonable attorney's fees; provided, however, that no such award may be granted against the City of Los Angeles.

S. Operative Date. This section shall become operative on and shall apply to all contributions received on and after July 1, 1985. Contributions received prior to July 1, 1985, may be used only for:

1. the payment of expenses incurred prior to July 1, 1985, in connection with a City election held prior to said date;

2. the payment of expenses incurred in connection with the City's

primary nominating election and general municipal election held in 1987,

3. any other political or other lawful purpose other than an election for elective City office.

T. Severability. If any provision or portion of this section is for any reason held to be invalid or unconstitutional by the decision of any court, such decision shall not affect the remaining portions of this section.

Section 427 is added to read as follows:

Section 427. Rail Transit Assessments.

(a) The City of Los Angeles, in the exercise of any powers it may have under any state, federal or other law, shall not approve the boundaries or the method of assessment of, or otherwise approve, an assessment district proposed to assess properties for benefits from a rail transit system or stations if assessments are to be made on properties in residential use before April 9, 1985 or under construction before said date for residential use in that district or any zone thereof.

For purposes of this section, a "residential use" of property shall include use as a single-family residence, a multi-family residence, a retirement home, or other property improved with a structure designed and used for housing a person or family, including property improved with a residential building which is temporarily vacant as well as property with a residential building under construction, but shall not include a hotel, motel or similar transient housing facility. In the event a property is in both residential and non-residential use, assessment thereof may be approved, but shall be calculated only on the non-residential portion.

(b) Neither the City Council nor any City board, commission, officer or employee in the exercise of any power or authority it may have shall authorize or approve any grant of funds for a rail transit project unless the district, agency or entity proposing to initiate or implement the project has first entered into a contract with the City which binds the district, agency or entity (1) to not levy any assessments on any property in residential use or under construction prior to April 9, 1985, as that term is defined in Subsection (a) of this section, to pay in whole or in part for the acquisition, construction, development, joint development, operation, maintenance, or repair of the project or stations connected thereto, and (2) to pay or fully refund to the payers thereof any assessments required by law to be levied thereon.

Certified to be a true copy by Linda Worden and Susan Mattson, Deputy City Clerk.

Date of Primary Nominating Election: April 9, 1985.

Charter Chapter 7—City of Chico

Amendments to the Charter of the City of Chico

[Filed with the Secretary of State April 24, 1985]

Section 605 is amended to read as follows:

Section 605. Appointment of officers and commission members.

The council shall have the power and authority to appoint a city manager, a city clerk, a city attorney, and the members of the various boards and commissions. All other officers and department heads shall be appointed by the city manager, subject to confirmation by the council; except that the park director shall be appointed by the city manager subject to confirmation by both the council and the Bidwell Park and Playground Commission, and the airport manager shall be appointed by the city manager subject to confirmation by both the council and the airport commission.

Section 1000 is amended to read as follows:

Section 1000. Generally.

There shall exist within the city each of the boards and commissions provided for by this article and any other board or commission now or hereafter established by ordinance of the council. Each such board and commission shall have the powers and duties provided for in this Charter and/or established by ordinance or resolution of the council; provided, however, that no power granted to a board or commission herein shall be deemed to be equal to or greater than that of the council.

Section 1000.1 is added to read as follows:

Section 1000.1. Number of members.

The number of members comprising any board or commission shall be determined by ordinance of the council; provided, however, that no board or commission shall consist of less than five members.

Section 1002 is repealed.

Section 1006 is amended to read as follows:

Section 1006. Bidwell Park and Playground Commission—Creation and appointment of members; suspension.

The Council shall appoint a board of park commissioners to be known as the Bidwell Park and Playground Commission except during such time as the council shall, by resolution or ordinance, have determined that the conditions for suspension of the Bidwell Park and Playground Commission exist, as hereinafter provided in subsection 1 of this section, which condition of suspension so determined shall have the effects set out in subsection 2 herein:

1. Conditions of Suspension.

The conditions of suspension referred to in this section are as follows:

a. All park and playground properties of the City of Chico including Bidwell Park, Children's Playground, City Plaza, and Junction Park, but not necessarily including other landscaped areas of the city, are leased to another public entity.

b. The territory of said public entity includes entirely within its bounda-

ries the territory within the city limits of the City of Chico.

c. The terms of the agreement pursuant to which said properties are leased requires the lessee public entity to operate, maintain, and improve said properties for the benefit of the citizens and residents of the City of Chico, and may provide for the use of said properties by residents and citizens of the territory of the public entity, as well as others who may not be practically excluded.

d. The lease agreement referred to above shall provide that the level of use and benefit of said properties by citizens and residents of the city shall not be significantly curtailed or altered without consent of the council.

e. The agreement referred to herein need not be specifically denoted a lease agreement so long as the effect is the same, and provided further that nothing herein authorizes the sale or conveyance of title to any of said park or playground properties to any public entity.

2. Determination and Effect of Suspension.

At any time that the conditions for suspension set out in subdivision 1 herein exist, the council may by resolution or ordinance find and determine such existence and order that a state of suspension exists. In the same manner, the council may rescind such resolution or ordinance by finding and determining that the conditions for suspension do not exist, provided, however, that they shall, at the same time, appoint a board of park commissioners as provided in the initial provision of this section. Upon an order that a state of suspension exists the following shall occur:

a. All powers and duties conferred upon the Bidwell Park and Playground Commission in this Charter or in the ordinances of the City of Chico shall cease and the terms of the members of such commission shall be forthwith terminated.

b. The council shall be responsible for the propagation, planting, removing, pruning, and maintenance of all trees and shrubberies on the streets and along the sidewalks of the city. The council shall adopt such ordinances as may be necessary to exercise such responsibilities and may in such ordinances delegate the responsibility to any other board, commission or department of the city as it determines.

c. The council shall accept the donations, legacies or bequests referred to in Section 1006.2 of this Charter.

d. The council shall perform or provide by ordinance for the performance of all other responsibilities of the Bidwell Park and Playground Commission regardless of the source of the imposition of such responsibility.

Upon a determination by the council that the conditions for suspension do not exist, the provisions of this subsection 2 shall cease to apply and the powers, duties and responsibilities of the Bidwell Park and Playground Commission shall again exist as though no suspension had occurred.

Section 1006.1 is amended to read as follows:

Section 1006.1. Same—Powers and duties.

The Bidwell Park and Playground Commission, except when suspended as provided in this Charter, shall have the following powers and duties:

a. The power and duty to operate and maintain all of the parks and playgrounds owned by the city and to adopt such rules and regulations as

may be necessary to govern and control the use of such parks and playgrounds.

b. The power and duty to provide for the propagation, planting, removing, pruning and maintenance of all trees and shrubberies along the streets and sidewalks of the city and to adopt such rules and regulations as may be necessary to govern and control the planting, removal, pruning, and maintenance of such trees and shrubberies.

c. The power to enter into leases and contracts in connection with the operation of the properties under its supervision; provided, however, that any lease in excess of 15 years or any contract which encumbers city funds shall first require prior approval of the council; and, provided further, that no power granted herein shall be deemed to confer upon the Bidwell Park and Playground Commission the right to sell or convey title to any city property.

d. The power to confirm the appointment of the park director by the city manager, as hereinbefore provided in this Charter.

Section 1007.1 is amended to read as follows:

Section 1007.1 Same—Powers and duties.

The Airport Commission shall have the following powers and duties:

a. The power and duty to operate and maintain all airports and airport properties belonging to or under the control of the city and to adopt such rules and regulations as may be necessary to govern the use of such airports and airport properties.

b. The power to enter into leases and contracts in connection with the operation of all airports and airport properties belonging to or under the control of the city; provided, however, that any lease in excess of 15 years or any contract which encumbers city funds shall first require prior approval of the council; and, provided further, that no power granted herein shall be deemed to confer upon the airport commission the right to sell or convey title to any city property.

c. The power to confirm the appointment of the airport manager made by the city manager as hereinbefore provided in this Charter.

Section 1400 is amended to read as follows:

Section 1400. Establishment by ordinance.

Any officer authorized or empowered to appoint, employ, suspend, or discharge, or fix the compensation of heads of departments, subordinate officials, officers, assistants, or employees of the city, shall exercise such authority or power subject to and in compliance with the provisions of any ordinance adopted by the city council establishing a personnel system.

Certified to be a true copy by Barbara A. Evans, City Clerk.

Date of General Municipal Election: April 9, 1985.

Charter Chapter 8—City of Fresno

Amendments to the Charter of the City of Fresno

[Filed with the Secretary of State May 6, 1985]

Section 813 is amended to read as follows:

Section 813. Political Activities.

Except as otherwise provided by the general laws of this state heretofore or hereafter enacted, no person in the Administrative Service, or seeking admission thereto, shall be employed, promoted, demoted, or discharged or in any way favored or discriminated against because of political opinions or affiliations or because of race, sex, or religious belief.

No officer or employee of the city and no candidate for any city office shall, directly or indirectly, solicit any assessment, subscription, or contribution, whether voluntary or involuntary, for any political purpose whatever, from anyone on the eligible lists or holding any position in the Administrative Service.

Certified to be a true copy by Dale Doig, Mayor, and Jacqueline L. Ryle, City Clerk.

Date of Municipal Election: March 5, 1985.

Charter Chapter 9—City of Pomona

Amendments to the Charter of the City of Pomona

[Filed with the Secretary of State May 10, 1985]

Section 104. Repealed.

Section 401 is amended to read as follows:

Sec. 401. Mayor and Councilmen.

The elective officers of the City shall be a Mayor and four Councilmen elected at the times and in the manner provided in this Charter. The Mayor shall serve for a term of two years and until his successor qualifies. Each of the Councilmen shall serve for a term of four years and until his successor qualifies. Candidates for the office of Mayor shall be nominated from the City at large and the Mayor shall be elected by a vote of the electors of the City at large. Each office of Councilman shall be a separate office and one of such offices shall be assigned to each of the four councilmanic districts of the City. Candidates for each office of Councilman shall be nominated from such district by the electors of such district and shall be residents of such district but all Councilmen shall be elected by vote of the electors of the City at large. The term of office of each elective officer elected hereunder shall commence at the time of the official canvass and declaration of the results of the election at which he is elected.

The Mayor shall be elected in each odd-numbered year. The Councilmen of the first and fourth councilmanic districts shall be elected in each fourth year after 1963. The Councilmen of the second and third councilmanic districts shall be elected in each fourth year after 1965.

Section 403, paragraph (g) is amended to read as follows:

Sec. 403. Vacancies.

If for any reason or cause a vacancy shall occur in any elective office, such vacancy shall be filled as follows:

(g) Any person appointed under the provisions of this section to an office of Councilman must at the time of his appointment be a resident of the councilmanic district from which his predecessor was nominated.

Section 504 is amended to read as follows:

Sec. 504. Place of meeting.

All meetings of the Council shall be open to the public, and shall be held in the Council Chambers or in such place to which any such meeting may be adjourned; provided, that if by reason of fire, flood or other emergency it shall be unsafe or impractical to meet at the regular meeting place, the Council may for the duration of the emergency meet at some other place designated in writing by the Mayor or, if he fails to act, by any three Councilmen.

Section 508 is amended to read as follows:

Sec. 508. Adoption of ordinances and resolutions.

No ordinance, except ordinances which under this Charter may take effect upon adoption, shall be adopted by the Council on the day of its introduction nor within five days thereafter nor at any time other than at a regular or adjourned regular meeting. At the time of its introduction an ordinance shall be delivered into the custody of the City Clerk. At the time of its adoption the Clerk shall read the title thereof and shall then read the ordinance in full if a majority of the Council so orders. In the event that any ordinance is altered after its introduction it shall not be adopted within five days after it is altered nor at any time other than at a regular or adjourned regular meeting; provided, that the correction of typographical or clerical errors shall not be deemed an alteration within the meaning of this sentence.

The enacting clause of ordinances adopted by the Council shall be substantially as follows: "Be it ordained by the Council of the City of Pomona as follows:"

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

Section 509 is amended to read as follows:

Sec. 509. Posting.

Each ordinance of the City shall be posted in three public places in the City within fifteen days after its adoption.

Section 511 is amended to read as follows:

Sec. 511. Codification of ordinances.

Any or all ordinances of the City which have been adopted in the manner required at the time of their adoption may at any time be compiled, consolidated, and rearranged as an ordinance code, and such code may be adopted by reference, with the same effect as an ordinance, by the adoption of an ordinance for that purpose. Such code need not be posted in the manner prescribed for other ordinances but not less than three copies thereof shall be on file in the office of the City Clerk, for the use and examination of the public, for at least ten days prior to the adoption

of such code. Ordinances or portions of ordinances so codified shall be deemed repealed as of the effective date of such code. Following the adoption of such code, amendments to the code shall be adopted and posted as ordinances. The codification of some ordinances pursuant to this section shall not prevent the later codification of other ordinances in the same manner.

Detailed regulations pertaining to any subject such as the construction of buildings, plumbing, wiring or other subjects which require extensive regulations, when arranged as a comprehensive code, may likewise be adopted by reference in the manner provided in this section. Maps, charts, diagrams and similar material pertaining to or a part of any ordinance may also be adopted by reference in the same manner.

Section 603 is amended to read as follows:

Sec. 603. Powers and duties.

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

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

Section 707 is amended to read as follows:

Sec. 707. Additional officers and departments.

The Council shall, by ordinance not inconsistent with the provisions of this Charter, create and establish such offices, departments and divisions thereof (additional to those created or established by this Charter) as in the opinion of the Council may be required for the proper administration and conduct of City affairs, and may from time to time alter, consolidate or abolish the same. Each office and department so established shall be headed by an officer or department head who shall be appointed by the City Administrator subject to the approval of the City Council and such officer or department head shall serve at the pleasure of the City Administrator and he may be removed by the City Administrator subject to the approval of the City Council.

Section 720 is amended to read as follows:

Sec. 720. Retirement system.

Authority and power are hereby vested in the City, its Council and its several officers, agents and employees to do and perform any act, and to exercise any authority granted, permitted or required under the provisions of the Public Employees' Retirement Law, as it now exists or may hereafter be amended, to enable the City to continue as a contracting City under the Public Employees' Retirement System. The Council may termi-

nate any contract with the Board of Administration of the Public Employees' Retirement System only under authority granted by ordinance adopted by a majority vote of the electors of the City voting on such proposition at an election at which such proposal is presented.

Section 1115 is amended to read as follows:

Sec. 1115. Actions against City.

No suit for money or damages shall be brought against the City or any officer, board or commission thereof, unless and until a claim or demand for the same has been presented as provided in this Charter, provided any such claim or demand has been rejected in whole or in part.

Section 1303 is amended to read as follows:

Sec. 1303. Contracts to be let by Council on competitive bidding.

Every contract involving a project for the construction, improvement, or repair of public buildings, public works, streets, drains, sewers, utilities, parks or playgrounds, and every contract for the purchase of supplies or materials for any such project, where the total contract price for the same exceeds the sum set for general law cities by the Public Contracts Code Section 20162, shall be let by the Council to the lowest responsible bidder after notice published in a newspaper in the City at least once not later than ten days before the time fixed for opening bids. In the event that there is no newspaper published in the City, then such notice shall be posted in three public places in the City at least ten days before the time fixed for opening bids.

Even though the total expenditures required for a project may exceed the sum set for general law cities, separate contracts may be let without competitive bidding if the contract or contracts involving the same project let to the same contractor do not in total exceed the amount set forth in the Public Contracts Code Section 20162.

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

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

Certified to be a true copy by Joyce Herr, City Clerk.
Date of Primary Nominating Election: March 5, 1985.

Charter Chapter 10—City of Big Bear Lake

Amendments to the Charter of the City of Big Bear Lake

[Filed with the Secretary of State June 14, 1985.]

The following Sections are added to read as follows:

Section 805. There is hereby created a Department of Water and Power, hereinafter called "Department";

Section 806. There is hereby created a Board consisting of five (5) members which shall be known as the Board of Water and Power Commissioners ("BOARD"). Members of such Board shall be appointed by the City Council. Any member of the Board may be removed at any time for good cause by the affirmative vote of three (3) members of the City Council following written notice of the charges and a hearing. Vacancies shall be filled by the majority vote of the City Council, for the unexpired term. No person shall be eligible for appointment as a member of said Board unless he shall be a qualified elector of the City of Big Bear Lake.

Section 807. The first Board appointed hereunder shall, within thirty (30) days after confirmation by the City Council, and thereafter their successors shall biennially meet and organize by the election of one (1) of their number as Chairperson. The Board shall within a reasonable time thereafter, not to exceed one (1) year, make an inventory of all the property and assets of the City of Big Bear Lake pertaining to the Department that is on hand and/or in use, and shall estimate the value of all such property to determine the whole amount the City has invested in its Water and Power System, and shall keep records of the inventory, including all properties, afterwards acquired, together with a record of the disposition of any property of said Department which has been, or may be sold, lost, destroyed or worn out, and notify the City Clerk of all such matters.

Section 808. The Board of Water and Power Commissioners is hereby authorized and empowered:

1. To establish and collect all water rates, proceeds from sales, and rentals, which shall be deposited in the Water Revenue Fund and to generally regulate, control, manage, renew, repair and extend the water system of the City of Big Bear Lake;

2. To establish and collect all power rates and proceeds from sales, which shall be deposited in the Power Revenue Fund, and generally regulate, control, manage, renew, repair and extend the power generation and distribution system of the City of Big Bear Lake;

3. To employ a general manager, and such other persons in addition to existing City staff, as the necessities of the water and power services may require, and to fix and pay out of the Water Revenue Fund the compensation of any and all water employees, and from the Power Revenue Fund, the compensation of the power employees, and to require of any employee an adequate bond for the faithful performance of his duties;

4. To incur any indebtedness or liability not exceeding in any year the income and revenue provided for such year, subject to the debt limitation provisions of the Constitution of the State of California;

5. To make rules and regulations governing the conduct of said Board and the members thereof, and the employees thereof, and providing compensation and benefits to which they may be entitled as established by the City for its employees.

Section 809. The Board shall have power to control and order the expenditure of all money received from sale or use of water and power, for the defraying of expenses or maintenance and repairs and operation of the water and power systems and for any expenses for additions to the same; and for supplying the City of Big Bear Lake's customers with water and power for any and all purposes; provided that all such money shall be deposited in and to the credit of the funds to be known as the Water Revenue Fund and the Power Revenue Fund. Such funds shall be kept separate and apart from other moneys of the City of Big Bear Lake, and shall only be drawn from said fund upon demands authenticated by the Board.

The Board shall have such additional powers and perform such other duties as may be granted or imposed elsewhere in this charter, or by charter sections not in conflict with these provisions.

No grant of power to any Department or board of city government shall be construed to restrict the power of the City Council to enact ordinances under the police power of the City, except as otherwise specifically provided.

Section 810. The Board shall appoint and shall have power to remove a general manager for the Department, who shall be a full-time employee of the Department.

Section 811. The general manager, under the control and management of the Board, shall administer the affairs of the Department, including the following duties:

1. To appoint, direct, discharge, suspend, or transfer the employees of the Department, other than the Secretary of the Board and the chief accounting employee, all subject to applicable rules and regulations of the City of Big Bear Lake;

2. To exercise such further powers in the administration of the Department as may be conferred upon him by the Board.

Section 812. The general manager of the Department at least once a month shall file with the Board and the City Council a written report on the work of the Department.

Section 813. The Board shall, prior to the beginning of each fiscal year, adopt an annual departmental budget.

Section 814. No money shall be drawn from any fund under the control of the Department, except upon demands authenticated by the signature of the chief accounting employee of the Department, who shall be directly appointed by the Board and shall be directly responsible to it in the discharge of his duties.

Section 815. The City shall not sell, lease or otherwise dispose of its properties or rights in any waters or water right or properties used in the

generation of electric energy or the right to develop electric or other power, now or hereafter owned or controlled by the City, without the assent of a majority of the qualified voters of the City voting on the proposition at a general or special election. The City may sell and distribute water and electric energy to its consumers for their own use, and, if necessary, to provide for the interchange and/or sale of surplus water or electric energy and standby or emergency service. Properties located within or outside the City that are unnecessary to the operation of the water or power systems may be sold by authorization from the Board and the City Council. Any agency, other than the Department, which sells or distributes water or electric power within the City must obtain a franchise for such activity from the City of Big Bear Lake.

The Board may enter into contracts with any public agency for the exchange of water; provided that any such water so exchanged by the City shall be replaced in full to the City within a reasonable period.

Section 816. The Department shall have the power and duty:

1. To construct, operate, maintain, extend, manage and control works and property for the purpose of supplying the City and its inhabitants with water and electric energy, or either, and to acquire and take, by purchase, lease, condemnation or otherwise, and to hold, in the name of the City any and all property situated within or without the City, and within or without the state, that may be necessary or convenient for such purpose.

2. To regulate and control the use, sale and distribution of water and electric energy owned or controlled by the City; the collection of water and electric rates, and the granting of permits for connections with said water or electric works; and to fix the rates to be charged for such connections; and, subject to the approval of the City Council by ordinance, to fix the rates to be charged for water or electric energy for use within or without the City, and to prescribe the time and the manner of payment of the same. Such rates shall be so fixed at least every two (2) years; provided, that rates charged inside the City may not be greater than the rates outside the City for the same or similar uses.

3. To supply and distribute, at rates fixed by the Board, with concurrence of the City Council, any surplus water or electric energy, not required for the use of consumers served by the City within its limits, to consumers outside the City for their own use, and to municipal corporations outside the City for municipal uses, or for resale, disposal or distribution, to consumers within their limits; provided, that the supplying or distribution of such surplus water or surplus electric energy shall, in any case, be subject to the paramount right of the City.

4. To sue and be sued, and to require the services of the City Attorney in all cases to which the Board or Department is a party or to engage such additional legal services as may be required.

5. To sell, from time to time, such personal properties owned by the Department which are no longer necessary or suitable for the use of such Department.

6. All sums collected by the Department shall be deposited in the City Treasury to the credit of funds to be known respectively as the Water Revenue Fund and Power Revenue Fund; and the money so deposited in

each such fund shall be kept separate and apart from other money of the City, and shall be drawn only from said fund upon demands authenticated by the signature of the chief accounting employee of the Board.

Section 817. All moneys in or belonging to the Water Revenue Fund or the Power Revenue Fund shall be appropriated or used solely for purposes of the Department of Water and Power.

Section 818. Should any portion of this Charter Amendment be in conflict with the laws of the federal, state or local government, it shall have no effect on any other portion of this Amendment.

Certified to be a true copy by John C. Eminger, Mayor, and Ivy J. Zobel, City Clerk.

Date of Special Municipal Election: June 4, 1985.

Charter Chapter 11—City of Monterey

Amendments to the Charter of the City of Monterey

[Filed with the Secretary of State June 18, 1985]

Article 4, Section 4.1 is amended to read as follows:

ARTICLE 4. CITY COUNCIL

Section 4.1: The Council.

The Council shall be comprised of the Mayor and said Four Council Members 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 coming before it.

Two Council Members shall be elected at each General Municipal Election and shall hold office for the term of four years from and after their installation in office and until their successors are elected and qualified.

Council Members shall not be eligible to hold any other office or employment with the City except as Members of Boards, Commissions and other agencies of which they are constituted such a Member by General Law or by Appointment of the Mayor and/or Council.

The Council may, by ordinance, provide for the compensation of Council Members provided that said compensation shall not exceed the amount permitted by State Law for General Law Cities of the same population; may provide for additional compensation for the Mayor and may provide that increases shall take effect during the term of office of Council Members.

Monies paid by other agencies to Council members serving on the legislative body of said agencies shall not be considered compensation for the purposes of this section.

No former Council Members shall hold any compensated appointive City Office or regular City employment until one year after the expiration of the term for which he/she was elected to the Council.

The Council shall establish a personnel system not in conflict with Section 5.1 herein.

The Council shall make investigations into the affairs of the City and the conduct of any City Department, office or agency.

The Council shall from time to time designate an official seal of the City of Monterey.

Certified to be a true copy by Patricia L. O'Hearn, City Clerk.
Date of General Municipal Election: May 14, 1985.

Charter Chapter 12—City of Los Angeles

Amendments to the Charter of the City of Los Angeles

[Filed with the Secretary of State June 20, 1985.]

Section 190.07 is amended to read as follows:

Sec. 190.07. Investments.

The Board shall manage and administer the New System Service Pension Fund and the New System General Pension Fund and shall invest the assets of those Funds subject to the limitations contained in this section. In investing in real property the Board shall comply with the requirements for obtaining advice from appraisers and advisors, otherwise whenever the Board shall have determined that it would be in the best interest of the New System, the Board may, in its discretion, appoint qualified persons including, but not limited to the Board's investment counselors or advisors, or contract for services to assist the Board and may delegate authority to such persons within guidelines established by the Board with respect to such investment activities as are authorized by this section, including transactions necessary in conjunction with such investment activities.

The Board shall establish methods for the valuation of its assets for the purpose of adhering to the investment limitations set forth herein.

The moneys in the funds of the New System shall be kept on deposit in the City Treasury or be invested as hereinafter provided.

The Board shall adopt rules and regulations, and may change, amend or repeal the same, with respect to its investment policies, which, however, shall be subject to the limitations contained in this section and not inconsistent with the provisions thereof and shall have authority over the administration and investment of the funds and notwithstanding anything in this Charter to the contrary, the procedures to be followed in connection with such investment, including, within guidelines established by said Board, all matters relating to the purchase, sale, payment for, transfer, exchange, registration, delivery, receipt, custody and service of securities acquired by such funds, including holding securities on behalf of the Board for the purpose of safekeeping and lending of securities. All securities and other documents purchased or

otherwise obtained by reason of transactions made by the Board pursuant to the provisions of this section, regardless of the form, description or legal effect of any of the same, may, at the sole discretion of the Board, be placed in either the custody of the City Treasurer or one or more qualified custodians to act as agent or agents of the Board.

All percentage limitations for investments in any investment category referred to in this section shall be applicable only as of the date an investment is made and shall not be a limitation for any other purposes.

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.

Fiduciary Standards.

The management and administration of the New System and of the assets of each Fund shall be in the interest of, and for the exclusive purpose of, providing benefits to the New System Members, Retired Members and Beneficiaries. The Board, its members and its employees shall perform their duties with the care, skill, prudence and diligence of a prudent person in like capacity, and familiar with the conduct of a like enterprise with like aims, including, but not limited to diversifying investments, all as more particularly described in subsections (a) through (d) of Article XVI, section 17 of the California Constitution, as amended June 5, 1984.

Authority to Invest in Equity-type Securities and to Enter into Transactions Involving Equities.

The Board, upon the terms and conditions and within the limitations hereunder set forth, may invest up to but not exceeding seventy percent of the assets of the funds of the New System in equity-type securities such as common stocks, preferred stocks, convertible preferred stocks, and convertible bonds and debentures, but not limited thereto, as more specifically provided in this section. Except as otherwise herein provided, common stocks to be eligible for investment must be registered on a national securities exchange as provided in the Federal Securities Exchange Act, any amendment thereto and any subsequent legislation in place thereof, except for common stocks of banks which are members of the Federal Deposit Insurance Corporation or any successor thereof, and insurance companies. Furthermore, the corporation issuing such stock must have paid a dividend on its common stock in each of the 5 fiscal years next preceding the date of investment, provided, that if such corporation acquired its property or assets or any substantial portion thereof within such period by consolidation or merger with, or by pur-

chase or otherwise from any other corporation or unincorporated business enterprise, the dividends of the several predecessor constituent corporations or enterprises may be consolidated and adjusted in accordance with generally accepted accounting principles in order to ascertain whether such requirements have been met. Except as provided in the following paragraph, any preferred stock, convertible preferred stock or convertible bond or debenture shall be eligible for investment by the Board only if the common stock of the issuing corporation is eligible for investment under the terms of this paragraph.

Twenty-five percent of those assets of the funds invested in equity-type securities may be invested in common stocks, preferred stocks, convertible preferred stocks, and convertible bonds and debentures, irrespective of whether the common stock of the respective corporation is eligible for investment under the terms of the preceding paragraph.

Not more than 2% of the assets of the funds shall be invested in the common stock of a single corporation nor shall the total number of shares of common stock held in any single corporation by the funds exceed 5% of the issued and outstanding shares of common stock of such corporation.

The Board shall have the authority to participate in securities lending transactions with respect to its equity-type securities.

The Board may participate in option transactions by the writing of covered call option contracts that are listed on a national securities exchange and the termination of such contracts by repurchase.

Authority to Invest in Debt-type Securities and to Enter into Transactions Involving Debt-type Securities.

The Board may invest one hundred percent of the assets of the funds in debt-type securities, such as bonds or debentures but not limited thereto, which, at the date of investment, shall be rated, either provisionally or finally, within the three highest classifications established by at least two standard rating services or which then shall be legal for investment by commercial banks or public retirement systems in the State of California.

Notwithstanding the provisions of the preceding paragraph, the Board may invest up to but not exceeding twenty percent of the assets of the funds, in debt-type securities such as bonds or debentures but not limited thereto, in which in the informed opinion of the Board it is prudent to invest retirement funds.

The Board may invest up to thirty-five percent of the assets of the funds in short-term money market instruments such as certificates of deposit, commercial paper, bankers' acceptances and repurchase agreements but not limited thereto, in which in the informed opinion of the Board it is prudent to invest retirement funds. A "short-term" money market instrument shall be understood to mean one which matures within one year of the date of purchase. The provisions contained in this paragraph shall not be a limitation on the Board's authority to invest the assets of the funds in United States Treasury bills and federal government agency securities.

The board shall have the authority to participate in securities lending transactions with respect to its debt-type investment securities.

Investment in Real Property for Lease
to the City of Los Angeles.

The Board may invest up to but not exceeding ten percent of each Fund, determined on a cost basis, in real property in the City of Los Angeles, provided, however, that any such investment shall yield at least $\frac{1}{2}\%$ or more than shall be the yield, at the time of the making of the investment, on long-term bonds of the United States Government. No such investment shall be made unless it shall be authorized by an order, motion or resolution adopted by all 7 members, and never less than all 7 members, of the Board. Except as hereinabove provided, the Board may make any such investment only for the same purposes, upon the same terms and conditions, and within the same limitations, except as hereunder provided, contained therefor, with respect to County Employees' Retirement Systems, in Sections 31601, 31602(a), 31604, 31604.1, 31605 and 31606 of the California Government Code as of the effective date of this section. For the purposes hereof, the words "the Board", "the Board of Supervisors of the County" and "the County," as used in said code sections, shall have substituted for them, respectively, the words, "the Board of Pension Commissioners", "the City Council" and "the City". In applying the provisions of the code sections to any investment authorized thereunder: the rate prescribed in Section 31603 of the California Government Code, as referred to in said Section 31604, shall not be applicable and, in lieu thereof, the rate of yield hereinabove provided shall be applicable, the rate prescribed in Section 31591 of the California Government Code, as referred to in said Section 31604, shall not be applicable and, in lieu thereof, the assumed rate of interest per annum as provided in Section 186.1 or as established by the Board pursuant to the provisions thereof shall be applicable; and the four-fifths vote of approval by the members of the Board of Supervisors of the County, as provided in said Section 31601, shall not be applicable but, in lieu thereof, any such authorized investment shall be approved by an ordinance adopted by a two-thirds vote of the members of the City Council with the approval of the Mayor or by a three-fourths vote of the members of the City Council over the veto of the Mayor.

Real Property.

The Board may invest in real property and interests in real property up to a total investment therein of not to exceed twenty percent of the New System's total assets, calculated at the time of investment. Such investment may be an acquisition of real property or of undivided interests therein, including limited partnership interests, or may be the making or the acquisition of loans secured by first mortgages or first deeds of trust on real property.

The Board shall act by majority vote of all its members on any purchase or sale of real property, provided that the purchase of real property must include the affirmative vote of at least one of the duly elected employee members of the Board.

In addition, the Board may invest up to but not exceeding fifteen percent of each Fund, determined on a cost basis, in private bonds or notes secured by first mortgages or deeds of trust, provided, however, that payment of the principal amount of any such bond or note shall be insured or guaranteed by an agency of the United States Government.

Notwithstanding Sections 393 and 423 of this Charter, title to such real property or interests therein shall be held in the name "Board of Pension Commissioners of the City of Los Angeles," and such real property or interests therein may thereafter be sold, leased, rented, or encumbered on the authority of the Board.

No more than five percent of the total assets, calculated at the time of investment, shall be invested in any one real property. If an investment is made in a real estate investment pool which may invest in more than one real property, no more than five percent of the total assets, calculated at the time of investment, shall be invested in any one such investment pool.

The Board shall adopt and may amend from time to time as desirable, subject to limitations in this Article, a written policy as to investments in real property. Such policy shall include provisions describing the objectives of real property investments, the maximum amounts or percentages which may be invested in individual real properties or types of real property investments, requirements for diversification of such investments, and criteria for selecting advisors and appraisers.

No purchase, sale or exchange of an interest in real property or interests therein may be made under the authority provided by this subsection unless it has first been recommended by one or more qualified, independent real estate advisors. Such recommendation shall include the opinion of a qualified appraiser as to fair market value, except for investments in investment pools. Any fee of such advisor or appraiser shall not be dependent upon the purchase, sale, or exchange, or upon the consideration to be paid, nor shall such advisor or appraiser have or obtain a direct or indirect interest in the real property.

Income received from any real properties or interests therein may be placed, at the sole discretion of the Board, in either the custody of the City Treasurer or one or more custodians or agents. The Board may authorize such custodians or agents to pay operating expenses of real properties from such income. The Board may additionally place funds under its control in custody of such custodians or agents for the purpose of paying operating expenses

Section 220.1 is amended to read as follows:

Sec. 220.1. The Department of Water and Power shall also have the power and duty:

(1) To establish and maintain within said Department a general plan and system of retirement, disability, and death benefits, and, in cooperation with its eligible and participating employees, to provide currently out of the Water Revenue Fund and the Power Revenue Fund a portion of the cost under said plan and system, including expenses incident to the administration, thereof, subject, however, the following provisions, to-wit:

(a) That such plan and system shall be maintained in accordance with sound business practices and recognized actuarial methods, and the respective contributions of said employees and said Department, whether prescribed by present or future provisions of said plan and system, may be modified or adjusted, subject to the direction and approval of the Board of Water and Power Commissioners, whenever the Board of Administration, as hereinafter designated, shall find that said business practices or said actuarial methods require such modification or adjustment;

Such plan and system shall be managed and administered in the interest of, and for the exclusive purpose of, providing benefits to the plan members, retired members and their beneficiaries. The Board of Administration, its members and its employees shall perform their duties with the care, skill, prudence and diligence of a prudent person in like capacity familiar with the conduct of a like enterprise with like aims, including, but not limited to diversifying investments, all as more particularly described in subsections (a) through (d) of Article XVI, section 17 of the California Constitution.

(b) That all benefits under the retirement, disability and death benefit features of said plan and system shall be granted only upon such terms and conditions as the provisions of said plan and system may prescribe; except, that the qualifying period for a minimum pension benefit under the retirement feature of said plan and system shall be no shorter than the five (5) years prescribed for the City Employees' Retirement System under the first sentence of the second paragraph of Subsection B of Section 508 of Article XXXIV of this Charter, or any amendment thereto, or any modification thereof by ordinance under the authority of Section 512.2 of this Charter;

That at the option, and in accordance with the written designation, of (i) each contributing member of said plan and system on the effective date of this subparagraph, (ii) each person entering such membership subsequent thereto, (iii) each former member who retired from the service of said Department on or after July 1, 1967 who is eligible to participate in the benefits of said plan and system on the effective date of this subparagraph, and (iv) each survivor of such a former member who is eligible to participate in the benefits of said plan and system on the effective date of this subparagraph, all or any portion of city service rendered before retirement from the service of said Department by such member or former member to departments of the City other than said Department during any period or periods in which such member or former member was regularly employed, on a full-time basis or on a part-time basis of at least one-half the time required of employees in the same group or class of service on a full-time basis, including service as a fireman or as a policeman and any period for which such member or former member shall have been entitled to credit under any pension or retirement system authorized or provided by this charter, shall, subject only to such reasonable terms, conditions, and contributions together with interest thereon, as said plan and system may prescribe, be

deemed to be service rendered to said Department for purposes of calculating any benefits payable pursuant to said plan and system after the effective date of this subparagraph, provided, however, that such member, person, former member or survivor is not receiving and is not entitled to receive for such city service, at the time of exercise of such option, any benefit from any other pension or retirement system of The City of Los Angeles for the same period of City service;

That in addition to the provisions of the foregoing paragraph, and under such terms and conditions as said plan and system shall prescribe, said plan and system may enter into reciprocal agreements with the City Employees' Retirement System of The City of Los Angeles relating to the measurement, credit and transfer of contributions and benefits for employees who have contributions on deposit and are eligible for benefits under both retirement systems;

That said Department may, at its election and upon such terms and conditions as said plan and system may prescribe, pay into the Water and Power Employees' Retirement Fund, on behalf of any employee who shall have been on leave of absence while in the armed forces of the United States, and who shall have returned to active duty in said Department after his discharge or release from said armed forces under conditions other than dishonorable, any sum or sums not exceeding in the aggregate the total amount of contributions which said plan and system would have required said Department and such employee to pay into said fund for the account of such employee had his active service in said Department not been interrupted by such leave of absence; provided, that said plan and system shall prescribe the basis of compensation upon which any such sum or sums shall be calculated; and provided, further, that any sum or sums paid into said fund by said Department pursuant to the provisions of this paragraph shall be made available to such employee only for the purpose of retirement;

That benefits under the retirement feature of said plan and system, at the election of said Department and to the extent and upon such terms and conditions as said plan and system may prescribe, also may be based on any period commencing on or after December 7, 1941, during which an employee was absent from active service in said Department as a consequence of the state of war existing between the United States and Japan, if at least a portion of such absence resulted from his evacuation, exclusion or relocation pursuant to orders issued by the commanding officer of the Western Defense Command for the evacuation or exclusion of persons of Japanese ancestry from such area;

(c) That the normal retirement date for each person eligible to participate in the benefits of said plan and system shall be the first day of the calendar month which next follows such person's sixtieth birthday anniversary.

That any person eligible to participate in the benefits of said plan and system shall be retired from the service of said Department on such person's normal retirement date or on the first day of any calendar month thereafter, upon the written application of such person filed with the Board of Administration not less than thirty days prior to the date of retirement.

When any person attains the age of seventy (70), he or she shall annually submit to an examination by one or more regularly licensed, practicing physicians selected by the General Manager of the Department of Water and Power, which physician or physicians shall render a written report to said General Manager as to whether or not the person is physically and mentally fit to continue his or her duties as an employee of the Department. If, based upon such report, the General Manager finds that said person is not physically or mentally fit to continue his or her duties, he shall notify the Board of Administration that said person is to be retired effective the first day of the calendar month next succeeding the date of such notification, and said person shall be so retired.

A person who at the time he or she reaches age seventy (70) has acquired fifteen (15) years of Department service credit towards retirement under the terms and conditions prescribed by said Plan and System shall not thereafter receive any further retirement service credit. A person who at the time he or she reaches age seventy (70) has not acquired fifteen (15) years of such Department service credit towards retirement under the terms and conditions prescribed by said Plan and System shall continue to receive retirement credit for Department service subsequent to age seventy (70) until such person's total retirement service credit equals fifteen (15) years of Department service, at which time the person shall not receive any further retirement service credit.

That any person eligible to participate in the benefits of said plan and system may be retired from the service of said Department prior to normal retirement date upon the written application of such person; provided, that such retirement is recommended by the General Manager of said Department and approved by the Board of Water and Power Commissioners; and provided further, that such person is fifty-five years of age or over, and shall have been employed in said Department for such period of time as the provisions of said plan and system may prescribe; or such person, regardless of age, shall have either been employed in said Department for at least thirty years, or rendered at least a total of thirty years of service to said Department and other City departments under such terms and conditions as said plan and system shall provide; or such person, regardless of age, or duration of service, is receiving benefits under said plan and system for permanent total disability, and elects to accept a retirement allowance in lieu of such benefits;

(d) That subsequent to its effective date such plan and system shall be binding in its entirety upon all employees who thereafter enter the service of said Department and who are eligible under the terms of said plan and system to participate in the benefits thereof; provided, that employees of any private utility, who shall enter said service subsequent to said effective date through the acquisition by said Department of works and property of such utility, shall not be bound by said plan and system, unless such employees elect to subscribe thereto within six months after they shall have entered said service; and provided further,

that under no circumstances shall persons employed by said Department to render services of an intermittent or occasional character be eligible to the benefits of said plan and system;

That any employee, who shall have been excluded from participation in the benefits of said plan and system on account of his failure to subscribe thereto within the limit of time heretofore fixed by charter provision or on account of his employment by said Department to render services of a temporary character, shall hereafter be permitted to participate in said benefits upon such terms and conditions and subject to such limitations as the provisions of said plan and system may prescribe;

(e) That said plan and system, subject to such rules, regulations and instructions as may from time to time be prescribed by the Board of Water and Power Commissioners, shall be managed and administered by a Board of Administration, which shall be composed of four ex officio and three elective members. The ex officio members shall consist of two members of the Board of Water and Power Commissioners to be selected by said Board, the General Manager and Chief Engineer of said Department (or, should the work of said Department be divided into two bureaus, the general manager of each such bureau, one member of the Board of Water and Power Commissioners to be selected by said Board), and the Chief Accounting Employee or the Auditor of said Department, whichever the Board of Water and Power Commissioners may designate. The elective members shall consist of three employees of said Department who are contributing members of said plan and system and system. The members of said Board of Administration shall serve thereon without compensation;

That the elective members of said Board of Administration shall be elected thereto by the contributing members of said plan and system, and shall hold office for a term of three years and until their successors have qualified. The rules and regulations governing the holding of such elections shall be prescribed by the Board of Water and Power Commissioners. In case any vacancy occurs among said ex officio members, the Board of Water and Power Commissioners shall fill such vacancy by appointment; and in case any vacancy occurs among said elective members, the Board of Administration shall, by resolution adopted by not less than five affirmative votes, fill such vacancy for the unexpired portion of the term;

The said Board of Administration, subject to such rules, regulations and instructions as may from time to time be prescribed by the Board of Water and Power Commissioners, shall have the power and authority to administer and invest those certain funds which pertain to said plan and system and which are hereinafter more particularly specified in subdivision (f) hereof, and in connection therewith, the Board of Administration may, in its discretion, appoint qualified persons, including but not limited to the Board's investment counselors or advisors, or may contract for the services of persons, to assist the Board in administering and investing such funds, and may delegate authority to such persons for such purposes within guidelines established by the Board. Notwith-

standing anything in this Charter to the contrary, the Board of Administration shall also have exclusive power and authority over the procedures to be followed in connection with such investments including, without limitation, all matters relating to the purchase, sale, payment for, transfer, exchange, registration, delivery, receipt, custody, and servicing of securities acquired by such funds, including but not limited to, the holding of securities on behalf of the Board of Administration for the purposes of safekeeping and lending of such securities; provided, however, that any money in such funds shall be kept on deposit with the Treasurer of the City, or be invested as hereinafter provided. (References to "such funds" as used hereinafter in the following subparagraphs mean the funds set forth in subdivision (f).)

(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 either be a bank, as defined in that Act, or an insurance company qualified to perform the services of an investment advisor; provided, that advisors retained to advise on the purchase, sale, or exchange of real property need not have the qualifications set forth in this subparagraph. The Board may purchase and sell United States Treasury Bills without obtaining the recommendation of any of its investment advisors.

(ii) The Board shall establish methods for the valuation of the assets of each such funds for the purpose of adhering to the investment limitations set forth herein. All percentage limitations for investments in any investment categories referred to in this section shall be applicable only as of the date the investment is made and shall not be a limit for any other purposes.

(iii) The Board of Administration, upon the terms and conditions and within the limitations hereunder set forth, may invest up to but not exceeding seventy percent of the assets of each of such funds in equity-type securities such as common stocks, preferred stocks, convertible preferred stocks and convertible bonds and debentures, but not limited thereto, as more specifically provided in this section. Except as otherwise herein provided, common stocks to be eligible for investment must be registered on a national securities exchange as provided in the Federal Securities Exchange Act, any amendment thereto and any subsequent legislation in place thereof, except for common stocks of banks which are members of the Federal Deposit Insurance Corporation or any successor thereof, and insurance companies. Furthermore, the corporation issuing such stock must have paid a dividend on its common stock on each of its 5 fiscal years next preceeding the date of investment, provided that if such corporation acquired its property or assets or any substantial portion thereof within such period by consolidation or merger with, or by purchase or otherwise from any other corporation or unincorporated business enterprise, the earnings and dividends of the several predecessor or constituent corporations or enterprises may be

consolidated and adjusted in accordance with generally accepted accounting principles in order to ascertain whether such requirements have been met. Except as provided in the following subparagraph, any preferred stock, convertible preferred stock or convertible bonds or debenture shall be eligible for investment by the Board only if the common stock of the issuing corporation is eligible for investment under the terms of this subparagraph.

(iv) Twenty-five percent of those assets of each of such funds invested in equity-type securities may be invested in common stocks, preferred stocks, convertible preferred stocks, and convertible bonds and debentures, irrespective of whether the common stock of the respective issuing corporation is eligible for investment under the terms of the preceding subparagraph (iii).

(v) Not more than 2% of the assets of each of such funds shall be invested in the common stock of a single corporation nor shall the total number of shares of common stock held in any single corporation by all of the funds exceed 5 % of the issued and outstanding shares of common stock for such corporation.

(vi) The Board of Administration may participate in option transactions by the writing of covered call option contracts that are listed on a national securities exchange and the termination of such contracts by repurchase.

(vii) The Board of Administration may invest one hundred percent of the assets of each of such funds in debt-type securities, such as bonds or debentures but not limited thereto which, at the date of investment, shall be rated, either provisionally or finally, within the three highest classifications established by at least two standard rating services, or which shall be legal for investment by commercial banks, by public funds in the State of California, or legal for investment by savings banks in the State of New York, or the State of Massachusetts; or in bonds issued by the Department of Water and Power, whether in its own name or in the name of the City of Los Angeles, and made payable out of the Water Revenue Fund or the Power Revenue Fund.

(viii) Notwithstanding the provisions of the preceding subparagraph (vii), the Board of Administration may invest up to but not exceeding twenty percent of the assets of each of such funds in debt-type securities, such as bonds or debentures but not limited thereto, in which, in the informed opinion of the Board, it is prudent to invest retirement funds.

(ix) The Board of Administration may invest up to thirty-five percent of the assets of each of such funds in short-term money-market instruments, such as certificates of deposit, commercial paper, bankers' acceptances and repurchase agreements but not limited thereto, in which in the informed opinion of the Board it is prudent to invest retirement funds. A "short-term money-market instrument" shall be understood to mean one which matures within one year of the date of purchase. The provisions contained in this paragraph shall not be a limitation on the Board's authority to invest the assets of such funds in United States Treasury bills and federal government agency securities.

(x) The Board of Administration shall have the authority to partici-

pate in securities lending transactions with respect to either its equity-type or debt-type investment securities.

(xi) In addition to any other authority to invest in real property hereunder, the Board of Administration may invest in bonds or notes secured by first mortgages or first deeds of trust on real property to the extent of not to exceed fifteen percent of the assets of each of such funds. The Board of Administration may contract for servicing any mortgages and deeds of trust in which it has invested only with banks and corporations that have and maintain a net worth of at least one million dollars.

(xii) The Board of Administration may invest in real property and interests in real property up to a total investment therein of not to exceed twenty percent of the total assets of all of such funds, calculated at the time of investment. Such investment may be an acquisition of real property or of undivided interest therein, including limited partnership interests.

The Board of Administration shall act by majority vote of all its members on any purchase or sale of real property, provided that the purchase of real property must include the affirmative vote of at least one of the duly elected employee members of the Board.

Notwithstanding Sections 393, 423 and that paragraph numbered (1) of Section 220 of this Charter, title to such real property or interests therein shall be held in the name "Board of Administration of the Water and Power Employees' Retirement Plan of the City of Los Angeles," and such real property or interests therein may thereafter be sold, leased, rented, or encumbered on the authority of the Board of Administration.

No more than five percent of the total assets of all of such funds, calculated at the time of investment, shall be invested in any one real property. If an investment is made in a real estate investment pool which may invest in more than one real property, no more than five percent of the total assets of all of such funds, calculated at the time of investment, shall be invested in any one investment pool.

The Board of Administration shall adopt and may amend from time to time, as desirable, subject to the limitations in this section, a written policy as to investments in real property. Such policy shall include provisions describing the objectives of such real property investments, the maximum amounts of percentages which may be invested in individual real properties or types of real property investments, requirements for diversification of investments, and criteria for selecting advisors and appraisers.

No purchase, sale or exchange of an interest in real property or interests therein may be made under the authority provided by this Subparagraph (xii) unless it has first been recommended by one or more qualified, independent real estate advisors. Such recommendation shall include the opinion of a qualified appraiser as to fair market value, except for investments in investment pools. Any fee of such advisor or appraiser shall not be dependent upon the purchase, sale, or exchange, or upon the consideration to be paid, nor shall such advisor or appraiser have or obtain a direct or indirect interest in the real property.

Income received from any real properties or interests therein may be placed, at the sole discretion of the Board of Administration, in either the custody of the City Treasurer or one or more custodians or agents. The Board of Administration may authorize such custodians or agents to pay operating expenses of real properties from such income. The Board of Administration may additionally place funds under its control in custody of such custodians or agents for the purpose of paying operating expenses.

(f) That the following funds shall be maintained: the Water and Power Employees Retirement Fund, the Water and Power Employees Disability Fund, and the Water and Power Employees Death Benefit Fund. The money deposited in each such fund shall be kept separate and apart from all other money on deposit with the Treasurer, and shall be drawn only from said funds upon demands authenticated by the signature of the Chief Accounting Employee of the Department of Water and Power, who shall also be the Chief Accounting Employee of said Board of Administration; provided, however, that the Board of Water and Power Commissioners by resolution may designate an employee or employees with full power to perform the duty of authenticating said demands as aforesaid in the place of the said Chief Accounting Employee in the event of his temporary absence or other inability to act;

There shall be paid into the said Water and Power Employees Retirement Fund all earnings from the investment thereof and all interest earned thereon; there shall be paid into the said Water and Power Employees Disability Fund all earnings from the investment thereof and all interest earned thereon; and there shall be paid into the said Water and Power Employees Death Benefit Fund all earnings from the investment thereof and all interest earned thereon;

All contributions of employees and the Department under the retirement features of said plan shall be paid into the Water and Power Employees Retirement Fund; all contributions of employees and the Department under the disability features of said plan shall be paid into the Water and Power Employees Disability Fund; and all contributions of employees and the Department under the death benefit features of said plan shall be paid into the Water and Power Employees Death Benefit Fund. No liability hereunder shall attach to the Board of Water and Power Commissioners, and no responsibility of any character shall accrue against the Department of Water and Power beyond its current contributions to said plan and system, which together with all benefits thereunder, shall be subject to modification and adjustment as hereinafter provided to meet changed conditions, or, as in the light of experience, may be considered necessary;

(g) That such Board of Administration shall at regular intervals, each not exceeding a period of five years, secure a general survey and actuarial report of said plan and system, and said Board, subject to the direction and approval of the Board of Water and Power Commissioners, shall from time to time amend said plan and system in such manner as may be found to be advisable to meet changed conditions, or, as in the light of experience, may be considered necessary;

(h) That the foregoing provisions of this section shall control over all civil service provisions of this charter and rules and regulations adopted thereunder in conflict herewith.

(2) That in addition to the purposes specified in Section 221 of this charter, money in or belonging to the Water Revenue Fund and the Power Revenue Fund may be used for the purpose of paying, in cooperation with the eligible and participating employees of the Department, a portion of the costs of retirement, disability, and death benefits and of the expense incident to the administration of the plan, under a general benefit plan and system for such employees, established and maintained pursuant to the provisions of this section.

Section 504 is amended to read as follows:

Sec. 504. Retirement Fund.

That there be and there is hereby created and established a fund to be known as "City Employees' Retirement Fund" for the payment of administration expense, retirement allowances and other benefits of the retirement system, which fund shall consist of all money paid into said fund in accordance with the provisions of this article, and earnings from investments.

The Board shall manage and administer the City Employees' Retirement Fund and shall invest the assets of said Fund, subject to the limitations contained in this section. In investing in real property the Board shall comply with the requirements for obtaining advice from appraisers and advisors, otherwise whenever the Board shall have determined that it would be in the best interest of the City Employees' Retirement System, the Board may, in its discretion, appoint qualified persons including, but not limited to the Board's investment counselors or advisors, or contract for services to assist the Board, and may delegate authority to such persons within guidelines established by the Board with respect to such investment activities as are authorized by this section, including transactions necessary in conjunction with such investment activities.

The Board shall establish methods for the valuation of its assets for the purpose of adhering to the investment limitations set forth herein.

The moneys in the fund shall be kept on deposit in the City Treasury or be invested as hereinafter provided. All payments from said fund shall be made only upon demands prepared and approved in accordance with the provisions of this Charter. No part of said fund shall be transferred to any other fund, in any manner or for any purpose except in the payment of an obligation of the retirement system as provided in this article.

The Board shall adopt rules and regulations, and may change, amend or repeal the same, with respect to its investment policies which, however, shall be subject to the limitations contained in this section and not inconsistent with the provisions thereof and shall have authority over the administration and investment of the funds and not withstanding anything in this Charter to the contrary, the procedures to be followed in connection with such investment, including, within guidelines established by said Board, all matters relating to the purchase, sale,

payment for, transfer, exchange, registration, delivery, receipt, custody and service of securities acquired by such fund, including holding securities on behalf of the Board for the purpose of safekeeping and lending of securities. All securities and other documents purchased or otherwise obtained by reason of transactions made by the Board pursuant to the provisions of this section, regardless of the form, description or legal effect of any of the same, may, at the sole discretion of the Board, be placed in either the custody of the City Treasurer or one or more qualified custodians to act as agent or agents of the Board.

All percentage limitations for investments in any investment category referred to in this section shall be applicable only as of the date an investment is made and shall not be a limitation for any other purposes.

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.

Fiduciary Standards.

The management and administration of the City Employees' Retirement System and the City Employees' Retirement Fund and of the assets of said Fund shall be in the interest of, and for the exclusive purpose of, providing benefits to the Retirement System members, retired members and beneficiaries. The Board, its members and its employees shall perform their duties with the care, skill, prudence and diligence of a prudent person in like capacity, and familiar with the conduct of a like enterprise with like aims, including, but not limited to diversifying investments, all as more particularly described in subsections (a) through (d) of Article XVI, section 17 of the California Constitution, as amended June 5, 1984.

Authority to Invest in Debt-type Securities and Enter into Transactions Involving Debt-type Securities.

The Board, upon the same terms and conditions contained in the first paragraph of Section 1372 of the California Financial Code as of the effective date of this section, may invest one hundred percent of the fund in debt-type securities, such as bonds and debentures but not limited thereto, which shall be legal investments for commercial banks or pension and retirement funds under the provisions of said paragraph.

Notwithstanding the provisions of the preceding paragraph, the Board may invest up to but not exceeding twenty percent of the assets of the fund, in debt-type securities, such as bonds or debentures but not limited thereto, in which in the informed opinion of the Board it is prudent to invest retirement funds.

The Board may invest up to thirty-five percent of the assets of the fund in short-term money market instruments, such as certificates of deposit, commercial paper, bankers' acceptances and repurchase agreements but not limited thereto, in which in the informed opinion of the Board it is prudent to invest retirement funds. A "short-term" money market instrument shall be understood to mean one which matures within one year from the date of purchase. The provisions contained in this paragraph shall not be a limitation on the Board's authority to invest the assets of the fund in United States Treasury bills and federal government agency securities.

Debt-type securities owned by the Board may be exchanged for other debt-type securities when the General Manager of the City Employees' Retirement System, in concurrence with the recommendation of investment counsel, and within guidelines established by the Board, determines it would be to the advantage of the fund to exchange such securities.

The Board shall have the authority to participate in securities lending transactions with respect to its debt-type investment securities.

Authority to Invest in Equity-type Securities and to Enter into Transactions Involving Equities.

The Board, upon the terms and conditions and within the limitations hereunder set forth, may invest up to but not exceeding seventy percent of the assets of the fund in equity-type securities such as common stocks, preferred stocks, convertible preferred stocks, and convertible bonds and debentures, but not limited thereto, as more specifically provided in this section. Except as otherwise herein provided, common stocks to be eligible for investment must be registered on a national securities exchange as provided in the Federal Securities Exchange Act, any amendment thereto and any subsequent legislation in place thereof, except for common stocks of banks which are members of the Federal Deposit Insurance Corporation or any successor thereof, and insurance companies. Furthermore, the corporation issuing such stock must have paid a dividend on its common stock in each of the 5 fiscal years next preceding the date of investment, provided, that if such corporation acquired its property or assets or any substantial portion thereof within such period by consolidation or merger with, or by purchase or otherwise from any other corporation or unincorporated business enterprise, the dividends of the several predecessor or constituent corporations or enterprises may be consolidated and adjusted in accordance with generally accepted accounting principles in order to ascertain whether such requirements have been met. Except as provided in the following paragraph, any preferred stock, convertible preferred stock or convertible bond or debenture shall be eligible for investment by the Board only if the common stock of the issuing corporation is eligible for investment under the terms of this paragraph.

Twenty-five percent of those assets of the fund invested in equity-type securities may be invested in common stocks, preferred stocks, convertible preferred stocks, and convertible bonds and debentures,

irrespective of whether the common stock of the respective issuing corporation is eligible for investment under the terms of the preceding paragraph.

Not more than 2% of the assets of the fund shall be invested in the common stock of a single corporation nor shall the total number of shares of common stock held in any single corporation by the fund exceed 5% of the issued and outstanding shares of common stock of such corporation.

The Board shall have the authority to participate in securities lending transactions with respect to its equity-type securities.

The Board may participate in option transactions by the writing of covered call option contracts that are listed on a national securities exchange and the termination of such contracts by repurchase.

Investment in Real Property for Lease to the City of Los Angeles.

The Board may invest ten percent of the Fund, determined on a cost basis, in real property in the City of Los Angeles, provided, however, that any such investment shall yield at least one-half percent more than the yield, at the time of the making of the investment, on long-term bonds of the United States Government. No such investment shall be made unless it shall be authorized by an order, motion or resolution adopted by all five members, and never less than all five members, of the Board. Except as hereinabove provided, the Board may make any such investment only for the same purposes, upon the same terms and conditions and within the same limitations, except as hereunder provided, contained therefor, with respect to County Employees' Retirement Systems, in Sections 31601, 31602(a), 31604, 31604.1, 31605 and 31606 of the California Government Code as of the effective date of this section. For the purposes hereof, the words "the Board", "the Board of Supervisors of the County" and "the County," as used in said code sections, shall have substituted for them, respectively, the words, "the Board of Administration", "the City Council" and "the City". In applying the provisions of the code sections to any investment authorized thereunder: the rate prescribed in Section 31603 of the California Government Code, as referred to in said Section 31604, shall not be applicable and, in lieu thereof, the rate of yield herein above provided shall be applicable; the rate prescribed in Section 31591 of the Government Code, as referred to in said Section 31604, shall not be applicable and, in lieu thereof, the rate at which the Board of Administration last credited regular interest to members' accumulated contributions, converted to an annual rate, shall be applicable; and the four-fifths vote of approval by the members of the Board of Supervisors of the County, as provided in Section 31601, shall not be applicable but, in lieu thereof, any such authorized investment shall be approved by an ordinance adopted by a two-thirds vote of the members of the City Council with the approval of the Mayor or by a three-fourths vote of the members of the City Council over the veto of the Mayor.

Real Property.

The Board may invest in real property and interests in real property up to a total investment therein of not to exceed twenty percent of the City Employees' Retirement Fund's total assets, calculated at the time of investment. Such investment may be an acquisition of real property or of undivided interests therein, including limited partnership interests, or may be the making or the acquisition of loans secured by first mortgages or first deeds of trust on real property.

The Board shall act by majority vote of all its members on any purchase or sale of real property, provided that the purchase of real property must include the affirmative vote of at least one of the duly elected employee members of the Board.

In addition, the Board may invest up to but not exceeding twenty-five percent of each Fund, determined on a cost basis, in private bonds or notes secured by first mortgages or deeds of trust, provided, however, that payment of the principal amount of any such bond or note shall be insured or guaranteed by an agency of the United States Government.

Notwithstanding Sections 393 and 423 of this Charter, title to such real property or interests therein shall be held in the name "Board of Administration of the City Employees' Retirement System of the City of Los Angeles," and such real property or interests therein may thereafter be sold, leased, rented, or encumbered on the authority of the Board.

No more than five percent of the total assets, calculated at the time of investment, shall be invested in any one real property. If an investment is made in a real estate investment pool which may invest in more than one real property, no more than five percent of the total assets, calculated at the time of investment, shall be invested in any one such investment pool.

The Board shall adopt and may amend from time to time as desirable, subject to limitations in this Article, a written policy as to investments in real property. Such policy shall include provisions describing the objectives of real property investments, the maximum amounts or percentages which may be invested in individual real properties or types of real property investments, requirements for diversification of such investments, and criteria for selecting advisors and appraisers.

No purchase, sale or exchange of an interest in real property or interests therein may be made under the authority provided by this subsection unless it has first been recommended by one or more qualified, independent real estate advisors. Such recommendation shall include the opinion of a qualified appraiser as to fair market value, except for investments in investment pools. Any fee of such advisor or appraiser shall not be dependent upon the purchase, sale, or exchange, or upon the consideration to be paid, nor shall such advisor or appraiser have or obtain a direct or indirect interest in the real property.

Income received from any real properties or interests therein may be placed, at the sole discretion of the Board, in either the custody of the City Treasurer or one or more custodians or agents. The Board may authorize such custodians or agents to pay operating expenses of real

properties from such income. The Board may additionally place funds under its control in custody of such custodians or agents for the purpose of paying operating expenses.

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

Date of General Municipal Election: June 4, 1985.

Charter Chapter 13—City of Mountain View

Amendments to the Charter of the City of Mountain View

[Filed with the Secretary of State November 1, 1985]

Section 503 is amended to read as follows:

Section 503. Compensation.

Each member of the city council shall receive as salary, each month, that sum which has been established by the state legislature as the salary limit for members of the city council of general law cities having that population range within which the City of Mountain View falls, all as is specified in Government Code Section 36516(a) as it now exists or may be hereafter amended or recodified to read. The mayor shall receive as salary, each month, that amount as calculated for a councilmember above, plus an additional twenty-five percent (25%) of said sum. Notwithstanding the foregoing, the city council shall have no power to increase its salary by ordinance, resolution or motion. If a member of the city council, or mayor, does not attend all meetings of the city council or study sessions called on order of the city council and held during the month, that person's salary for such month shall be reduced by the sum of twenty-five dollars (\$25) for each meeting or study session not attended unless that person is absent on official duty with the consent of or on order of the city council.

Section 504 is amended to read as follows:

Section 504. Vacancies.

The council shall, within 30 days from the commencement of any vacancy on the council from whatever cause arising, either fill the vacancy by appointment or call a special election to fill the vacancy. If the vacancy is filled by appointment, the person so appointed shall hold office until the first Tuesday following the next general municipal election at which a successor could be elected and until that person's successor qualifies. At that next general municipal election following any vacancy, a councilmember shall be elected to serve for the remainder of any unexpired term. If the vacancy be filled by election, the person so elected shall hold office for the unexpired term of the former incumbent and until that person's successor qualifies. When any vacancy occurs, if there are two councilmembers at that time serving terms to

which they were appointed, then in that event, the vacancy shall be filled solely by election. Notwithstanding the provisions of Charter Section 1302 a special election to fill a council vacancy may be held on any date

Certified to be a true copy by Maryce Freelen, Mayor, and Alice Roylance, City Clerk.

Date of Special Municipal Election: November 6, 1984.

Charter Chapter 14—City of San Luis Obispo

Amendments to the Charter of the City of San Luis Obispo

[Filed with the Secretary of State December 23, 1985.]

Article IV, Section 405 is amended to read as follows:

ARTICLE IV. ELECTIVE OFFICIALS

Section 405. Limitation of Terms.

(A) Neither the Mayor nor any member of the Council shall serve in the same office for more than eight (8) years in succession; provided, however, that any time in office resulting from a partial term which is less than one-half ($\frac{1}{2}$) the length of the full term for that office, shall not be considered.

Article VI, Section 602 is amended to read as follows:

ARTICLE VI. LEGISLATIVE ACTIONS

Section 602. Requirements of Ordinances.

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

(B) The publication of ordinances as required by subdivision (A) may be satisfied by the publication of a summary of the proposed ordinance in lieu of publication of the full text as required in subdivision (A). At the time the proposed ordinance is introduced, the Council shall determine whether the full text of the ordinance shall be published or whether a summary shall be published; if the Council fails to so determine, the full text shall be published. If the Council determines that a summary shall be published, the summary shall be approved by the City Attorney. A copy

of the full text of the proposed ordinance shall be on file in the office of the City Clerk on and after the first business day following its introduction, and shall be available to any interested member of the public.

Section 606 is amended to read as follows:

Section 606. Amending Ordinances.

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

Article IX, Section 908 is amended to read as follows:

ARTICLE IX. PUBLIC WORKS AND CONTRACTS

Section 908. Development of Annexed lands.

Lands annexed to the City may only be developed at a time and in a manner consistent with the General Plan adopted by the City and as may be amended from time to time by the Council.

Certified to be a true copy by Melanie C. Billig, Mayor, and Pamela Voges, City Clerk.

Date of General Municipal Election: November 5, 1985.

Charter Chapter 15—City of San Rafael

Amendments to the Charter of the City of San Rafael

[Filed with the Secretary of State December 6, 1985]

Article XI, Section 7 is amended to read as follows:

Section 7. Procedure for closure of secondary school

(a) A secondary school within the San Rafael School District may be closed only after the Board of Education holds an advisory election for the purpose of allowing voters to voice their opinion on the issue of the closure of the school. The Board of Education must hold such an advisory election in consolidation with a regular election or special election, or in a special election the Board may choose to call for this purpose, no less than 180 days prior to the date a secondary school is to be closed. For purposes of this section, a school is deemed "closed" on the first day, exclusive of normal weekends, holidays and vacation periods, that the school is not attended by its normally assigned students.

(b) Ballots used in the advisory vote shall contain the words "Shall (Name of School) be closed effective (Date designed for closure)?" and the words YES or NO placed so that the voters may indicate their choice. The heading above the ballot question shall contain the words "Advisory Vote Only".

(c) As used in this section, "advisory vote" means an indication of general voter opinion regarding the closure of a secondary school. The results of the advisory vote will in no manner be controlling on the Board of Education.

(d) This procedure shall not apply to the temporary closure of a secondary school in the event of loss or destruction of necessary school facilities or during an emergency which threatens health or safety.

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

Date of General Municipal Election: November 5, 1985.

Charter Chapter 16—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 11, 1985]

Section 8.300 is amended to read as follows:

8.300 Civil Service Positions

(a) All positions in all departments and offices of the city and county, including positions created by laws of the State of California, where the compensation is paid by the city and county, shall be included in the classified civil service of the city and county, and shall be filled from lists of eligibles prepared by the civil service commission, excepting:

(1) Positions in which attorneys and physicians are employed in their professional capacity to perform only duties included in their professions, but exclusive of any administrative or executive positions for which such professional status constitutes only part of the qualification therefor;

(2) All employees of the San Francisco Unified School District who serve in the capacity of paraprofessionals and technical instructional assistants employed by the San Francisco Community College District; provided, however, that presently employed persons be granted status and those who are on existing eligibility lists as of December 31, 1973 be granted status rights to appointment in rank order;

(3) Inmate help or student nurses, or part-time services, where the compensation including the value of any allowances in addition thereto does not exceed one hundred fifty dollars (\$150) per month. Provided that for each fiscal year following fiscal year 1963, the civil service commission shall adjust the one hundred fifty dollar (\$150) maximum for part-time service as provided herein, in accordance with the average percentage increase or decrease approved for all classifications under the provisions of section 8.400 and 8.401 of this charter, and such adjusted rate shall be included in the annual salary ordinance. Provided further that such part-time positions shall not be exempted from being filled from appropriate lists of civil service eligibles, except upon the recommendation of the appointing officer, who shall set forth the schedule of operations showing that the operations involved require the service of employees for not more than seventy (70) hours per month and approval of the civil service com-

mission, including a certification that such part-time positions cannot practically be filled from existing eligible lists. These provisions shall not be used to split or divide any position into two or more units for the purpose of evading the provisions of this section;

(4) Persons employed in positions outside the city and county upon construction work being performed by the city and county when such positions are exempted from said classified civil service by an order of the civil service commission;

(5) Persons employed in positions in any department for expert professional temporary services, and when such positions are exempted from said classified civil service for a specified period of said temporary service, by order of the civil service commission;

(6) Entry level positions designated by an appointing officer with approval of the civil service commission for persons who meet minimum qualifications and are certified as severely disabled. Notwithstanding any other provisions of this charter, persons appointed to such exempt positions under this subsection, and whose job performance is certified as satisfactory by their appointing officer, and who remain in said exempt position for one year, shall acquire civil service status. The civil service commission shall adopt rules and regulations to enforce and implement this subsection which shall include performance evaluation requirements, definition of and standards for the certification of the severely disabled.

(7) Such positions as, by other provisions in this charter, are specifically exempted from, or where the appointment is designated as exclusive of, the civil service provisions of this charter.

The civil service rights, acquired by persons under the provisions of the charter superseded by this charter, shall continue under this charter.

Any person holding a salaried office under the city and county, whether by election or appointment, who shall, during his term of office, hold or retain any other salaried office under the government of the United States, or of this state, or who shall hold any other salaried office connected with the government of the city and county, or who shall become a member of the legislature, shall be deemed to have thereby vacated the office held by him under the city and county.

(b) Positions as heads of offices, agencies, departments, bureaus, or institutions shall be subject to the civil service provisions of this charter unless specifically exempted.

(c) Notwithstanding any other provisions of this charter, the city and county shall perform all acts necessary to protect the employment rights of employees of the port authority as specified in Section 20 of Statutes of 1968, ch. 1333.

(d) All positions in buildings and improvements of the California Academy of Sciences for which funds shall be furnished by the city and county, under section 6.404(d) of this charter, shall be held by employees of the city and county, with the exception of the director, the secretary of the board of trustees of said California Academy of Sciences, the curators and other scientific and professional personnel, and occupants of part-time positions for which a total compensation of less than \$80.00 per month is provided by the city and county, inclusive of allowance for

maintenance and other incidental benefits. Positions held by employees of the city and county at said buildings and improvements shall be subject to the civil service provisions of this charter and the compensation thereof shall be subject to the salary standardization provisions of this charter, in like manner and extent in all respects as positions and compensations of employments in the city and county service generally, notwithstanding anything to the contrary contained in the charter or ordinances of said city and county. The chief administrative officer shall be the appointing officer as provided in this charter.

(e) All persons employed in the operating service of any public utility hereafter acquired by lease or under any other temporary arrangement, under which the city acquires the right to operate said utility, shall be continued in their respective positions and shall be deemed appointed to such positions under, and entitled to all, the benefits of the civil service provisions of this charter for the period of time during which the city shall continue to operate said utility under said lease or other temporary arrangement. Should the city permanently acquire said utility, said persons shall come into the permanent employ of the city and county in their respective positions and shall be deemed permanently appointed thereto under the civil service provisions of the charter and shall be entitled to all the benefits thereof, all subject to the provisions contained in sections 8.300(f) and 8.450 of the charter; provided, however, that said employees who are taken over into the employ of the city under said lease or other temporary arrangement shall not be subject to the residential qualifications of the charter, during the term of said lease or other temporary arrangement. All employees of any such utility, acquired or operated by the city under any lease or other temporary arrangement, who come into the employ of said utility after the temporary acquisition of same, shall be subject to the civil service provisions of the charter. The civil service rights of any person who comes into the service of the city under any lease or other temporary arrangement for the acquisition and operation of said utility shall cease and terminate upon the expiration of said lease or other temporary arrangement.

(f) All persons employed in the operating service of any public utility hereafter acquired by the city and county, at the time the same is taken over by the city and county, and who shall have been so employed for at least one year prior to the date of such acquisition, shall be continued in their respective positions and shall be deemed appointed to such positions, under, and entitled to all the benefits of, the civil service provisions of this charter.

(g) All employees engaged in public utility work at the time this charter shall go into effect, and who have been permanently appointed to their respective positions in conformity with the civil service provisions of this charter, shall except as otherwise provided by this charter become employees of the public utilities commission under the classification held by each such employee at such time.

(h) Any employee who was a permanent civil service appointee assigned to the airport department under the public utilities commission immediately prior to the effective date of this section, shall be continued

without loss in civil service rights as an appointee of the airport department, provided that civil service rights as they relate to layoff in the event of lack of work or lack of funds of all permanent employees of the public utilities commission, including the airport department, immediately prior to the effective date of this section, shall be continued without loss in the same manner and to the same extent as though the airport department had not by these amendments been created a separate city function under the airports commission.

(i) Any employee who was a permanent civil service appointee assigned to an exposition auditorium and whose job function is placed under the Convention Facilities Management Department shall be continued without loss in civil service rights as though said job functions had not by amendment to this charter been placed under the jurisdiction of the chief administrative officer, and shall not lose those civil service rights which relate to layoff from a permanent civil service position in the event of lack of work or lack of funds.

Section 8.310 is amended to read as follows:

8.310 Declaration of Personnel Policy

(a) All appointments in the public service shall be made for the good of the public service and solely upon merit and fitness, as established by appropriate tests, without regard to partisan, political, social or other considerations. No person shall in any way be favored or discriminated against in employment or opportunity for employment because of race, color, sex, sexual orientation, political affiliation, age, religion, national origin or other non-merit factors.

(b) Notwithstanding anything to the contrary in subsection (a) or any other provisions of the charter, it shall be the policy of the City and County of San Francisco, consistent with a policy of acquiring qualified personnel for the service of the city and county, to encourage the hiring of blind persons in accordance with the provisions of charter section 8.300(a) (6).

Section 3.539 is amended to read as follows:

3.539 Special Police Funds

The board of supervisors shall have the power to appropriate to the police department an amount not to exceed in any one fiscal year the sum of \$50,000 to be known as the contingent fund of the chief of police. The chief of police may from time to time, disburse such sums from such fund as in his judgment shall be for the best interests of the city and county in the investigation and detection of crime, and the police commission shall allow and order paid out of such contingent fund, upon orders signed by the chief of police, such amounts as may be required.

The board of supervisors shall have the power to appropriate to the police department an amount not less than \$50,000 in any one fiscal year to be known as the narcotic fund of the chief of police. The chief of police may from time to time, disburse such sums from such fund as in his judgment shall be for the best interests of the city and county in the enforcement of the narcotic laws, and the police commission shall allow and order paid out of such narcotic fund, upon orders signed by the chief of police, such amounts as may be required.

Section 3.696-1 is amended to read as follows:

3.696-1 Public Health Employees

The City and County of San Francisco shall accept the transfer and assume jurisdiction and control of state employees of the San Francisco field unit of the State of California Department of Mental Health, Office of Mental Health Social Services (OMHSS) to city and county employment in accordance with the terms and conditions of Statutes 1984, ch. 1330.

The board of supervisors is hereby granted power to enter into any agreement with the State of California, or any officer, agency or commission of the State of California, and to pass all necessary legislation and to do or perform any other act or acts deemed necessary to effect the transfer of employment, jurisdiction and control of all state employees of the San Francisco field unit of OMHSS to the city and county. The board of supervisors shall make every reasonable effort to consummate such an agreement no later than January 1, 1986. All said employees who are transferred to the city and county shall become employees of the City and County of San Francisco, under the jurisdiction of the department of public health.

The power to negotiate this transfer is being limited to an agreement between the City and County of San Francisco and the State of California Department of Mental Health with no net increase in cost to the City and County of San Francisco.

All state employees of the San Francisco field unit of OMHSS who, on December 31, 1985, are members of the Public Employees' Retirement System of the State of California shall continue to be members of said Public Employees' Retirement System. Notwithstanding any other provisions of this charter, the city and county shall perform all acts necessary to continue the membership of such employees in said Public Employees' Retirement System.

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

Date of City and County Election: November 5, 1985.

Charter Chapter 17—City of Roseville

Amendments to the Charter of the City of Roseville

[Filed with the Secretary of State December 11, 1985]

Section 3.05 is amended to read as follows:

Section 3.05 Compensation of Councilmembers and Mayor

Each councilmember shall be compensated at the rate of one-hundred and fifty dollars (\$150) per month. The mayor shall receive, in addition to his compensation as a councilmember, fifty dollars (\$50) per month, not subject to audit, to defray miscellaneous official ceremonial expenses. Councilmembers may, upon order of the Council, be reimbursed for reasonable and necessary expenses actually incurred in the service of the city.

Section 5.02 is amended to read as follows:

Section 5.02 Enactment, Amendment and Repeal of Ordinances

Ordinances may be enacted, amended or repealed by the affirmative vote of not less than three (3) councilmembers, except that when an ordinance is given immediate effect, Section 5.03 of this charter shall govern. Unless by the affirmative vote of not less than three councilmembers, no office shall be created or abolished, no tax or assessment be imposed, no street, alley or public ground be vacated, no real estate or any interest therein be sold or disposed of, no private property be taken for public use, nor any vote of the council be reconsidered or rescinded nor any money appropriated except as otherwise provided by this charter. Except in the case of ordinances which are declared to be urgency ordinances, no ordinance shall be finally passed by the council until two (2) weeks after the meeting at which the ordinance is introduced. Introduction of an ordinance shall require the affirmative vote of not less than three (3) councilmembers. At least the title and a summary of ordinance as introduced shall be published in a newspaper of general circulation in the city at least one week before the final passage, either separately or as part of any published proceedings of the council. No ordinance shall be amended by reference to its number and title only, but the section or sections of the ordinance amended shall be reenacted and shall be either published or posted as provided in Section 5.04 of this charter. An ordinance may be repealed in total by reference to its number and title only and publication of the action may be similarly limited.

Section 12.06 is amended to read as follows:

Section 12.06 Operation of municipal hospital

The City shall have the authority to acquire, own, and operate municipal hospitals for the purpose of providing health care to its citizens and, to the extent permitted by law, to persons residing outside of its corporate limits. The City may enter into such leases or agreements for operation of the municipal hospitals as the Council deems appropriate. Provided however, that the City shall not sell or dispose of the property easements, or assets of any such municipal hospital which it may acquire, unless and except that a proposition for such purpose shall first have been submitted to and approved by a majority vote of the electors voting thereon at a general or special election. The provisions of this section shall not be interpreted to preclude the sale of parts of a hospital's property and assets which are not essential to continued effective hospital service and the disposal of which will not prejudice municipal interests.

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

Date of General Municipal Election: November 5, 1985.