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## APPENDIX

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

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

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**CHARTER AMENDMENTS—1986**

Charter Chapter Number	City—County	Date of Election	Date of Filing
1	City of Chico	Nov. 5, 1985	March 12, 1986
2	City of Modesto	Nov 5, 1985	March 18, 1986
3	City of Placentia	Nov 5, 1985	March 18, 1986
4	City of Santa Barbara	Nov 5, 1985	March 25, 1986
5	City of Watsonville	May 14, 1985	March 23, 1986
6	City of Albany	April 8, 1986	June 17, 1986
7	City of Napa	April 8, 1986	June 16, 1986
8	City and County of San Francisco	June 3, 1986	July 7, 1986
9	City of Berkeley	June 3, 1986	July 11, 1986
10	County of San Diego	June 3, 1986	Aug 7, 1986
11	County of Alameda	June 3, 1986	Aug 22, 1986
12	City of Chula Vista	Nov 5, 1985	Aug 28, 1986
13	City of Watsonville	June 3, 1986	Sept 4, 1986
14	City of San Diego	June 3, 1986	Sept 8, 1986
15	City of Roseville	June 3, 1986	July 30, 1986
16	City of San Luis Obispo	June 3, 1986	Sept 11, 1986
17	City of Los Angeles	June 3, 1986	July 9, 1986
18	City of Redondo Beach	June 3, 1986	Sept 12, 1986
19	County of Sacramento	Nov 4, 1986	Nov 25, 1986
20	City and County of San Francisco	Nov 4, 1986	Dec 3, 1986
21	City of Oakland	June 3, 1986	Nov. 18, 1986
22	City of Los Angeles	Nov 4, 1986	Dec 12, 1986
23	City of Santa Cruz	Nov 4, 1986	Dec 1, 1986
24	City of Riverside	Nov 4, 1986	Dec 11, 1986
25	City of Monterey	Nov 4, 1986	Dec 15, 1986
26	City of Santa Barbara	Nov 4, 1986	Dec 5, 1986
27	City of San Buenaventura	Nov. 4, 1986	Dec. 4, 1986
28	County of Santa Clara	Nov 4, 1986	Dec 24, 1986
29	City of San Diego	Nov 4, 1986	Dec 19, 1986
30	City of Richmond	Nov 4, 1986	Dec 26, 1986
31	City of Santa Ana	Nov. 4, 1986	Dec 16, 1986
32	City of Stockton	Nov. 4, 1986	Dec 9, 1986
33	City of San Jose	Nov 4, 1986	Dec 30, 1986
34	City of Napa	Nov 4, 1986	Dec 29, 1986

THE HISTORY OF THE

The history of the world is a vast and complex subject, encompassing the lives and actions of countless individuals and the evolution of societies over time. It is a story of human progress, struggle, and achievement, shaped by the forces of nature and the choices of men. From the earliest civilizations to the modern world, the human story has been one of constant change and adaptation.

The ancient world, with its great empires and philosophies, laid the foundation for the modern world. The Greeks and Romans, in particular, made significant contributions to the fields of art, science, and governance. Their legacies are still visible in the architecture, literature, and political systems of today. The Middle Ages, a period of religious fervor and feudalism, saw the rise of powerful monarchies and the growth of the Christian Church. It was a time of both darkness and enlightenment, as scholars preserved and built upon the knowledge of the ancients.

The Renaissance, a period of cultural rebirth, marked the beginning of the modern era. It was a time of great artistic achievement and intellectual inquiry, as people sought to rediscover the wisdom of the past and apply it to the present. The scientific revolution, which followed, revolutionized our understanding of the natural world and paved the way for the technological advances of the modern age. The Industrial Revolution, in particular, transformed the world, bringing about unprecedented economic growth and social change.

The modern world, with its global communication and technological prowess, has brought us to the brink of a new era. We have achieved remarkable feats of science and technology, and we have expanded our horizons to the far reaches of the universe. Yet, we also face significant challenges, such as climate change, nuclear war, and social inequality. The future of the world is uncertain, but it is up to us to shape it. We must work together to address these challenges and create a better world for all.

## Charter Chapter 1—City of Chico

*Amendments to the Charter of the City of Chico*

[Filed with the Secretary of State March 12, 1986 ]

1. Section 601, entitled "Remuneration", of Article VI, entitled "The Council", is amended to read as follows:

Section 601. Remuneration.

Each councilmember shall be remunerated at the rate of fifteen dollars (\$15.00) per council meeting attended, but the maximum amount of remuneration in any month shall not exceed sixty dollars (\$60.00). The mayor shall receive, in addition to this remuneration as a councilmember, the sum of twenty-five dollars (\$25.00) per month. Each councilmember, including the mayor, may also be reimbursed for reasonable and necessary expenses actually incurred in the service of the city, provided that an appropriation for such expenses has been made in the annual budget adopted by the city council as hereinafter provided by this charter.

2. Subpart B of Section 602, entitled "Meetings", of Article VI, entitled "The Council", is amended to read as follows:

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 council chamber building of the city unless another location is designated by ordinance, or in such a place to which any such meeting may be adjourned.

3. Section 612, entitled "Same—Emergency ordinances", of Article VI, entitled "The Council", is amended to read as follows:

Section 612. Same—Emergency ordinances.

Any ordinance declared by the council to be necessary as an emergency measure for preserving the public peace, welfare, health or safety, and containing a statement of the reasons for its urgency, may be introduced by reading in full, and adopted at the same meeting if passed by at least four (4) affirmative votes. No such emergency ordinance shall remain in effect for a period longer than six (6) months. The city council may also adopt an interim zoning ordinance as an emergency measure provided such interim zoning ordinance is adopted in the manner provided by state law.

4. Section 616, entitled "Same—Effective date", of Article VI, entitled "The Council", is amended to read as follows:

Section 616. Same—Effective date.

Except as otherwise herein provided to the contrary, ordinances shall become effective on the 30th day following date of adoption,

provided that such ordinance has been published as provided by Section 611 within fifteen (15) days from date of adoption. In the event publication has not been so made, then such ordinance shall become effective on the 15th day following the date of publication. The following ordinances are expressly excepted from the foregoing requirements, and shall take effect upon adoption:

- a. An ordinance calling or otherwise relating to an election;
- b. An improvement proceeding ordinance adopted under some law or procedural ordinance;
- c. An emergency ordinance adopted in the manner provided for in this article.

5. Section 900, entitled "Enumerated", of Article IX, entitled "Appointive Officers and Employees", is amended to read as follows:

Section 900. Enumerated.

The appointive officers of the city shall consist of a city manager, city clerk, city attorney, city finance officer, and such other officers as are required by law, or as the council may provide by ordinance.

6. Section 908, entitled "Finance officer", of Article IX, entitled "Appointive Officers and Employees", is amended to read as follows:

Section 908. Finance officer.

The finance officer shall be responsible for administration of the financial affairs of the city.

The finance officer shall have custody of all public funds belonging to the city or to any office, department, board or commission or agency thereof, and shall administer all such funds in compliance with the provisions of the Constitution and laws of the State of California governing the collection, handling, depositing, investment and securing of public funds.

The finance officer shall submit to the council through the city manager monthly statements of receipts, disbursements and balances in such form as to show the exact financial condition of the city. At the end of each fiscal year the finance officer shall submit a complete and detailed financial statement.

7. Section 909, entitled "Compensation of officers, department heads and employees", of Article IX, entitled "Appointive Officers and Employees", is amended to read as follows:

Section 909. Compensation of officers, department heads and employees.

The compensation of all city officers and department heads, except as otherwise provided in this Charter, shall be fixed by the council by resolution, and the compensation of all other city employees shall be determined in accordance with the personnel system ordinance. No officer, department head or employee shall be allowed any fees, perquisites, emoluments or compensation for the performance of the duties of the employment or office for or to which such officer, department head or employee was employed, appointed or elected, other than reimbursement for necessary expenses, and the compensation as determined in the manner herein provided.



8. Subpart B of Section 1003, entitled "Organization", of Article X, entitled "Appointive Boards and Commissions", is amended to read as follows:

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 keep a record of its proceedings and transactions, and a copy thereof shall be filed monthly with the city manager.

9. Section 1101, entitled "Tax system", of Article XI, entitled "Fiscal Administration", is amended to read as follows:

Section 1101. Tax system.

The council may, by ordinance, provide a system for assessment and for the levy and collection of city taxes upon real and personal property.

10. Section 1104, entitled "Funds and tax limits", of Article XI, entitled "Fiscal Administration", is re-entitled and amended to read as follows:

Section 1104. Funds.

There are hereby created the general, park, and airport funds and such other funds as may be established by the city council. All monies accruing to such funds shall be used only for the purposes for which such funds are established.

Certified to be a true copy by Mayor Georgie Willis, and City Clerk Barbara A. Evans.

Date of Special Municipal Election: November 5, 1985.

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Charter Chapter 2—City of Modesto

*Amendments to the Charter of the City of Modesto*

[Filed with the Secretary of State March 18, 1986 ]

Section 1500 is amended to read as follows:

**SECTION 1500. BOARD OF EDUCATION.** The control, management and administration of the public schools of the City of Modesto, and the territory that is now or may hereafter be annexed thereto for school purposes, in accordance with the Constitution and general laws of the State of California, are hereby vested in a Board of Education. In all matters not specifically provided for in this Article, the Board shall be governed by the provisions of the general law relating to such matters and

shall be vested with all the powers and charged with all the duties provided by the laws of the State for city boards of education. The Board of Education shall be the governing body of the Modesto City School District of Stanislaus County and the Modesto High School District of Stanislaus County. The Board of Education shall consist of seven (7) members who may receive compensation pursuant to the applicable provisions of the Education Code of the State of California. The members of the Board of Education shall be elected at large from the territory within the boundaries of the school district or districts which are under the jurisdiction of the Board. The members of the Board of Education shall hold office for a period of four (4) years from and after the first Tuesday following the Regular Municipal Election at which they are elected and continuing until their successors are elected and have qualified. No person shall be eligible to be nominated for or to hold office as a member of the Board of Education unless he is and shall have been for at least thirty (30) days preceding his nomination or appointment a resident and registered elector of the school district or districts which are under the jurisdiction of the Board of Education.

When a vacancy, as defined in Government Code 1770, occurs on the Board of Education, the Board of Education shall, within 30 days, either make a provisional appointment to fill the vacancy or call for an election. Failure to take any action within thirty (30) days shall be treated as a call for an election. If a provisional appointment is made, registered voters of the district shall have 30 days to present a petition to the Board of Education calling for a special election to fill the vacancy. The petition must contain the City Clerk's estimate of the cost of the special election and must be signed by at least 1½ percent of the registered voters, at the last municipal election, of the territory within the boundaries of the school district or districts which are under the jurisdiction of the Board at the last municipal election. If the City Clerk determines that the petition is legally sufficient, the provisional appointee shall step down and an election shall be called to fill the vacancy. The provisional appointment shall confer no powers and duties for the first thirty (30) days. If no petition is filed within 30 days, the provisional appointee shall have all the powers and duties of a Board of Education member and shall hold office until the next regularly scheduled municipal election. If an election is held, it shall be to fill the vacancy for the remainder of the unexpired term. The members of the Board of Education shall be subject to recall as provided in this Charter.

All territory included within the limits of any school district or districts which are under the jurisdiction of the Board of Education, but not within the City limits, shall be deemed a part of the City for the purpose of holding municipal elections and shall constitute one (1) or more separate election precincts; and the qualified electors therein shall vote only for members of the Board of Education and on questions submitted to a vote of the people at special, or regular elections pertaining to school matters.

The members of the Board of Education in office at the time this amendment to the Charter takes effect shall continue in office until the expiration of their terms. Their successors shall be elected at the regular municipal election to be held during the year each said respective term expires.

Certified to be a true copy by Peggy Mensinger, Mayor, and Norrine Coyle, City Clerk.

Date of Regular Municipal Election: November 5, 1985.

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Charter Chapter 3—City of Placentia

*Amendments to the Charter of the City of Placentia*

[Filed with the Secretary of State March 18, 1986 ]

Sections 600, 700, and 1100 are amended to read as follows:

**SECTION 600. Number and Term.** There shall be a City Council consisting of five members elected from the City at large, at the times and in the manner in this Charter provided, and who shall serve for a term of four years, and until their respective successors qualify.

The regular election of the City Council members shall be held on the first Tuesday, following the first Monday, in November of each even-numbered years. The candidates receiving the highest number of votes shall be elected. The term of all members shall commence at the first regular Council meeting following the certification of the election results and each member shall serve until his successor is elected and qualified. Any ties in voting shall be settled by the casting of lots.

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

The regular election of the City Clerk shall be held on the first Tuesday, following the first Monday, in November in even-numbered years at the same time and in conjunction with the regular election of two (2) City Councilmembers. The regular election for the City Treasurer shall be held at the same time and in conjunction with the regular election for three (3) City Councilmembers. The candidates receiving the highest number of votes for each of these offices shall be elected. The terms of the City Clerk and City Treasurer shall commence at the first regular Council meeting following certification of election results. Any ties in voting shall be settled by the casting of lots.

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

**SECTION 1100. General Municipal Elections.** General Municipal elections for the filing of elective offices under this Charter shall be held in said City on the first Tuesday, following the first Monday, in November in each even-numbered year commencing with the year 1986.

Certified to be a true copy by George F. Ziegler, Mayor, and Edmund M. Ponce, City Clerk.

Date of Special Municipal Election: November 5, 1985.

Charter Chapter 4—City of Santa Barbara

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

[Filed with the Secretary of State March 25, 1986.]

Section 708 is amended to read as follows:

Section 708. **Illegal Contract, Financial Interest**

The provisions of Article 4 of Chapter 1 of Division 4 of the Government Code (commencing with Section 1090) shall apply to all members of the City Council and all other officers, employees, and members of boards, commissions, and committees of the City.

Certified to be a true copy by Sheila Lodge, Mayor, and Lily Rossi, Chief Deputy City Clerk.

Date of General Municipal Election: November 5, 1985.

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Charter Chapter 5—City of Watsonville

***Amendments to the Charter of the City of Watsonville***

[Filed with the Secretary of State March 28, 1986.]

Section 403 of Article IV is amended to read as follows:

**SECTION 403. Eligibility.** A person shall be eligible to be nominated for, or to hold office as a member of the Council, only if such person is a resident and a registered qualified voter of this City, and shall have been for at least thirty (30) days preceding such person's nomination or appointment, a resident of this City or of territory annexed thereto. The Council shall be the judge of the election and qualifications of its members as defined in this Section.

Section 1117 of Article XI is amended to read as follows:

**SECTION 1117. Public Bid Requirements.** Every expenditure of City moneys for public works construction as hereafter defined of more than that amount set forth in Section 20162 of the Public Contracts Code of the State of California shall be let to the lowest responsible bidder after notice of publication in the official newspaper by one (1) or more insertions, the first of which shall be at least ten (10) days before time for opening bids.

The Council may reject any and all bids presented and may readvertise in its discretion. The Council after rejecting bids, or if no bids are received, may declare and determine that, in its opinion, based on estimates approved by the City Manager the work in question may be performed better or more economically by the City with its own employees after the adoption of a resolution to this effect by at least five (5) affirmative votes of the Council may proceed to have said work done in the manner stated, without further observance of the provisions of this Section.

Such expenditures may be made without advertising for bids, if such expenditures shall be deemed by the Council to be of urgent necessity for the preservation of life, health or property and shall be authorized by resolution passed by at least five (5) affirmative votes of the Council and containing a declaration of the facts constituting the urgency.

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

For the purposes of this Section, public works construction shall be defined as a project for the erection or improvement of public buildings, streets, drains, sewers, parking lots, parks or playgrounds, provided, however, that expenditures for the extension, improvement or development of the City water system shall be excepted from the requirements of this Section. Maintenance or repair of public buildings, streets, drains, sewers, parking lots, parks or playgrounds shall not be considered as public works construction. The provisions of this Section shall not apply to materials, supplies or equipment obtained or purchased from any governmental agency, or for materials, supplies or equipment which can be obtained from only one vendor.

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

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

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

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

Certified to be a true copy by Ann M. Soldo, Mayor, and Lorraine Washington, City Clerk.

Date of General Municipal Election: May 14, 1985.

## Charter Chapter 6—City of Albany

*Amendments to the Charter of the City of Albany*

[Filed with the Secretary of State June 17, 1986.]

Section 3.12, Health Officer, is deleted.

Section 3.15, Public Library, is deleted.

Section 9.01 (e), Evidence of Disability to be filed, is amended to read as follows:

No person shall be retired, as provided in subsections (d) or (dd) of this Section 9.01, or receive any benefit from said fund, unless there shall be filed with said Board certificates of his or her disability, which certificates shall be subscribed and sworn to by said person, and by two regularly licensed practicing physicians of the State of California who, unless otherwise agreed by the prospective retiree and the Board, practice in the San Francisco Bay Area, and such Board may require other evidence of disability before ordering such retirement and payment as aforesaid.

Certified to be a true copy by Robert E. Nichols, Mayor, and Jacqueline Bucholz, City Clerk.

Date of General Municipal Election: April 8, 1986.

## Charter Chapter 7—City of Napa

*Amendments to the Charter of the City of Napa*

[Filed with the Secretary of State June 16, 1986.]

Section 20 is added to read as follows:

Circulation of Petitions: Petition Circulator-Residency.

Each and every person circulating a petition for an initiative, referendum, recall or other municipal ballot measure shall be a registered voter of the City of Napa for thirty (30) days prior to the first day upon which such person circulates a petition for any of the above-referenced ballot measures.

Section 21 is added to read as follows:

Circulation of Petitions: Petition Circulator-Compensation.

No person shall make a payment whether in cash or in lieu services or goods, nor shall any person accept any payment whether in cash or in lieu services or goods, for the purpose of compensating a person who circulates a petition for an initiative, referendum, recall or other municipal ballot measure.

Section 22 is added to read as follows:

Circulation of Petitions: Petition Circulator-Registration.

Each and every person who circulates a petition for an initiative, referendum, recall or other municipal ballot measure shall be registered with the City of Napa on forms provided by the City Clerk of the City of Napa

within five (5) days of the first day upon which such person circulates a petition for any of the above-referenced ballot measures.

Section 23 is added to read as follows:

Circulation of Petitions: City Attorney Headline for Petitions.

The City Attorney shall prepare a headline describing in summary form the contents of each and every petition proposing an initiative, referendum, recall or other municipal ballot measures. Each petition circulated on any such measure shall include said headline at the top of each page of the petition.

Certified to be a true copy by Robert G. Pelusi, Mayor, and Pamyła C. Means, City Clerk.

Date of General Municipal Election: April 8, 1986.

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Charter Chapter 8—City and County of San Francisco

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

[Filed with the Secretary of State July 7, 1986]

Section 3.202 is added to read as follows:

Section 3.202 Office of Risk Management

There is established under the chief administrative officer an office of risk management which shall review, analyze and report to the chief administrative officer, the mayor and the finance committee of the board of supervisors the practices of the several departments, boards and commissions of the city and county regarding loss prevention and risk management, including the insurance requirements of the city and county. The office shall also establish and assist in the implementation of planning and operational guidelines regarding risk management and loss prevention for each department, board or commission. The chief administrative officer may appoint, at his or her pleasure, or contract with, a qualified individual or organization for the operation of the office. The qualifications of the individual or organization operating the office shall include relevant education, training and experience in insurance and risk management.

Section 3.401 is amended to read as follows:

Section 3.401 City Attorney

(a) The city attorney shall be an elective officer. He shall furnish an official bond in the sum of ten thousand dollars (\$10,000). He shall appoint, and at his pleasure may remove, all assistants and employees of his office. He shall devote his entire time and attention to the duties of his office. He must, at the time of his election, be an elector of the city and county; qualified to practice in all the courts of the state, and he must have been so qualified for at least 10 years next preceding his election.

The city attorney must represent the city and county in all actions and proceedings in which it may be legally interested, or, for or against the city

and county, or, any officer of the city and county in any action or proceeding, when directed so to do by the supervisors, except where a cause of action exists in favor of the city and county against said officer. Whenever any cause of action exists in favor of the city and county, the city attorney shall commence the same when within his knowledge or when directed so to do by the supervisors. He shall give his advice or opinion in writing to any officer, board or commission of the city and county when requested. Except as otherwise provided in this charter, he shall not settle or dismiss any litigation for or against the city and county, unless, upon his written recommendation, he is ordered so to do by ordinance.

The city attorney shall prepare, or approve as to form, all ordinances before they are enacted by the supervisors. He shall approve, by endorsement in writing, the form of all official or other bonds required by this charter or by ordinance before the same are submitted to the proper commission, board or office for final approval, and no such bonds shall be finally approved without such approval as to form by the city attorney. Except as otherwise in this charter provided, he shall prepare in writing the draft or form of all contracts before the same are executed on behalf of the city and county. He shall examine and approve the title of all real property to be acquired by the city and county.

He shall keep on file in his office copies of all written communications and opinions, also all papers, briefs and transcripts used in matters wherein he appears; and books of record and registers of all actions or proceedings in his charge in which the city and county or any officer or board thereof, is a party or is interested.

(b) The duties of the city attorney in connection with the bureau of delinquent revenue collection shall be transferred to and performed by the attorney for said bureau who shall be subject to the civil service provisions of this charter.

(c) There is established in the office of the city attorney a bureau of claims investigation and administration which shall have the responsibility of investigating, evaluating and processing for the several boards, commissions and departments all claims for money or damages made upon the city and county pursuant to section 7.703 of this charter or the general law of the State of California. Claim investigation functions of the police department in existence on June 4, 1986, shall continue as an adjunct to the bureau established under this section. Claims functions of the public utilities commission shall remain under that commission unless transferred to the bureau of claims investigation and administration by ordinance of the board of supervisors.

Notwithstanding any other provision of this charter, the bureau shall also have the power to investigate events and occurrences giving rise to potential civil liability against the city and county and adjust and settle demands, within dollar limits to be established by ordinance, prior to their presentment as claims. There shall be established by ordinance a revolving fund to satisfy such demands adjusted prior to their presentment as claims. The bureau shall be responsible for the investigation of all claims and the analysis of city policies and practices upon which the bureau shall report and advise the several departments.



The city attorney shall appoint a chief of the bureau who shall serve at his or her pleasure. The chief of the bureau may appoint, subject to confirmation by the city attorney, investigators who shall serve at the pleasure of the chief; provided, however, that any person who has civil service status to the position of civil claims investigator or any equivalent classification on the date of approval of this amendment by the electorate shall continue to have civil service status to said position under the civil service provisions of this charter.

Section 7.100 is amended to read as follows:

Section 7.100 Materials, Supplies and Equipment

The purchaser of supplies shall purchase all materials, supplies and equipment of every kind and nature, and enter into agreements for all contractual services required by the several departments and offices of the city and county, except as in this section otherwise provided. Purchases of books, magazines and periodicals for the library departments, works of art for museums and other articles or things of unusual character as to the purchasing thereof, may, on the recommendation of a department head and the approval of the purchaser, be purchased directly by said department head.

Purchases for construction operations, or for any operations conducted outside the boundaries of the city and county may, on the recommendation of the department head in charge thereof and the approval of the purchaser of supplies, be made by the department head. All such purchases made by officials of departments other than the purchasing department shall be made in accordance with regulations established by the purchaser of supplies. The purchaser of supplies shall have authority to exchange used materials, supplies, and equipment to the advantage of the city and county, advertise for bids, and to sell personal property belonging to the city and county on the recommendation of a department head that such articles are unfit for use.

All purchases shall be by written purchase order or written contract. All purchases in excess of one thousand dollars (\$1,000) shall be by written contract; provided, however, that on the recommendation of the department head, in case of an emergency actually existing, the purchaser of supplies, with the approval of the chief administrative officer, may make such purchases in the open market on the basis of informal bids. At least three bids or quotations shall be secured on open market purchases and a permanent record of all such quotations shall be kept. All contracts and purchase orders in excess of fifty thousand dollars (\$50,000) for materials, supplies or equipment and all agreements for contractual services in excess of fifty thousand dollars (\$50,000) shall require the signature of the chief administrative officer in addition to the signature of the purchaser of supplies. Beginning with fiscal year 1987-88, the board of supervisors shall be authorized to increase or decrease by ordinance the dollar amount of contracts requiring approval of the chief administrative officer under this section. The purchaser of supplies shall not enter into any contract or issue any purchase order unless the controller shall certify thereon that sufficient unencumbered balances are available in the proper fund to meet the payments under such purchase order or contract as these become due.

The purchaser of supplies shall establish specifications and tests to cover all recurring purchases of materials, supplies and equipment. He shall, as far as is practicable, standardize materials, supplies and equipment according to the use to which they are to be put, when two or more types, brands or kinds are specified or requested by individual departments.

Purchases of equipment shall be made in accordance with specifications furnished by the department requiring such equipment in case the use of such equipment is peculiar to such department. For patented or proprietary articles sold by brand name, the purchaser may require each department requisitioning same by such brand name, to furnish specifications of the article requisitioned and may advertise for bids on the basis of such specifications, under conditions permitting manufacturers of or dealers in other articles made and sold for the same purpose to bid on such specifications or on the specifications of their own product. If the purchaser of supplies recommends the acceptance of the lowest or best bid, stating his reasons in writing therefor, and if the department head concerned recommends the acceptance of any other bid on such proprietary articles, stating his reasons in writing therefor, the award shall be determined by the controller.

The purchaser of supplies shall require departments to make adequate inspection of all purchases, and shall make such other inspections as he deems necessary. He shall direct the rejection of all articles which may be below standards, specifications or samples furnished. He shall not approve any bill or voucher for articles not in conformity with specifications, or which are at variance with any contract.

He shall have charge of central storerooms and warehouses of the city and county. He shall also have charge of a central garage and shop for the repair of city and county equipment. All garages and shops heretofore maintained by departments for the construction, maintenance, and repair of departmental supplies and equipment, and the personnel assigned thereto, excepting the shop and personnel for fire alarm, police telegraph and traffic signal manufacture and repair operated by the department of electricity, are hereby transferred to said central garage and shop.

He shall, under the supervision of the controller, maintain an inventory of all materials, supplies and equipment purchased for and in use in all departments and offices of the city and county. He shall be responsible for the periodic check of such property, and in case of loss or damage deemed by him to be due to negligence, he shall report thereon to the mayor, the chief administrative officer and the controller. He shall have authority to require the transfer of surplus property in any department to stores or to other departments.

Section 7.103 is amended to read as follows:

**Section 7.103 Requisition, Contract and Payment**

All purchase orders and contracts shall be based on written requisitions, or, for materials, or supplies in common use in the various departments, on the purchaser's records of average use by all departments. Purchase orders and contracts in excess of fifty thousand dollars (\$50,000) must be approved by the chief administrative officer. Beginning with fiscal year

1987-88, the board of supervisors shall be authorized to increase or decrease by ordinance the dollar amount of contracts requiring approval of the chief administrative officer under this section. The purchaser of supplies shall approve all bills and vouchers for materials, supplies, equipment, and contractual services before the controller shall draw and approve warrants therefor. All contracts for the purchase of materials, supplies and equipment shall be made after inviting sealed bids by publication. All sealed bids received shall be kept on file. When an award of contract is made, notice that the same has been made shall be given by one publication, and any interested person may examine the bids and records at the purchaser's office.

The purchaser of supplies shall by rules and regulations, approved by the chief administrative officer and the controller, designate and authorize appropriate personnel within the purchasing department to exercise the purchaser's signature powers for purchase orders and contracts approved as provided in this charter.

Section 7.200 is amended to read as follows:

#### Section 7.200 Public Works and Purchasing Contracts

The construction, reconstruction or repair of public buildings, streets, utilities or other public works or improvements, and the purchasing of supplies, materials and equipment, when the expenditure involved in each case shall exceed the sum of fifty thousand dollars (\$50,000), shall be done by contract, except as otherwise provided by this charter. It shall constitute official misconduct to split or divide any public work or improvement or purchase into two or more units for the purpose of evading the contract provisions of this section. In an emergency, provided an actual emergency be declared by the board of supervisors to exist, and when authorized by resolution of said board, any public work or improvement may be executed in the most expeditious manner. Notwithstanding any other provision in this section or this charter contained, upon the approval of the chief administrative officer declaring the work to be emergency in character, there may be expended by the department of public works the sum not to exceed five hundred dollars (\$500) for new construction of any type in or upon unimproved or unaccepted streets.

Any public work or improvement estimated to cost less than fifty thousand dollars (\$50,000) may be performed under contract or written order or by the employment of the necessary labor and purchase of the necessary materials and supplies directly by the city and county. Any public work or improvement executed by the city, other than routine repair work, shall be authorized by the chief administrative officer when the cost exceeds fifty thousand dollars (\$50,000), or by the heads of departments not under the chief administrative officer, only after detailed estimates have been prepared and submitted by the head of the department concerned. There shall be separate accounting for each work or improvement so executed, which accounting shall include all direct, indirect and supervisory elements of cost chargeable to such work or improvement, and each cost accounting shall be reported to the chief administrative officer, or to the mayor when such work shall have been performed by departments not under the chief administrative officer. All such accounts shall be re-

ported to the controller. Any public work or improvement costing less than fifty thousand dollars (\$50,000) and not performed by the use of city and county labor, materials, and supplies shall, if not performed under contract, be covered by written order or agreement which shall be based on not less than three bids, notice of which shall be given by three days' posting. Records of such bids shall be kept by the department.

When the expenditure for any public work or improvement shall exceed the sum of fifty thousand dollars (\$50,000), the same shall be done by contract, except as otherwise provided in this charter. The head of the department in charge of or responsible for the work for which a contract is to be let, or the purchaser of supplies in the case of purchases of materials, supplies and equipment, shall let such contract to the lowest reliable and responsible bidder not less than ten days after advertising by one publication for sealed proposals for the work, improvement or purchase contemplated. Each such advertisement shall contain the reservation of the right to reject any and all bids. The officer responsible for the awarding of any such contract shall require from all bidders information concerning their experience and financial qualifications, as provided by general law relative to such investigations authorized by department of public works.

The purchaser of supplies, with the approval of the chief administrative officer for bids in excess of fifty thousand dollars (\$50,000), or the department head concerned, with the approval of the board or commission to which he is responsible, may reject any and all bids and readvertise for bids.

The department head or the purchaser of supplies, as the case may be, shall have power to sign such contract for the estimated expenditures thereunder not in excess of fifty thousand dollars (\$50,000). Any contract involving the expenditure of more than fifty thousand dollars (\$50,000), if for the purchase of materials, supplies or equipment, shall require the joint approval of the purchaser of supplies and the chief administrative officer. If such contract is for any public work or improvement, it shall require the joint approval of the department head and the chief administrative officer for amounts in excess of fifty thousand dollars (\$50,000), relative to departments under his jurisdiction, or the signature of the department head and the approval by resolution of the board or commission concerned for departments not under the chief administrative officer.

The board of supervisors, by ordinance, shall establish procedure whereby appropriate city and county departments may file sealed bids for the execution of any work to be performed under contract. If such bid is the lowest, the contract shall be awarded to the department. Accurate unit costs shall be kept of all direct and indirect charges incurred by the department under any such contract, which unit costs shall be reported to and audited by the controller monthly and on the completion of the work.

In any case where the lowest gross price or unit cost bid is not accepted, and a contract is entered into with another bidder, written report shall be made to the chief administrative officer, the mayor and the controller by

the officer authorized to execute the contract, with the reasons for failure to accept such lowest bid.

If any provision of this section is in conflict with any provision of section 7.100 of the charter, the provision contained in section 7.100 shall govern and control.

Beginning with fiscal year 1987–88, the board of supervisors shall be authorized to increase or decrease by ordinance the dollar amount set forth in any provision of this section.

Section 7.201 is amended to read as follows:

**Section 7.201 Public Works Contract Procedure by Ordinance**

Notwithstanding any other provision of this charter and, in particular, the provisions of section 7.200, the board of supervisors shall by ordinance determine the monetary limits not to exceed fifty thousand dollars (\$50,000), within which the construction, reconstruction or repair of public buildings, streets, utilities or other public works or improvements may be done by contract or by written order or by the employment of the necessary labor and purchase of the necessary materials and supplies directly by the city and county, consistent, save as to monetary limits, with the manner provided for in section 7.200 and section 7.100.

Beginning with fiscal year 1987–88, the board of supervisors shall be authorized to increase or decrease by ordinance the dollar amount set forth in any provision of this section.

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

Date of General Municipal Election: June 3, 1986.

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Charter Chapter 9—City of Berkeley

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

[Filed with the Secretary of State July 11, 1986]

Article III.

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

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

The City Council shall meet at its usual place of meeting on the first Tuesday after the election, including any run-off election, to receive the certification of results prepared by the City Clerk. The City Clerk shall canvass the results of the election in accordance with procedures established in the State of California Elections Code. The persons having the majority of the votes given for Mayor, Auditor and for Councilmember from each Council District, and the persons having the highest number of votes given for each other office, shall be declared elected.

## Article IV.

Section 7(3) is amended to read as follows:

Section 7(3). Recall petition

A petition demanding the recall of the officer sought to be recalled shall be filed with the City Clerk. The petition shall be signed by not less than 25 percent of the registered electors of the City eligible to vote for said officer on the day the petition is filed with the City Clerk.

## Article V.

Section 9 is amended to read as follows:

Section 9. Election

The Mayor, Auditor and School Directors shall be elected at the general municipal election on a general ticket from the City at large.

The Councilmembers shall be elected at the general municipal election by districts. The Councilmembers shall be recalled by districts.

The City is hereby divided into eight Council districts as hereinafter set forth, and, commencing with the general municipal election in November, 1986 and continuing thereafter until new districts are established as hereinafter set forth, such districts shall be used for the election and recall of Councilmembers and for filling any vacancy in the office of Councilmember by appointment. If and when new districts are established, as hereinafter provided, such new districts shall be used for the aforesaid purposes; provided, however, that no change in the boundary or location of any district by redistricting as herein provided shall operate to abolish or terminate the term of office of any Councilmember for which such Councilmember was elected or appointed. The eight Council districts, as established herein, shall be bounded and described as follows:

FIRST COUNCIL DISTRICT shall comprise all of that portion of the City of Berkeley commencing on the point at the center of the intersection of University Avenue and Grant Street, thence northerly along the center line of Grant Street to the center of the intersection of Grant Street and Vine Street; thence westerly along the center line of Vine Street to the center of the intersection of Vine Street and Edith Street; thence northerly along the center line of Edith Street to the center of the intersection of Edith Street and Rose Street; thence westerly along the center line of Rose Street to the center of the intersection of Rose Street and Sacramento Street; thence northerly along the center line of Sacramento Street to the center of the intersection of Sacramento Street and Hopkins Street; thence easterly along the center line of Hopkins Street to the center of the intersection of Hopkins Street and Hopkins Court; thence westerly along the center line of Hopkins Court to the center of the intersection of Hopkins Court and Albina Avenue; thence northerly along the center line of Albina Avenue to the northern boundary line of the City of Berkeley; thence westerly along said northern boundary line to the western boundary line of the City of Berkeley in the San Francisco Bay; thence southerly along said western boundary line to where it intersects with a line which is a direct extension of the center line of University Avenue; thence easterly along said extension line and along the center line of University Avenue to the point of beginning.

SECOND COUNCIL DISTRICT shall comprise all of that portion of the City of Berkeley commencing on the point on the western boundary line of the City of Berkeley in the San Francisco Bay where an extension of the center line of University Avenue would intersect said western boundary line; thence southerly along said western boundary line to the southern boundary line of the City of Berkeley; thence easterly along said southern boundary line to the intersection of said southern boundary line and the center line of California Street; thence northerly along the center line of California Street to the center of the intersection of California Street and Ashby Avenue; thence westerly along the center line of Ashby Avenue to the center of the intersection of Ashby Avenue and Sacramento Street; thence northerly along the center line of Sacramento Street to the center of the intersection of Sacramento Street and University Avenue; thence westerly along the center line of University Avenue, and along an extension of said center line, to the point of beginning.

THIRD COUNCIL DISTRICT shall comprise all of that portion of the City of Berkeley commencing on the point where the southern boundary line of the City of Berkeley intersects the center line of California Street; thence easterly along said southern boundary line to the intersection of said southern boundary line and the center line of Deakin Street; thence northerly along the center line of Deakin Street to the center of the intersection of Deakin Street and Ashby Avenue; thence easterly along the center line of Ashby Avenue to the center of the intersection of Ashby Avenue and Ellsworth Street; thence northerly along the center line of Ellsworth Street to the center of the intersection of Ellsworth Street and Dwight Way; thence westerly along the center line of Dwight Way to the center of the intersection of Dwight Way and Sacramento Street; thence southerly along the center line of Sacramento Street to the center of the intersection of Sacramento Street and Ashby Avenue; thence easterly along the center line of Ashby Avenue to the center of the intersection of Ashby Avenue and California Street; thence southerly along the center line of California Street to the point of beginning.

FOURTH COUNCIL DISTRICT shall comprise all of that portion of the City of Berkeley commencing on the point at the center of the intersection of Ellsworth Street and Dwight Way; thence northerly along the center line of Ellsworth Street to the center of the intersection of Ellsworth Street and Channing Way; thence westerly along the center line of Channing Way to the center of the intersection of Channing Way and Fulton Street; thence northerly along the center line of Fulton Street to where it becomes Oxford Street and continuing along the center line of Oxford Street to the center of the intersection of Oxford Street and Hearst Avenue; thence easterly along the center line of Hearst Avenue to the center of the intersection of Hearst Avenue, Arch Street and Le Conte Avenue; thence northerly along the center line of Arch Street to the center of Arch Street and Cedar Street; thence westerly along the center line of Cedar Street to the center of the intersection of Cedar Street and Spruce Street; thence northerly along the center line of Spruce Street to the center of the intersection of Spruce Street and Vine Street; thence westerly along the center line of Vine Street to the center of the intersec-

tion of Vine Street and Martin Luther King Jr. Way; thence southerly along the center line of Martin Luther King Jr. Way to the intersection of Martin Luther King Jr. Way and Cedar Street; thence westerly along the center line of Cedar Street to the center of the intersection of Cedar Street and Grant Street; thence southerly along the center line of Grant Street to the center of the intersection of Grant Street and University Avenue; thence westerly along the center line of University Avenue to the center of the intersection of University Avenue and Sacramento Street; thence southerly along the center line of Sacramento Street to the intersection of Sacramento Street and Dwight Way, thence easterly along the center line of Dwight Way to the point of beginning.

FIFTH COUNCIL DISTRICT shall comprise all of that portion of the City of Berkeley commencing on the point at the center of the intersection of Spruce Street and Vine Street; thence northerly along the center line of Spruce Street to the center of the intersection of Spruce Street and Grizzly Peak Blvd.; thence northerly along the center line of Grizzly Peak Blvd. to the northern boundary line of the City of Berkeley; thence westerly and thence southerly along said northern boundary line to the intersection of said boundary line with the center line of Albina Avenue; thence southerly along the center line of Albina Avenue to the center of the intersection of Albina Avenue and Hopkins Court; thence easterly along the center line of Hopkins Court to the center of the intersection of Hopkins Court and Hopkins Street; thence westerly along the center line of Hopkins Street to the center of the intersection of Hopkins Street and Sacramento Street; thence southerly along the center line of Sacramento Street to the center of the intersection of Sacramento Street and Rose Street; thence easterly along the center line of Rose Street to the center of the intersection of Rose Street and Edith Street; thence southerly along the center line of Edith Street to the center of the intersection of Edith Street and Vine Street; thence easterly along the center line of Vine Street to the center of the intersection of Vine Street and Grant Street; thence southerly along the center of Grant Street to the center of the intersection of Grant Street and Cedar Street; thence easterly along the center line of Cedar Street to the center of the intersection of Cedar Street and Martin Luther King Jr. Way; thence northerly along the center line of Martin Luther King Jr. Way to the center of the intersection of Martin Luther King Jr. Way and Vine Street; thence easterly along the center line of Vine Street to the point of beginning.

SIXTH COUNCIL DISTRICT shall comprise all of that portion of the City of Berkeley commencing on the point at the center of the intersection of Arch Street, Le Conte Avenue and Hearst Avenue; thence easterly along the center line of Hearst Avenue, and along a direct extension of the center line of Hearst Avenue, to the point where it intersects the boundary line of the campus of the University of California, which boundary line is also the boundary line of federal census tract number 4226, thence northerly, and thence easterly, along said boundary line to where it intersects the eastern boundary line of the City of Berkeley; thence northerly along said eastern boundary line to the intersection of said boundary line and the center line of Grizzly Peak Blvd.; thence southerly along the



center line of Grizzly Peak Blvd. to the center of the intersection of Grizzly Peak Blvd. and Spruce Street; thence westerly and southerly along the center line of Spruce Street to the center of the intersection of Spruce Street and Cedar Street; thence easterly along the center line of Cedar Street to the center of the intersection of Cedar Street and Arch Street; thence southerly along the center line of Arch Street to the point of beginning.

SEVENTH COUNCIL DISTRICT shall comprise all that portion of the City of Berkeley commencing at the point on the southern boundary line of the City of Berkeley where it intersects the center line of Deakin Street; thence easterly along said southern boundary line to the intersection of said southern boundary line and the center line of College Avenue; thence northerly along the center line of College Avenue to the center of the intersection of College Avenue and Ashby Avenue; thence westerly along the center line of Ashby Avenue to the center of the intersection of Ashby Avenue and Benvenue Avenue; thence northerly along the center line of Benvenue Avenue to the center of the intersection of Benvenue Avenue and Parker Street; thence easterly along the center line of Parker Street to the center of the intersection of Parker Street and College Avenue; thence northerly along the center line of College Avenue to the center of the intersection of College Avenue and Bancroft Way; thence easterly along the center line of Bancroft Way to the center of the intersection of Bancroft Way, Piedmont Avenue and Gayley Road; thence northerly along the center line of Gayley Road to the center of the intersection of Gayley Road and Hearst Avenue; thence westerly along the center line of Hearst Avenue to the center of the intersection of Hearst Avenue and Oxford Street; thence southerly along the center line of Oxford Street to where it becomes Fulton Street and continuing southerly along the center line of Fulton Street to the center of the intersection of Fulton Street and Channing Way; thence easterly along the center line of Channing Way to the center of the intersection of Channing Way and Ellsworth Street; thence southerly along the center line of Ellsworth Street to the center of the intersection of Ellsworth Street and Ashby Avenue; thence westerly along the center line of Ashby Avenue to the center of the intersection of Ashby Avenue and Deakin Street; thence southerly along the center line of Deakin Street to the point of beginning.

EIGHTH COUNCIL DISTRICT shall comprise all of that portion of the City not otherwise described as constituting the First, Second, Third, Fourth, Fifth, Sixth and Seventh Council Districts.

The Council shall, by ordinance, adjust if necessary the boundaries of the Council districts herein set forth in the year following the year in which each decennial federal census is taken, commencing with the 1990 census, as provided and required in the Constitution and statutes of the State of California and in order that the eight Council districts shall continue to be as nearly equal in population as may be according to said census. Any such redistricting shall preserve, to the extent possible, the Council districts originally established herein and shall become effective as of the next general election of Council members immediately following the effective date of said ordinance.

Commencing with the general municipal election in November 1986, each Councilmember shall be elected by the electors within a Council district, must have resided in the District in which he or she is elected for a period of not less than thirty days immediately preceding the date he or she files a declaration of candidacy for the office of Councilmember, must continue to reside therein during his or her incumbency, and shall be removed from office upon ceasing to be such resident.

The Mayor, Auditor and Councilmembers of the City shall be elected by a majority of the electors voting for each such officer. In the event no candidate for Mayor, Auditor or for Councilmember for one or more Council Districts receives a majority of the votes of the electors voting therefor, then there shall be a run-off election between the two candidates receiving the most votes, which run-off election shall be held four weeks after the initial election. No other issues shall appear on the ballot of any run-off election.

Should any provision of the amendment of this section be held invalid, the remainder of the amendment shall not be affected thereby.

Section 14 is amended to read:

Section 14. Mayor's term of office.

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

Section 14.1. is amended to read as follows:

Section 14.1. Auditor's term of office.

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

Section 15 is amended to read as follows:

Section 15. Councilmember's term of office.

The Councilmembers shall hold office for a term of two years from and after the first day of December after their election is certified by the City Clerk and until their successors are elected and qualified. However, the terms of the Councilmembers elected in the April, 1979 General Municipal election shall expire on the first day of December, 1982 after their successors are elected in the November, 1982 general municipal election, the terms of the Councilmembers elected in the April, 1981 general municipal election shall expire on the first day of December 1984 after their successors are elected in the November, 1984 general municipal election, and the terms of the Councilmembers elected in the November, 1984 general municipal election shall expire on the first day of December, 1986 after their successors are elected and qualified in the November, 1986 general municipal election.

Certified to be a true copy by Veronika Fukson, Vice Mayor, and Edythe Campbell, City Clerk.

Date of Special Municipal Election: June 3, 1986.

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Charter Chapter 10—County of San Diego

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

[Filed with the Secretary of State August 7, 1986 ]

Table of Contents

Section 709 is added to read:  
Section 709—District Attorney.

Article VII

Section 703.10 is added to read:

Section 703.10: In cases where the County intends to employ an independent contractor, the Chief Administrative Officer shall first determine that the services can be provided more economically and efficiently by an independent contractor than by persons employed in the Classified Service.

Section 709 is added to read:

Section 709: District Attorney. The District Attorney is the public prosecutor of the County whose duties are prescribed by law.

Article IX

Section 904 is amended to read:

Section 904: General Duties of the Civil Service Commission. The Commission is responsible for protecting the merit basis of the personnel system through its appellant authority, investigative powers, and review of Civil Service Rules.

Section 906 is amended to read:

Section 906: Staff of the Commission. The Commission shall employ an Executive Officer who shall be in the Unclassified Service. The Commission shall employ such other staff as necessary to perform its responsibilities. Such other staff shall be in the Classified Service, and shall be subject to the budgetary and personnel constraints established by the Board. The Commission's staff has no authority to administer personnel services and programs.

Section 908.2 is amended to read:

Section 908.2: The Unclassified Service consists of:

- (a) elective officers, their chief deputies, and special assistants employed by elective officers;
- (b) the Assistant District Attorney, the Chief Deputy District Attorney,

the Chief of the Bureau of Investigation, the Assistant Chief of the Bureau of Investigation and the Confidential Secretary to the District Attorney, and not more than three special assistants designated by the District Attorney;

- (c) the Under-Sheriff, three Assistant Sheriffs, and not more than three special assistants or deputies designated by the Sheriff;
- (d) 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. 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 Officer 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.

Section 916 is amended to read:

Section 916: Independent Contractors. Nothing in this Article prevents the County from employing an independent contractor when the Board or 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 IV

Section 401.4 is amended to read:

Section 401.4: In the event a vacancy occurs in the office of supervisor,

the remaining members of the Board shall within thirty (30) days of the vacancy fill the vacancy either by appointment for the unexpired term, by appointment until the qualification of a successor elected at a special election or by calling a special election. If the remaining members of the Board fail to fill the vacancy within such thirty (30) day period, the remaining members of the Board shall immediately cause a special election to be held to fill such vacancy. A special election to fill a vacancy in the office of supervisor shall consist of a special primary election and if necessary, a special general election. A special primary election shall be held in the supervisorial district in which the vacancy occurred on a Tuesday, at least 56 days, but not more than 63 days, following the adoption of the resolution calling the special election, except that any such special primary election may be conducted within 180 days following the adoption of such resolution in order that the special primary election or special general election may be consolidated with the next regularly scheduled statewide election.

Candidates at the special primary election shall be nominated in the manner set forth in the Elections Code for the nomination candidates for a nonpartisan office for a direct primary election, except that nomination papers shall not be circulated prior to the adoption of the resolution calling the special election and shall be filed with the Registrar of Voters for examination not less than 39 days before the special primary election.

If only one candidate qualifies for the special primary election, that candidate shall be appointed to the vacancy by the remaining members of the Board for the unexpired term, shall serve exactly as if elected to such vacancy, and no special primary election or special general election to fill the vacancy shall be held. A candidate who receives a majority of all votes in the special primary election is elected to fill the vacancy for the unexpired term, and no special general election shall be held. In the event there are not more than two candidates for a vacancy, the office shall be voted upon at the special primary election, and no special general election shall be held.

When no candidate receives a majority of all votes in the special primary election, a special general election shall be held on the fourth Tuesday after the special primary election. The two candidates who received the highest number of votes in the special primary election shall be the candidates in the special general election, and the one who receives the higher number of votes in the special general election is elected to fill the vacancy for the unexpired term.

In a special election to fill a vacancy in the office of supervisor, the Board may authorize either the special primary election or the special general election, or both, to be conducted wholly by mail, provided that the special primary election or the special general election to be conducted by mail does not occur on the same date as the statewide election with which it has been consolidated. In no event may a special primary election or a special general election be conducted on the day after a state holiday.

## Article IX

Section 903.1 is amended to read:

Section 903.1. Each Commissioner serves a six-year term beginning and ending at noon on the first Monday after January first and continues to serve until the appointment and qualification of a successor. No more than one Commissioner's term may expire in the same year. A Commissioner is limited to one full six year term; provided, however, that a Commissioner may not be appointed to a full six-year term if the Commissioner has served more than three years of the unexpired term of a previous Commissioner.

## Table of Contents

Section 601 is repealed.  
Section 707 is repealed.  
Section 805 is repealed.

## Article V

Section 500.4 is amended to read:

Section 500.4: At the request of any city, district, or the state or federal government performing functions within the County, the Board may provide for the County's assumption of functions of the governmental entity which correspond to those of the County. The terms of the agreement shall be established in writing by the County and the governmental entity; and they may include provision for payment to the County, and, notwithstanding the personnel and compensation provisions of this charter, may include provision for employment by the County of the governmental entity's personnel and employee benefits to be granted such personnel.

Section 501 is amended to read:

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;
- (d) The Director of the Equal Opportunity Management Office; and
- (e) The Clerk of the Board of Supervisors.

All other appointive officers, either established by this Charter, general law or ordinance, shall be appointed by the Chief Administrative Officer.

## Article VI

Section 600 is amended to read:

Section 600: Elective Officers. In addition to Supervisors, the elective officers are:

Assessor	Recorder
County Clerk	Sheriff and
District Attorney	Treasurer/Tax Collector,

Members of the Board of Education

each of whom is nominated and elected according to general law.

Section 601 is repealed.

Section 602 is amended to read:

Section 602: Consolidation of the Offices of Treasurer and Tax Collector. The offices of Treasurer and Tax Collector are consolidated, and the duties of the Treasurer/Tax Collector shall be performed by one person elected by general law.

Section 602.1 is repealed.

Section 603 is amended to read:

Section 603: County Board of Education. The County Board of Education consists of five members elected from and by the voters of their districts.

## Article VII

Section 700 is amended to read:

Section 700: Appointive Officers.

Agricultural Commissioner,

Auditor and Controller,

Clerk of the Board of Supervisors,

Coroner,

County Counsel,

County Librarian,

County Veterinarian,

Director of Parks and Recreation,

Director of Personnel,

Director of Health Services,

Director of Social Services,

Director of Public Works,

Probation Officer,

Public Administrator,

Purchasing Agent,

Registrar of Voters,

Sealer of Weights and Measures,

Superintendent of Schools,

and all other officers who may be required by general law or ordinance.

Section 703 is amended to read:

Section 703: Chief Administrative Officer. The Chief Administrative Officer exercises the Board's administrative supervision over affairs of the County delegated to that officer and over all departments, except the Civil Service Commission and the offices of Assessor, Superintendent of Schools, District Attorney, and Sheriff. The Chief Administrative Officer is responsible to the Board for the proper administration of such affairs of the County

Section 703.8 is repealed.

Section 706 is amended to read:

Section 706: Director of Public Works. The Director of Public Works acts as County Engineer and Road Commissioner and County Surveyor.

Section 706.1 is amended to read:

Section 706.1: The Director of Public Works has control over County rock quarries and gravel pits.

Section 706.2 is amended to read:

Section 706.2: The Director of Public Works, subject to regulations prescribed by the Board, has control over the construction and maintenance of all County roads and bridges, and related material and property, except work done under contract. The Director shall inspect contract work as it progresses and shall approve it, in a written report to the Board, after it has been completed.

Section 706.3 is amended to read:

Section 706.3: The Director of Public Works may not authorize work on a road or bridge until all rights of way have been obtained, approved by the County Counsel, and accepted by the Board.

Section 706.4 is amended to read:

Section 706.4: The Director of Public Works provides estimates for each proposed construction job. If the estimates are approved by the Board and incorporated in the final budget, they are binding. Neither the Director nor any other person may approve the use of labor, material, or equipment, the cost of which will exceed approved estimates on a project. The continuation of a project in excess of approved estimates can be authorized only by a majority vote of the Board.

Section 707 is repealed.

### Article VIII

Section 805 is repealed.

Section 805.1 is repealed.

Section 805.2 is repealed.

Section 805.3 is repealed.

Section 805.4 is repealed.

Section 805.5 is repealed.

### Article IX

Section 910.1 is amended to read:

Section 910.1. The Rules for the Classified Service shall include provisions 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) procedures for the transfer of employees within the County services;
  - (i) performance appraisals;
  - (j) the disciplining of employees in the Classified Service for cause and their rights of appeal;
  - (k) the appeal processes to be conducted under the jurisdiction of the Commission; and
  - (l) the review of proposed Rules for the Classified Service and amendments to those Rules.

Certified to be a true copy by Paul Eckert, Chairman of the Board of Supervisors, and Robert D. Zumwalt, County Clerk.

Date of Special Election: June 3, 1986.

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Charter Chapter 11—County of Alameda

*Amendments to the Charter of the County of Alameda*

[Filed with the Secretary of State August 22, 1986.]

Section 8 shall be amended to read as follows:

Sec. 8: Whenever a vacancy occurs on the Board of Supervisors, the Board of Supervisors shall fill the vacancy, provided that, if it shall fail to fill the vacancy within 60 days following its occurrence, the Governor shall fill the vacancy. The appointee shall hold office until the election and qualification of his/her successor. In such case there shall be elected at the next general election a supervisor to fill such vacancy for the unexpired term, unless such term expires on the first Monday after the first day of January succeeding said election.

Section 35.1 shall be added to read as follows:

Sec. 35.1: All appointive agency and department heads, other than de-

partment heads reporting to an agency head, appointed by the Board of Supervisors on or after the effective date of this section shall be included in the unclassified service and shall serve at the pleasure of the Board of Supervisors. This section shall supersede any conflicting provision of Section 17.3. Persons hereafter appointed to positions in county hospitals as directors of Highland General and Fairmont Hospitals and their chief assistant administrators, associate directors or associate administrators, deputy directors, medical directors, financial directors, and nursing directors shall be included in the unclassified service and shall serve at the pleasure of the appointing authority.

Certified to be a true and correct copy by Charles Santana, Chairman of the Board of Supervisors, William Mehrwein, Clerk of the Board of Supervisors, and René C. Davidson, County Clerk of the County of Alameda.

Date of Special Municipal Election: June 3, 1986.

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Charter Chapter 12—City of Chula Vista

***Amendments to the Charter of the City of Chula Vista***

[Filed with the Secretary of State August 28, 1986 ]

ARTICLE III. CITY COUNCIL.

Section 300 is amended to read as follows:

Sec. 300. Members, Eligibility and Terms.

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

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

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

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

Council or Mayor or elected in a special election for the balance of a regular term of Mayor and/or Council for a period of two (2) years or less may seek nomination and election for two (2) full terms thereafter.

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

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

Any person to be elected for any numbered Council seat 1 through 4 or the office of Mayor for which nomination papers have been filed shall be deemed elected upon receipt of the highest number of votes for the particular seat or the office of Mayor.

#### ARTICLE V.

Section 502 is amended to read as follows:

Sec. 502. City Clerk; Powers and Duties.

The City Clerk shall have power and be required to:

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

(b) Maintain separate books, in which shall be recorded respectively all ordinances and resolutions, with the certificate of the Clerk annexed to each thereof stating the same to be the original or a correct copy, and as to an ordinance requiring publication, stating that the same has been published or posted in accordance with this Charter; keep all books properly indexed and open to public inspection when not in actual use;

(c) Maintain a record of all written contracts and official bonds;

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

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

(f) Have charge of all City elections.

Section 504 is amended to read as follows:

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

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

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

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

(c) Supervise and be responsible for the disbursement of all monies and

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

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

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

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

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

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

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

#### ARTICLE X.

Section 1012, Cash Basis Fund, is repealed.

#### ARTICLE XI. BOARD OF EDUCATION.

Sections 1100–1103 are repealed.

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

Date of Special Municipal Election: November 5, 1985.

## Charter Chapter 13—City of Watsonville

*Amendments to the Charter of the City of Watsonville*

[Filed with the Secretary of State September 4, 1986 ]

Section 1117 of Article XI is amended to read as follows:

**SECTION 1117. Public Bid Requirements.** Every expenditure of City moneys for public works construction as hereafter defined of more than that amount set forth in Section 20162 of the Public Contracts Code of the State of California shall be let to the lowest responsible bidder after notice of publication in the official newspaper by one (1) or more insertions, the first of which shall be at least ten (10) days before time for opening bids; provided, however, that upon adoption of ordinance by the Council the "Uniform Public Construction Cost Accounting Act" set forth in Chapter 2 (commencing with Section 21000) to Part 3 of Division 2 of the Public Contracts Code, an alternative public bidding procedure, shall be enacted to have the City be subject to such procedure notwithstanding other procedure set forth in this Section.

The Council may reject any and all bids presented and may readvertise in its discretion. The Council after rejecting bids, or if no bids are received, may declare and determine that, in its opinion, based on estimates approved by the City Manager the work in question may be performed better or more economically by the City with its own employees and after the adoption of a resolution to this effect by at least five (5) affirmative votes of the Council may proceed to have said work done in the manner stated, without further observance of the provisions of this Section.

Such expenditures may be made without advertising for bids, if such expenditures shall be deemed by the Council to be of urgent necessity for the preservation of life, health or property and shall be authorized by resolution passed by at least five (5) affirmative votes of the Council and containing a declaration of the facts constituting the urgency.

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

For the purposes of this Section, public works construction shall be defined as a project for the erection or improvement of public buildings, streets, drains, sewers, parking lots, parks or playgrounds, provided, however, that expenditures for the extension, improvement or development of the City water system shall be excepted from the requirements

of this Section. Maintenance or repair of public buildings, streets, drains, sewers, parking lots, parks or playgrounds shall not be considered as public works construction. The provisions of this Section shall not apply to materials, supplies or equipment obtained or purchased from any governmental agency, or for materials, supplies or equipment which can be obtained from only one vendor.

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

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

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

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

Certified to be a true copy by Ann M. Soldo, Mayor, and Lorraine Washington, City Clerk.

Date of Special Municipal Election: June 3, 1986.

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#### Charter Chapter 14—City of San Diego

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

[Filed with the Secretary of State September 8, 1986 ]

Section 11.1 is amended to read as follows:

#### **SECTION 11.1. LEGISLATIVE POWER—NONDELEGABLE.**

The same prohibition against delegation of the legislative power which is imposed on the State Legislature by Article XI, Section 11a of the Constitution of the State of California shall apply to the City Council of The City of San Diego, so that its members shall not delegate legislative power or responsibility which they were elected to exercise in the adoption of any ordinance or resolution which raises or spends public monies, including but not limited to the City's annual budget ordinance or any part thereof, and the annual ordinance setting compensation for City employees, or any ordinance or resolution setting public policy.

The City Council shall annually adopt an ordinance establishing salaries for all City employees. The City Council shall adopt this ordinance no later than May 30 of each year after considering all relevant evidence including but not limited to the needs of the citizens of the City of San Diego for municipal services, the ability of the citizens to pay for those services, local economic conditions and other relevant factors as the Council deems

appropriate. The City Council shall give priority in the funding of municipal services to the need of the citizens for police protection in considering adoption of this salary ordinance and the annual budget ordinance.

The prohibition imposed by this section against unlawful delegation of the legislative responsibility to set compensation for city employees shall extend to any scheme or formula which seeks to fix the compensation of City of San Diego employees at the level of compensation paid to employees of any other public agency whose governing board is not elected by and not accountable to the people of the City of San Diego. This prohibition shall also extend to any scheme or formula which seeks to fix, establish, or adjust the compensation of City of San Diego employees at the level of the largest cities in California or the State of California.

Section 11.2 is amended to read as follows:

**SECTION 11.2. LEGISLATIVE POWER—MEMORANDUM OF UNDERSTANDING.**

Notwithstanding any provisions of this Charter to the contrary, nothing in this Charter shall be construed to preclude the Council from entering into a multiple year memorandum of understanding with any recognized City employee organization concerning wages, hours and other terms and conditions of employment if, in the prudent exercise of legislative discretion as provided in this Charter, the Council determines it is in the best interests of the City to do so; and further provided that said exercise of legislative discretion is expressed affirmatively by a two-thirds vote of the entire Council.

Certified to be a true copy by Maureen F. O'Connor, Mayor, and Charles G. Abdelnour, City Clerk.

Date of Special Municipal Election: June 3, 1986.

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Charter Chapter 15—City of Roseville

*Amendments to the Charter of the City of Roseville*

[Filed with the Secretary of State July 30, 1986]

Section 7.21 is amended to read as follows:

Section 7.21 Bids for Contracts; Certified Checks or Bid Bonds; Performance Bonds

Competitive prices or bids for all purchases, public works, and improvements shall be obtained where practicable and the purchase made from, or the contract awarded to, the lowest responsible bidder; provided, that the Council may waive the bidding requirements prescribed in this section in the purchase of noncompetitive items or in case of emergency. Sealed bids shall be asked for in all transactions involving the expenditure of ten thousand dollars (\$10,000.00) or more, and in the case of public works, the transaction evidenced by a written contract submitted to and approved by the Council. Annually, at the same time the budget ordi-

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

Certified to be a true copy by Alan V. Pineschi, Mayor, and Helen Florance, City Clerk.

Date of General Municipal Election: June 3, 1986.

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Charter Chapter 16—City of San Luis Obispo

*Amendments to the Charter of the City of San Luis  
Obispo*

[Filed with the Secretary of State September 11, 1986]

ARTICLE VII. APPOINTIVE OFFICIALS

Section 727 is deleted.

ARTICLE III. MUNICIPAL ELECTIONS

Section 410 is amended to read as follows:

SECTION 410. Compensation.

The Mayor and each Councilmember shall receive compensation for services, payable monthly, with the Mayor receiving greater compensation than the other Councilmembers. Compensation for Mayor and Councilmembers shall be reviewed biennially in even-numbered years. When warranted, said compensation may be adjusted by council resolution, to be effective January 1st of the year following the review. The compensation rate may be revised by the electorate by initiative.

Mayor and Councilmember expenses incurred for official business shall be reimbursed.



## ARTICLE VI. LEGISLATIVE ACTIONS

Section 609 is amended to read as follows:

## SECTION 609. Violation of Ordinances.

The violation of any ordinance adopted and published by the City Council shall constitute a misdemeanor unless by ordinance it is made an infraction, provided that the City Attorney may elect to prosecute any misdemeanor as an infraction. Both misdemeanors and infractions may be prosecuted or may be redressed in the manner provided by the general law of the State.

Certified to be a true copy by Ron Dunin, Mayor, and Pamela Voges, City Clerk.

Date of Special Municipal Election: June 3, 1986.

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 Charter Chapter 17—City of Los Angeles
*Amendments to the Charter of the City of Los Angeles*

[Filed with the Secretary of State July 9, 1986.]

## Article I

Section 3, Subdivision (8), Paragraphs (a) and (d) of Article I are amended to read as follows:

(a). The city may grant franchises for fixed terms, permits or privileges, for the construction and operation of plants or works necessary or convenient for furnishing the city and its inhabitants with transportation, communication, terminal facilities, water, light, heat, power, refrigeration, storage, or any other public utility or service; may prescribe the terms and conditions of any such grant, and may prescribe by ordinance, approved by a vote of the people, the method of procedure for making such grants, subject to the limitations elsewhere contained in this charter; except that the Council shall adopt an ordinance which shall establish the procedure for granting to the holder of an existing franchise, any franchise required for the extension of facilities, ordered by the city, as authorized in paragraph (c) of this subdivision, or for granting a new franchise for a period not exceeding ten years, to replace a franchise, other than a cable television franchise, about to expire, or for granting new cable television franchises for periods not exceeding fifteen years each to replace cable television franchises about to expire, as authorized in paragraph (d) of this subdivision; provided that such procedure ordinance and every ordinance granting any such franchise shall be subject to the referendum.

(d). No fixed term franchise, permit or privilege for the construction and operation of plants or works necessary or convenient for the furnishing of the city and its inhabitants with transportation, communication, terminal facilities, water, light, heat, power, refrigeration and storage, or any other public service, shall be made for a period exceeding twenty-one (21) years, except in the case of franchises for the construction and opera-

tion of subways and elevated railways, as hereinafter provided, and no such grant for the extension of an existing utility, operating under a franchise granted by the city or county, shall be made for a period beyond the expiration date of the franchise, under which such utility or the portion of such utility with which such extension is to be connected, is held or operated, nor in any case for a period longer than twenty-one (21) years. The city may, by ordinance, five (5) years or less prior to the expiration of any franchise, grant to the holder of such franchise a new franchise to replace such franchise about to expire, such new franchise to run for a period not to exceed ten (10) years from the date of expiration of the franchise it replaces, except that new franchises may be granted for periods not to exceed fifteen (15) years each to replace cable television franchises about to expire. All such franchises so granted shall be in accordance with the procedure ordinance at the time in force, and shall carry all the conditions required in the original franchise except as provided herein for the time limit permitted herein for replacement cable television franchises. No fixed term franchise, permit or privilege for the construction or operation of elevated railways or subways shall be granted for a period exceeding forty (40) years for the original franchise, or for a period exceeding ten (10) years for a franchise to replace a franchise about to expire.

#### Article XVII

Section 182½ is amended to read as follows:

Sec. 182½. If at any time any member of the Fire or of the Police Department or the widow, child or children, or dependent parent or parents of any such member, or any other person hereafter entitled under the provisions of this article to pension benefits, shall be granted, because of the sickness, injury or death of such member, any compensation or award, under any general law providing for compensation or indemnity in case of the sickness, injury or death arising out of the performance of duty of such member, then and in that event any payments made pursuant to the provisions of this article to such member or to such widow, child or children, dependent parent or parents or other person, shall be construed to be and shall be payments of such compensation or award under such general law, and any payments made under the provisions of this article shall be first applied to payment of such compensation or award and any balance of such payments made pursuant to the provisions of this article shall be deemed to be pension payments; and it is hereby provided that the pension provided for in this article for such member or such widow, child or children, dependent parent or parents, or such other person in case of any such award under such general law, shall be reduced in amount to the difference between the amount of pension provided for in this article, and the total amount of such compensation or award granted and paid under such general law until the total amount awarded under such general law shall have been fully paid.

After payment of the total amount of such compensation or award granted under such general law the payments herein provided for shall

continue as pension benefits subject to the provisions of this article.

Notwithstanding the foregoing provisions of this section, the board may provide by rule that compensation awards may be deducted on an installment basis; provided, however, that no such installment may be smaller than 25% of any monthly pension amount payable to the retired member.

### Article XVIII

Section 190.15 is amended to read as follows:

Sec. 190.15. Effect of Receipt of Compensation.

For the purposes of this section, "compensation" is defined as every payment provided for by any general law providing benefits for injury, sickness or death caused by or arising out of employment, and also includes payments made to satisfy any claim for damages to the extent that such payments relieve of the obligation to pay compensation under any such general law. If, pursuant to general law, an award of compensation shall be made or compensation shall be paid on account of injury, sickness or death caused by or arising out of employment as a Department Member then, and in that event, the total amount of any pension granted pursuant to this Article shall be deemed to be, and shall be, reduced by the total amount of the compensation so awarded or so paid and the amount remaining after such reduction therefrom shall be deemed to be, and shall be, the pension so granted; provided, however, that any pension granted pursuant to Section 190.11 shall not be reduced by any compensation which shall be awarded or paid, nor shall any pension be reduced by any compensation which shall be awarded or paid to any Retired Member retired pursuant to Section 190.11 or to any System Member who shall die while eligible to retirement pursuant to said section. In the event that any such award shall be made or compensation shall be paid, any installment payments which shall be made pursuant to this Article shall be deemed to be, and shall be, payments of such award or compensation and shall be applied to the payment of any such award or compensation and any portion of the installment payments which shall not be so applied shall be deemed to be, and shall be, payments of the pension so granted. Pension installment payments shall be made only to the extent that the cumulative sum of the installment payments of pension provided for in this Article and accrued and paid shall exceed the cumulative sum of the award or compensation paid. No deductions which shall be made from the salary of any System Member and deposited to the credit of the New System Service Pension Fund shall cover, directly or indirectly, the cost of any compensation but shall be applied only to the cost of pensions which shall be granted pursuant to Section 190.11.

Notwithstanding the foregoing provisions of this section, the Board may provide by rule that compensation awards may be deducted on an installment basis; provided, however, that no such installment may be smaller than 25% of any monthly pension amount payable to the Retired Member.

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

Date of the Special Municipal Election, June 3, 1986.

## Charter Chapter 18—City of Redondo Beach

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

[Filed with the Secretary of State September 12, 1986.]

## Article VIII

Section 8.5 is amended to read as follows:

Sec. 8.5. Mayor Pro Tem.

Prior to June 30 of each year, the City Council shall appoint one of its members as Mayor Pro Tempore. The Mayor Pro Tempore shall serve if the Mayor is absent or unable to act, and shall serve until the Mayor returns or is able to act. The Mayor Pro Tempore has all of the powers and duties of the Mayor, except the power of veto and the power to appoint members of Boards or Commissions.

## Article IX

Section 9.2 is amended to read as follows:

Sec. 9.2. Regular meetings.

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

## Article X

Sec. 10.2 is amended to read as follows:

Sec. 10.2. Elective offices, vacancies, leaves of absence, temporary appointments.

In the event any elective official described in Article X, Section 10, is unable by reason of illness to perform the duties of his office, the City Council shall grant, without the necessity of any written request for such leave by the official, to such official a leave of absence with pay, for a period of not to exceed six (6) months. Upon the granting of such leave of absence the City Council shall make a temporary appointment for the duration of the leave of absence. In the event any elective official of the City of Redondo Beach absents himself from said City for thirty (30) consecutive days or in the event that such elective official does not perform his duties for thirty (30) consecutive days, unless such elective official has the permission of the City Council to absent himself from the City for thirty (30) consecutive days or to refrain from performing his duties for longer than such period, such permission being expressed in the official minutes of the City Council, or in the event such official is convicted of a crime involving moral turpitude, or otherwise ceases for any reason to be eligible to hold his office, his office shall become vacant and shall be so declared by the City Council.

## Article XV

Section 15.2 is amended to read as follows:

Sec. 15.2. Membership, appointments, terms.

The members of each Board or Commission shall serve for a term of four (4) years and until his successor is appointed and qualified. The members of each Board or Commission, except the Taxation and Budget Commission, shall be appointed by the Mayor, subject to the confirmation by the City Council, within sixty (60) days after the expiration of the four-year term or within sixty (60) days after a vacancy occurs. If the Mayor shall have failed to make an appointment within such period, any member of the Council may nominate an eligible person to fill such vacancy. Four (4) affirmative votes of the Council to appoint such nominated person shall result in the appointment. Any appointment to fill an unexpired term shall be for such unexpired period. The Taxation and Budget Commission shall be appointed by the City Manager and any member thereof may be removed by four (4) affirmative votes of the City Council. No person shall serve more than two (2) full terms on the same board or commission.

Section 15.8 is amended to read:

In the event that any member of any board or commission shall be absent from the regular meetings of such board for a period of sixty (60) days consecutively following the last regular meeting attended by such member, unless by permission of the City Council expressed in its official minutes, or in the event such member shall be convicted of a crime involving moral turpitude, or ceases to be a qualified elector of the City of Redondo Beach, his office shall become vacant and shall be so declared by the City Council. Vacancies occurring in any board or commission shall be filled in the manner set forth in Section 15.2.

Certified to be a true copy by Barbara J. Doerr, Mayor, and John Oliver, City Clerk.

Date of Special Municipal Election: June 3, 1986.

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Charter Chapter 19—County of Sacramento

*Amendments to the Charter of the County of Sacramento*

[Filed with the Secretary of State November 25, 1986 ]

Section 61 is amended to read as follows:

SECTION 61. No person in the classified or unclassified service, or seeking admission thereto shall be appointed, reduced, removed, or in any way favored or discriminated against because of his race, color, creed, sex, national origin, political affiliation, age or physical or mental handicap. The provisions of this section are not intended to prevent the establishment of special limited programs for the employment of economically, socially, physically or mentally deprived persons.

Section 71-F(f) is amended to read as follows:

**SECTION 71-F(f).** No person in county service or seeking admission thereto, shall be appointed, reduced, removed, or in any way favored or discriminated against because of his race, color, creed, sex, national origin, political affiliation, age or physical or mental handicap. This provision is not intended to prevent the establishment of special programs for the employment of economically, socially, physically or mentally deprived persons.

Section 15-B is added to read as follows:

**SECTION 15-B. CAMPAIGN CONTRIBUTIONS AND EXPENDITURES.**

- (a) The Board of Supervisors may adopt regulations limiting contributions to, and expenditures by, candidates for county elective offices.
- (b) As used in this section, "county elective office" includes all members of the Board of Supervisors, the Assessor, the Auditor-Controller, the District Attorney, and the Sheriff.
- (c) Such regulations may limit the amount of individual private contributions which may be made to candidates for elective county offices or to their committees.
- (d) Such regulations may include provisions for contributions to candidates from county funds appropriated for that purpose from time to time in the discretion of the Board. The criteria by which a candidate may qualify for county funding shall be specified in the regulations, including but not limited to a condition that any candidate who accepts county funds shall pledge not to incur campaign expenses in excess of the limits specified in the regulations.
- (e) No limit on campaign expenditures shall be imposed on any candidate who either does not qualify for county funding in accordance with the criteria specified in the regulations or who, though qualified, refuses to accept county funding.
- (f) Such regulations may be adopted by resolution or ordinance. In the discretion of the Board they may be applicable to one or more county elective offices and may be applicable to primary elections, general elections, or both primary and general elections.

Certified to be a true copy by Illa Collins, Chairman of the Board of Supervisors, and Ernest Hawkins, Registrar of Voters of the County of Sacramento.

Date of General Election: November 4, 1986.

## Charter Chapter 20—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 3, 1986 ]

Section 7.300 is amended to read as follows:

**7.300 General Laws Applicable**

The general laws of the State of California authorizing the incurring and establishing the procedure for the creation of bonded indebtedness and authorizing and establishing the procedure for the issuance of bonds to refund indebtedness of municipalities in force at the time any bonded indebtedness is created or refunded by the city and county shall, except as otherwise provided in this charter, be applicable to the creation of bonded indebtedness and the issuance of refunding bonds by the city and county. Revenue bonds shall not be issued for any purpose unless the proposition to issue the revenue bonds has first been approved by a majority of the voters voting on the proposition at a general or special election; provided, however, this requirement shall not apply:

- (1) to bonds approved by the board of supervisors prior to January 1, 1977; or
- (2) to bonds issued pursuant to the authority contained in the Marks-Foran Residential Rehabilitation Act of 1973; or
- (3) to bonds approved by a resolution of the board of supervisors adopted by an affirmative vote of three-quarters of the members of the board if the bonds are to finance a building or buildings, fixtures or equipment which are deemed by the board to be necessary to comply with an order of a duly constituted state or federal authority having jurisdiction over the subject matter; or
- (4) to airport revenue bonds issued pursuant to section 7.306 of this charter; or
- (5) to revenue bonds which are issued as refunding bonds the sale of which results in a lower total scheduled principal and interest payments of the City and County of San Francisco. The board of supervisors by ordinance shall prescribe a procedure for the issuance of refunding bonds.

Section 6.413 is amended to read as follows:

**6.413 Open Space Acquisition and Park Renovation Fund**

(a) There is hereby established an open space acquisition and park renovation fund, to be administered by the recreation and park commission. Monies therein shall be appropriated, transferred, expended, or used as provided herein for those recreation and open space purposes determined by the city planning commission to be consistent with the recreation and open space element of the comprehensive plan of the city and county and in accordance with the "Recreation and Open Space Programs" to implement the recreation and open space element approved by the city planning commission on July 19, 1973, as from time to time modified by a majority vote of each of the city planning commission and recreation and park commission meeting jointly, and with the concurrence of

the board of supervisors. The recreation and open space element of the comprehensive plan and the "Recreation and Open Space Programs", as from time to time modified, shall continue to identify neighborhoods which are in special need of recreation and open space facilities, and shall designate such neighborhoods as "high-need neighborhoods". Monies in the open space acquisition and park renovation fund shall be used to acquire by purchase, lease, exchange, eminent domain or otherwise, real property, interests therein, and improvement and development rights thereon and to develop and maintain land so acquired. Lands currently under the jurisdiction of the San Francisco port commission may be acquired by lease or otherwise and may be leased and administered with the funds provided for herein for purposes consistent with this section. The recreation and park commission and the San Francisco port commission are hereby authorized to enter into contracts appropriate to carry out the purposes of this section. Authorization to expend open space monies to maintain properties is intended to include funding the operation of recreation programs.

(b) There is hereby imposed, pursuant to section 6.400 (a) (3) (d) of this charter, for a period of fifteen (15) years starting with the fiscal year 1975-76, an annual tax of ten cents (\$.10) for each one hundred dollars (\$100) assessed valuation to be utilized for the purposes provided for in this section. Revenues obtained thereby shall be in addition to, and not in place of, any sums normally budgeted for the recreation and park commission, and, together with interest earned thereon, shall be deposited into the open space acquisition and park renovation fund. In addition, all grants, gifts, and bequests paid to the city and county for open space acquisition and park renovation, and interest earned thereon, unless otherwise restricted, shall be deposited into the fund. Establishment of this fund is not intended to preclude any other similar programs or any similar use of funds by the city and county. All amounts paid into said fund shall be maintained by the treasurer, separate and apart from all other city and county funds, and shall be secured by his or her official bond.

(c) Monies in the fund shall be used for: (i) the acquisition and development of lands within or contiguous to "high-need neighborhoods", or lands on the northern waterfront and bay shoreline for recreation purposes; (ii) the acquisition and development of properties within the city and county for open space purposes; and (iii) the renovation of existing parks and recreation facilities within the city and county.

(d) Each year, monies in the fund shall be used to match, on a dollar-for-dollar basis, private funds, grants, or donations given to the city and county for the purpose of renovating existing parks and recreational facilities up to an amount equal to fifteen percent (15%) of the amount of the monies provided for the fund in that year. Each year, monies in the fund shall be used without a matching requirement for the purpose of renovating existing parks and recreational facilities up to an amount equal to ten percent (10%) of the amount of the monies provided for the fund in that year. Monies unspent in either category of this subsection after the end of one fiscal year shall be carried forward to the next fiscal year and shall be used only for the same purposes as they were originally set aside.



The remaining monies shall be used as hereafter indicated in subsection (e).

(e) In each of the first five years of the fund's existence, a minimum of fifty percent (50%) of the remainder of the monies in the fund shall be used to acquire real property, and at least twenty-five percent (25%) of the remainder of the monies in the fund shall be used for acquisition of properties within or contiguous to "high-need neighborhoods"; the balance of the remainder of the monies in the fund shall be used for administrative expenses and the maintenance and development of properties acquired through the fund.

At any time after the end of five years, the proportion of funds to be used for acquisition as herein set forth may be modified by the board of supervisors. At any time after the end of ten years, if the then-current "Recreation and Open Space Programs" no longer shows any lands appropriate for open space and recreation purposes, then the limitation that funds may only be used for the maintenance and development of properties acquired from the fund may be modified in whole or in part by the board of supervisors to provide that funds may be used to expand the maintenance and development of other properties held by the recreation and park department in "high-need neighborhoods" identified in the then current "Recreation and Open Space Programs."

(f) The recreation and park commission and the city planning commission shall hold at least one joint public meeting annually and shall at such time receive and review a report from the general manager of the recreation and park department on the implementation of the "Recreation and Open Space Programs", on expenditures made from the open space acquisition and park renovation fund, and on properties developed in the preceding year for recreation uses. The general manager of the recreation and park department shall also make general recommendations of further lands for acquisition, improvement, or development for approval by a majority of each of the recreation and park commission and the city planning commission meeting jointly, and with the concurrence of the board of supervisors.

(g) Beginning July 1, 1987 monies in the open space fund shall be utilized for open space acquisition, maintenance, renovation and recreation programs on property within the jurisdiction of the San Francisco Unified School District and the recreation and park commission including property leased by the recreation and park commission from private individuals or public governmental entities. The recreation and park commission shall allocate at least 45 percent of the proceeds on open space acquisition, development of any open space properties acquired and developed pursuant to section 6.413 of this charter and renovation of existing facilities and at least 12 percent on after school recreation programs.

(h) Notwithstanding any other provisions of this section, any funds set aside pursuant to subsection (g) that are unspent or uncommitted at the end of any fiscal year shall be carried forward to the next fiscal year and, subject to the budgetary and fiscal provisions of the charter, may be appropriated by the board of supervisors for any of the purposes enumerated in section 6.413.

Section 8.539-1 is added to read as follows:

8.539-1 Increasing Retirement Allowances of Miscellaneous Officers and Employees Retired prior to July 2, 1985.

Commencing on July 1, 1987, every retirement allowance payable by the San Francisco City and County Employees' Retirement System, to or on account of any person who was retired prior to July 2, 1985 as a member of said system under sections 8.507, 8.509, 8.584, 8.586 or 8.588 of this charter, is hereby increased by the amount of \$50.00 per month, provided such member had retired prior to July 2, 1961. If the member had retired after July 1, 1961, then said monthly increase shall be an amount which shall bear the same ratio to \$50.00 that the number of years the member has been retired bears to twenty-five (25) years.

In computing years of retirement, the retirement system shall count completed fiscal years between the member's effective date of retirement and June 30, 1986.

This section does not give any member retired prior to July 1, 1987 or his successors in interest, any claim against the city and county for any increase in any retirement allowance paid or payable for time prior to July 1, 1987.

Section 8.500-1 is added to read as follows:

8.500-1 Reciprocal Pension Benefits with Other Public Pension Plans.

Subject to the provisions of Section 8.500, the board of supervisors shall have the power to enact ordinances to establish reciprocal agreements with the Public Employees' Retirement System and other public agencies maintaining independent retirement systems for the purpose of extending reciprocal benefits to members of such systems as provided by state law. The board of supervisors and the retirement board shall have the power to perform all acts necessary to carry out the terms and purposes of such agreements.

Section 8.407-1 is added to read as follows:

8.407-1 Compensation adjustments.

The civil service commission, for employees whose salaries are fixed pursuant to sections 8.401 and 8.407, shall conduct a pay equity survey comparing city and county classifications disproportionately occupied by minorities and women and city and county classifications not disproportionately occupied by minorities and women. Such survey shall be conducted in accordance with standards and guidelines of similar surveys in other governmental jurisdictions and private employment and make use of relevant survey data obtained from such entities. The civil service commission shall complete said survey and transmit it to the mayor and the board of supervisors on or before February 1, 1987 and shall update said survey on or before February 1 of each year thereafter.

The board of supervisors may make upward pay equity adjustments to the basic rates of pay recommended by the civil service commission pursuant to sections 8.401 and 8.407, provided that said adjustments shall not exceed the pay equity differentials identified by the civil service commission in its survey required under this section and provided further that any such adjustments may be vetoed in whole or in part by the mayor, subject to the provisions of section 2.303.

Section 8.405 is amended to read as follows:

**8.405 Salaries of Uniformed Forces in the Police and Fire Departments**

(a) Not later than the 1st day of August of each year, the civil service commission shall survey and certify to the board of supervisors rates of compensation paid police officers or patrol officers employed in the respective police departments in all cities of 350,000 population or over in the State of California, based upon the latest federal decennial census. For the purpose of the civil service commission's survey and certification the rates contained in said certification shall be the average of the maximum rates paid to each police officer or patrol officer classification performing the same or essentially the same duties as police officers or patrol officers in the City and County of San Francisco.

Thereupon the board of supervisors shall have the power, and it shall be its duty, by ordinance, to fix rates of compensation for the members of the police department whose annual compensations are set forth in section 3.531 of this charter and said rates shall be in lieu of said annual compensations and shall be effective from the first day of July of the current fiscal year.

The rates of compensation, fixed in said ordinance,

(1) for the fourth year of service and thereafter for police officers, police patrol drivers and women protective officers the compensation shall be fixed at a rate which is the average maximum wage paid to police officers or patrol officer classifications in regular service in the cities included in the certified report of the civil service commission. "Average wage" as used in this paragraph shall mean the sum of the maximum averages certified by the civil service commission divided by the number of police officer classifications in cities in said certification;

(2) for the first, second and third year of service for police officers, police patrol drivers and women protective officers shall be established in accordance with the general percentage differential between seniority steps found in the salary ranges included in the cities certified by the civil service commission for the same class;

(3) for said members of the police department other than police officers, police patrol drivers and women protective officers shall include the same percent of adjustment as that established by said ordinance for police officers in the fourth year of service; and

(4) shall be set at the dollar amount nearest the fractional amount which may result from percentage adjustment specified in this section, half dollars being taken to the next higher dollar amount.

The rates of compensation set forth in the budget estimates, the budget and the annual salary ordinance shall be those fixed by the board of supervisors as in this section provided and appropriations therefor shall be based thereon.

The expression "rates of compensation", as used in this section in relation to said survey, is hereby declared to apply only to a basic amount of wages, with included range scales, and does not include such working benefits as might be set up by any other city by way of holidays, vacations, other permitted absences of any type whatsoever, overtime, night or split shift, or pay for specialized services within a classification or rank, or other

premium pay differentials of any type whatsoever. The foregoing enumeration is not exclusive, but it is the intent of this section that nothing other than a basic amount of wages, with included range scales, is to be included within the meaning of "rates of compensation".

Working benefits and premium pay differential of any type shall be allowed or paid to members of the police department referred to herein only as is otherwise provided in this charter.

For all purposes of the retirement system, the expression "rates of compensation" as used in this section, shall mean "salary attached to the rank" as used in section 166 of the charter of 1932, as amended, and, with the addition of fifteen dollars (\$15) per month now provided in subsection (b) with respect to members assigned to two-wheel motorcycle duty, shall also mean "compensation earnable" as used in section 8.549.

The term "police officers or patrol officers" as used in this section shall mean the persons employed in the police departments of said cities of 350,000 population or over or of the City and County of San Francisco, to perform substantially the duties being performed on the effective date of this section by police officers, police patrol drivers and women protective officers in the San Francisco Police Department.

In determining years of service necessary for a police officer, woman protective officer and police patrol driver to receive the annual compensation as provided for herein, service rendered prior to the effective date of this amendment shall be given full credit and allowed.

The absence of any police officer, woman protective officer or police patrol driver on military leave, as defined by section 8.361 of this charter, shall be reckoned a part of his service under the city and county, for the purpose of computing years of service in gaining added compensation as provided for herein.

On the recommendation of the chief of police, the commission may reward any member of the department for heroic or meritorious conduct. The form or amount of said reward is to be discretionary with the commission, but not to exceed one month's salary in any one instance.

If any member of the department appointed as an assistant inspector is a sergeant at the time of the appointment or is appointed a sergeant thereafter, such member shall receive the rate of compensation attached to the rank of sergeant.

(b) Not later than the first day of August of each year the civil service commission shall survey, and certify to the board of supervisors, additional rates of pay paid to members assigned to all two-wheel motorcycle duty in the respective police departments of all cities of 350,000 population or over in the State of California, based upon the latest decennial census. For the purpose of the civil service commission's survey and certification the additional rates for two-wheel motorcycle duty shall include the average additional amount paid to members assigned to two-wheel motorcycle duty in the cities surveyed.

Thereupon the board of supervisors shall have the power, and it shall be its duty, by ordinance, to fix the additional rate of pay for the members of the police department who are assigned two-wheel motorcycle duty. The additional rate of pay will be determined by the average additional

wage paid to members in regular service in the cities included in the certified report of the civil service commission who are assigned to two-wheel motorcycle duty. "Average wage" as used in this paragraph shall mean the sum of the additional rates of pay certified by the civil service commission divided by the number of cities in said certification. Said additional rates shall be in lieu of said annual compensations and shall be effective from the first day of July of the current fiscal year.

Said rate of pay shall be in addition to the rate of compensation provided for in subsection (a).

In no event shall the additional rate so fixed be less than fifteen dollars (\$15) per month.

(c) Not later than the first day of August of each year, the civil service commission shall survey and certify to the board of supervisors rates of compensation paid firefighters employed in the respective fire departments of all cities of 350,000 population or over in the State of California, based upon the latest federal decennial census. For the purpose of the civil service commission's survey and certification the rates contained in said certification shall be the average of the maximum rates paid to each firefighter classification performing the same or essentially the same duties as firefighters in the City and County of San Francisco.

Thereupon, the board of supervisors shall have the power, and it shall be its duty, by ordinance, to fix rates of compensation for the members of the fire department whose annual compensations are set forth or otherwise provided in section 3.542 of this charter, and said rates shall be in lieu of said annual compensations and shall be effective from the first day of July of the current fiscal year.

The rates of compensation, fixed in said ordinance,

(1) for the fourth year of service and thereafter the rate of compensation shall be fixed at a rate which is the average of the maximum compensation paid firefighter classifications in regular service in the cities included in the certified report of the civil service commission. "Average wage" as used in this paragraph shall mean the sum of the maximum averages certified by the civil service commission divided by the number of firefighter classifications in cities in said certification;

(2) for the first, second and third year of service for firefighters shall be established in accordance with the general percentage differential between seniority steps found in the salary ranges included in the cities certified by the civil service commission for the same class;

(3) for said members of the fire department other than firefighters shall include the same percent of adjustment as that established by said ordinance for firefighters in the fourth year of service; and

(4) shall be set at the dollar amount nearest the fractional amount which may result from percentage adjustment specified in this section, half dollars being taken to the next higher dollar amount.

The expression "rates of compensation" as used in this section, in relation to said survey, is hereby declared to apply only to a basic amount of wages, with included range scales, and does not include such working benefits as might be set up by any other city by way of holidays, vacations, other permitted absences for any type whatsoever, overtime, night or split

shift, or pay for specialized services within a classification or rank, or other premium pay differentials of any type whatsoever. The foregoing enumeration is not exclusive, but it is the intent of this section that nothing other than a basic amount of wages, with included range scales, is to be included within the meaning of "rates of compensation".

Working benefits and premium pay differentials of any type shall be allowed or paid to members of the fire department referred to herein only as is otherwise provided in this charter.

For all purposes of the retirement system, the expression "rates of compensation", as used in subsections (c) and (d) of this section shall mean "salary attached to the rank" as used in section 169 of the charter of 1932, as amended and "compensation earnable" as used in section 8.549.

The term "firefighters" as used in this section shall mean the persons employed, in the fire departments of said cities of 350,000 population or over or of the City and County of San Francisco, to perform substantially the duties being performed on the effective date of this section by drivers, stokers, tillermen, truckmen, or hosemen, in the San Francisco Fire Department.

The expression "members of the fire department" does not include members of the fire commission.

The absence of any officer or member of the fire department on military leave of absence, as defined by section 8.361 of this charter, shall be reckoned a part of such member's service under the city and county, for the purpose of computing years of service in gaining added compensation as provided in this charter.

On the recommendation of the chief of department, the commission may reward any officer or member of the department for heroic or meritorious conduct, the form or amount of said award to be discretionary with the fire commission, but not to exceed one month's salary in any one instance.

The rates of compensation for the ranks of captain, bureau of fire prevention and public safety, and lieutenant, bureau of fire investigation, shall be thirteen percent (13%) above the compensation established for the ranks of captain and lieutenant as provided for in this section. The rates of compensation for the ranks of inspector, bureau of fire prevention and public safety, and investigator, bureau of fire investigation, shall be ten percent (10%) above the compensation established for the rank of chief's operator as provided for in this section. The rate of compensation shall be set at the dollar amount nearest the fractional amount which may result from percentage adjustment specified in this subsection, half dollars being taken to the next higher dollar amount.

(d) The rates of compensation fixed pursuant to the provisions of subsection (a) (1), (2) and (3) and the rates of compensation fixed pursuant to the provisions of subsection (c) (1), (2) and (3) shall be the same. Such rates shall not exceed the highest average rate of compensation fixed pursuant to subsections (a) (1), (2) and (3) and (c) (1), (2) and (3) above, whether it be paid to police officers, patrol officers, or firefighters; provided, further, that the minimum rate of compensation attached to the rank of sergeant in the police department shall be equal to the rate of

compensation attached to the rank of lieutenant in the fire department.

(e) Not later than the 25th day of August the board of supervisors shall have the power and it shall be its duty, subject to the fiscal provisions of the charter but, without reference or amendment to the annual budget, to amend the annual appropriation ordinance and the annual salary ordinance as necessary to include the provisions of paying the rates of compensation fixed by the board of supervisors as in this section provided for uniformed members of the police and fire departments for the then current fiscal year.

Notwithstanding any other charter provision, the rates of compensation for police officers and firefighters shall be annually further increased as follows:

(1) In the event that any city of 350,000 population or over in the State of California as defined in subsections (a) and (c) of this section has not finalized, fixed, or reached agreement as to the rates of compensation prior to the 25th day of August, the date for further and additional fixing of the rates of compensation and for further and additional amending of the annual appropriation ordinance and annual salary ordinance to provide for the paying of additional rates of compensation to police officers and firefighters shall extend to the 30th day of June of the following year.

(2) Should any city as defined in subsections (a) and (c) of this section finalize, fix or reach agreement as to the rates of compensation after the 25th day of August but prior to the 30th day of June of the following year, the board of supervisors shall have the power, and it shall be its duty, subject to the fiscal provisions of the charter, by ordinance, within 30 calendar days of said finalizing, fixing, or reaching agreement, further to fix the rates of compensation for the uniformed members of the police and fire departments and to further amend the annual appropriation ordinance and the annual salary ordinance to include provisions for paying the rates of compensation as so further fixed pursuant to subsections (a), (b) and (c) of this section, and said rates of compensation shall be effective retroactive to the effective date of the agreement or legislation designated in subsections (a) and (c), but in no event prior to July 1 of the current fiscal year.

(f) Not later than the first day of August of each year, the civil service commission shall determine and certify to the board of supervisors the percentage of increase or decrease in the cost of living during the twelve-month period ending March 31st of that same year as shown by the Consumer Price Index. All Items San Francisco, and the percentage of increase or decrease in the cost of living during the same period as shown by the Consumer Price Index. All Items, in the cities included in the certified report of said commission. The Consumer Price Index referred to herein is defined as that certain index issued by the U.S. Bureau of Labor Statistics and published in the Monthly Labor Review or a successor publication. In the event the U.S. Bureau of Labor Statistics discontinues the compilation and publication of said indexes, the board of supervisors shall have the power, and it shall be its duty, to appoint a statistical fact finding committee to determine the same data pursuant to the methods theretofore used by the U.S. Bureau of Labor Statistics. The cost of living

adjustments as hereinafter provided shall be based upon the percentage of such increases or decreases. The board of supervisors may, in addition to the rates of compensation as established herein, and at the same time said rates of compensation are established, increase said rates of compensation by an amount equal to the difference between the average cost of living increase of the cities included in the certified report of the civil service commission and the actual cost of living increase for San Francisco. In the event the board of supervisors elects not to grant such cost of living increase in any year in which any such increase might be granted, the board of supervisors shall, upon a written request filed with the clerk of the board of supervisors not later than the 10th day of September of said year by representatives of the uniformed members of the police and fire departments, as designated by the police and fire commissions, respectively, submit the question of said cost of living increase to the qualified electors of the city and county at the next succeeding city-wide election. In the event said cost of living increase is approved by a majority of the qualified electors voting thereon, said cost of living increase shall be effective as of the first day of the then current fiscal year.

(g) Notwithstanding any of the provisions contained in this section, no uniformed member of the police or fire department employed before July 1, 1976, whose compensation is fixed pursuant to the formula contained herein, shall suffer a salary reduction by the application of any new compensation schedules, and the rates for fiscal year 1975-76 shall continue until such time as the new schedules equal or exceed the current salary increment schedules, provided, however, that such time shall not be extended beyond June 30, 1982, and provided further that this prohibition against reduction of compensation for the designated employees shall not be deemed to supersede the provisions of section 8.406 of this charter.

(h) Notwithstanding any of the provisions contained in this section, no uniformed member of the police or fire department, whose compensation is fixed pursuant to the formula contained herein, shall suffer a salary reduction by the application of the compensation schedules provided for herein. Provided, however, that this prohibition against reduction of compensation for the designated employees shall not be deemed to supersede the provisions of section 8.406 of this chapter.

(i) This amendment shall become effective immediately upon certification of election results and its provisions shall pertain to fixing rates of pay for police officers and firefighters during fiscal year 1986-87.

Section 8.320 is amended to read as follows:

#### 8.320 Qualifications of Applicants

(a) Any person having the qualifications prescribed by section 8.100 of this charter may submit himself or herself for any examination under conditions established by the civil service commission.

(b) Applicants for entrance positions in the uniformed force of the fire department shall not be less than 19 years of age at the time of taking the examination, nor less than 20 years of age at the time of appointment.

(c) Applicants for entrance positions in the uniformed force of the police department shall not be less than 20 years of age at the time of taking the examination, nor less than 21 years of age at the time of appointment.



(d) The commission shall advertise and may take further appropriate means to interest suitable applicants. When examinations for promotion are to be held, the commission shall give notice thereof to all persons in positions entitling them under the civil service rules, to participate in such examination, by posting information thereof in the office of the commission for a period of ten days and notifying the office, agency, or department concerned.

Section 8.559-2 is amended to read as follows:

#### 8.559-2 Service Retirement

Any member of the police department who completes at least twenty-five years of service in the aggregate and attains the age of fifty years, said service to be computed under section 8.559-10, may retire for service at his or her option. A member retired after meeting the service and age requirements in the sentence next preceding, shall receive a retirement allowance equal to fifty-five percent of the final compensation of said member, as defined in section 8.559-1, plus an allowance at the rate of four percent of said final compensation for each year of service rendered in excess of twenty-five years; provided, however, that such retirement allowance shall not exceed seventy-five percent of said member's final compensation. A member retired after attaining the age of sixty-five years, but before completing twenty-five years of service in the aggregate computed under section 8.559-10, shall receive a retirement allowance which bears the same ratio to fifty percent of the final compensation of said member, as defined in section 8.559-1, as the service with which he or she is entitled to be credited bears to twenty-five years. If, at the date of retirement for service, or retirement for disability, resulting from an injury received in the performance of duty, said member has no spouse, children or dependent parents, who would qualify for the continuance of the allowance after the death of said member, or with respect to the portion of the allowance which would not be continued regardless of dependents, or upon retirement for disability resulting from other causes, with respect to all of the allowance and regardless of dependents at retirement, a member retired under this section or section 8.559-3, may elect before the first payment of the retirement allowance is made, to receive the actuarial equivalent of his or her allowance or the portion which would not be continued regardless of dependents, as the case may be, partly in a lesser allowance to be received by him or her throughout his or her life, and partly in other benefits payable after his or her death to another person or persons, provided that such election shall be subject to all the conditions prescribed by the board of supervisors to govern similar election by other members of the retirement system, including the character and amount of such other benefits.

Section 8.585-2 is amended to read as follows:

#### 8.585-2 Service Retirement

Any member of the fire department who completes at least twenty-five years of service in the aggregate and attains the age of fifty years, said service to be computed under section 8.585-10, may retire for service at his or her option. A member retired after meeting the service and age

requirements in the sentence next preceding, shall receive a retirement allowance equal to fifty-five percent of the final compensation of said member, as defined in section 8.585-1, plus an allowance at the rate of four percent of said final compensation, for each year of service rendered in excess of twenty-five years; provided, however, that such retirement allowance shall not exceed seventy-five percent of said member's final compensation. A member retired after attaining the age of sixty-five years, but, before completing twenty-five years of service in the aggregate computed under section 8.585-10, shall receive a retirement allowance which bears the same ratio to fifty percent of the final compensation of said member, as defined in section 8.585-1, as the service with which he or she is entitled to be credited, bears to twenty-five years. If, at the date of retirement for service, or retirement for disability resulting from an injury received in performance of duty, said member has no spouse, children or dependent parents, who would qualify for the continuance of the allowance after the death of said member, or with respect to the portion of the allowance which would not be continued regardless of dependents, or upon retirement for disability resulting from other causes, with respect to all of the allowance and regardless of dependents at retirement, a member retired under this section, or section 8.585-3, may elect before the first payment of the retirement allowance is made, to receive the actuarial equivalent of his or her allowance or the portion which would not be continued regardless of dependents, as the case may be, partly in a lesser allowance to be received by him or her throughout his or her life, and partly in other benefits payable after his or her death to another person or persons, provided that such election shall be subject to all the conditions prescribed by the board of supervisors to govern similar election by other members of the retirement system, including the character and amount of such other benefits.

Section 8.586-2 is amended to read as follows:

**8.586-2 Service Retirement**

Any member of the police department who completes at least twenty-five years of service in the aggregate and attains the age of fifty years, said service to be computed under section 8.586-10, may retire for service at his or her option. A member retired after meeting the service and age requirements in the sentence next preceding, shall receive a retirement allowance equal to fifty percent of the final compensation of said member, as defined in section 8.586-1 plus an allowance at the rate of three percent of said final compensation for each year of service rendered in excess of twenty-five years; provided, however, that such retirement allowance shall not exceed seventy percent of said member's final compensation. If, at the date of retirement for service, or retirement for disability resulting from an injury received in the performance of duty, said member has no spouse, children or dependent parents, who would qualify for the continuance of the allowance after the death of said member, or with respect to the portion of the allowance which would not be continued regardless of dependents, or upon retirement for disability resulting from other causes, with respect to all of the allowance and regardless of dependents at retirement, a member retired under this section or section 8.586-3, may elect

before the first payment of the retirement allowance is made, to receive the actuarial equivalent of his or her allowance or the portion which would not be continued regardless of dependents, as the case may be, partly in a lesser allowance to be received by him or her throughout his or her life, and partly in other benefits payable after his or her death to another person or persons, provided that such election shall be subject to all the conditions prescribed by the board of supervisors to govern similar election by other members of the retirement system including the character and amount of such other benefits.

Section 8.588-2 is amended to read as follows:

#### 8.588-2 Service Retirement

Any member of the fire department who completes at least twenty-five years of service in the aggregate and attains the age of fifty years, said service to be computed under section 8.588-10, may retire for service at his or her option. A member retired after meeting the service and age requirements in the sentence next preceding, shall receive a retirement allowance equal to fifty percent of the final compensation of said member, as defined in section 8.588-1, plus an allowance at the rate of three percent of said final compensation for each year of service rendered in excess of twenty-five years; provided, however, that such retirement allowance shall not exceed seventy percent of said member's final compensation. If, at the date of retirement for service, or retirement for disability, resulting from an injury received in the performance of duty, said member has no spouse, children or dependent parents, who would qualify for the continuance of the allowance after the death of said member, or with respect to the portion of the allowance which would not be continued regardless of dependents, or upon retirement for disability resulting from other causes, with respect to all of the allowance and regardless of dependents at retirement, a member retired under this section or section 8.588-3, may elect before the first payment of the retirement allowance is made, to receive the actuarial equivalent of his or her allowance or the portion which would not be continued regardless of dependents, as the case may be, partly in a lesser allowance to be received by him or her throughout his or her life, and partly in other benefits payable after his or her death to another person, or persons, provided that such election shall be subject to all the conditions prescribed by the board of supervisors to govern similar elections by other members of the retirement system, including the character and amount of such other benefits.

Section 8.320.1 is repealed.

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 dollars (\$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 Sections 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 commission, 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) Persons employed as curators by any department of the city and county whose primary function is the collection or exhibition of art;

(8) Persons employed as curators by any department whose primary function is not the collection or exhibition of art will require certification of qualification by the Director of the Fine Arts Museums of San Francisco;

(9) 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 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 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.

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

Date of General Election: November 4, 1986.

## Charter Chapter 21—City of Oakland

***Amendments to the Charter of the City of Oakland***

[Filed with the Secretary of State November 18, 1986 ]

Section 2612 is amended to read as follows:

The Continuation Of Retirement Allowances To Eligible Surviving Spouses of Retirees Of The Police And Fire Retirement And Oakland Municipal Employees' Retirement Systems:

Section 2612.

(1) In cases in which a benefit is payable to the dependents of a deceased member under the provisions of this Article, such benefit shall be payable to the family of such member in the following order of succession:

- (a) To the surviving spouse of such member as long as he or she shall not remarry prior to January 1, 1985, provided that, if death occurred after retirement, the surviving spouse shall have been married to the decedent at least one (1) year prior to the member's retirement; and provided further that in the event such decedent leaves a surviving child or children and if death occurred prior to retirement, an additional amount shall be paid to such surviving spouse during the lifetime of each child until said child shall have married or attained the age of eighteen (18) years as follows: for one child, twenty-five (25%) percent of the allowance provided for in this Article; For two children forty (40%) percent of such allowance, and for three or more children fifty (50%) percent of such allowance, provided that the aggregate payments to the surviving spouse under this section shall not exceed seventy-five (75%) percent of the compensation attached to the rank held by the decedent at the time of his or her death. Upon a remarried spouse's death, the member's retirement allowance shall cease unless there are eligible children.
- (b) In the event the decedent shall not leave surviving an eligible spouse to receive said allowance, but shall leave a child or children under the age of eighteen (18) years, or should the decedent leave an eligible spouse and a child or children under the age of eighteen (18) years and the spouse dies while said child or children are yet under the age of eighteen (18) years, then the retirement allowance is payable to such child or children collectively until the youngest child attains the age of eighteen (18) years, provided that no child shall receive any such allowance after attaining the age of eighteen (18) years or marrying.

Section 2007 is amended to read as follows:

Continuation Of Retirement Allowances After Death.

Section 2007. Upon the death of a person after his retirement, including persons receiving allowances on the effective date of this Section, one-half of his retirement allowance as it was at death, before modification under an option shall be continued throughout the life of the surviving spouse

or until the remarriage of the surviving spouse if the remarriage occurs prior to January 1, 1985.

If there be no surviving spouse entitled to an allowance hereunder, or if the surviving spouse so entitled dies before every child of such deceased member attains the age of eighteen years, then the allowance which the surviving spouse would have received had she lived shall be paid to a child or children under said age, collectively, to continue until every such child dies or attains said age, provided that no child shall receive any allowance after marrying or attaining the age of eighteen years. Should said member leave no surviving spouse and no children under the age of eighteen years, but leave a parent or parents dependent upon him for support, the parents so dependent shall collectively receive a monthly allowance equal to that which a surviving spouse otherwise would have received, during such dependency. No allowance, however, shall be paid under this section to a surviving spouse, unless he or she was married to the member at least one year prior to retirement. Contributions necessary for the payment of the continuance of one-half of allowances of persons who are receiving allowances on the effective date of this Section, shall be provided from the reserves held by the Retirement System on account of active members, the necessary amount being transferred upon said effective date from said reserves to the reserves held by the Retirement System to meet obligations on account of benefits that have been granted.

This Section shall become effective on the first day of the month next following approval by the Legislature.

Section 2008 is amended to read as follows:

**Allowance Upon Death After Qualification For But Before Service Retirement.**

Section 2008. Upon the death before retirement of a member who is qualified for service retirement under Section 2003 by attainment of the age of at least fifty-two (52) years with credit for twenty (20) or more years of service, or at least sixty (60) years with credit for ten (10) or more years of service, and on account of whose death the benefit provided for in accordance with such Section, is otherwise payable, a monthly allowance equal to one-half of the monthly retirement allowance prior to modification under options provided for in accordance with such Section which the member would have been entitled to receive if he had retired for service on the date of his death, shall be payable:

- (a) To the member's widow, or to the member's widower who was receiving at least one-half of his support from the member at the time of the member's death, and with respect to both widow and widower, who was married to such member prior to the occurrence of the injury or onset of the illness which resulted in death; or
- (b) If there is no qualifying spouse, or if such spouse dies or remarries prior to January 1, 1985, to unmarried children, including stepchildren, of the member, who are under 18 years of age.

The allowance payable under this Section shall be in lieu of the death benefit provided for in accordance with Section 2003 except for the accumulated additional contributions included herein, but a person qualifying for the allowance or such person's guardian may elect, before the first



payment on account of it, to receive such death benefit in lieu of the allowance. The member's accumulated additional contributions shall be paid to the person qualifying for the allowance, and the remainder of the accumulated contributions of the member shall be applied toward providing the allowance, and the balance not so provided shall be payable from contributions of the City.

The allowance shall begin to accrue on the day next following the date of death of the member, and payments to the surviving spouse shall continue only until death or remarriage if remarriage occurs prior to January 1, 1985, and to or on account of children with respect to each child, until the attainment of age 18, death or prior marriage. If payment of the allowance provided by this Section is stopped because of the remarriage of the surviving spouse prior to January 1, 1985, or the attainment of the age of 18 years by, or the death or remarriage of, a child, before the sum of the monthly payments made equals the death benefit provided for in accordance with Section 2003, exclusive of accumulated additional contributions, a lump sum equal to the difference shall be paid to the spouse who remarried prior to January 1, 1985, or if there is no such spouse, to the surviving children of the member, share and share alike.

This Section shall become effective on the first day of the month next following approval of the Legislature.

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

Date of Special Municipal Election: June 3, 1986.

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Charter Chapter 22—City of Los Angeles

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

[Filed with the Secretary of State December 12, 1986 ]

Section 38 is amended as follows:

Sec. 38. Municipal Housing Finance Fund.

(a) There is hereby established in the City Treasury a Municipal Housing Finance Fund. All monies derived from the sale of revenue bonds, notes, and other evidences of indebtedness authorized by subsection (b) hereof and such other monies as the Council may from time to time direct, other than the proceeds of taxes levied by the City of Los Angeles, shall be deposited into the Municipal Housing Finance Fund unless the City Council and the Mayor approve the deposit of such monies directly with the trustee for the bonds, notes, or other evidences of indebtedness. No money shall be expended from the Municipal Housing Finance Fund except for the purposes set forth in subsection (b) hereof.

(b) The City Council may issue revenue bonds, notes, and other evidences of indebtedness from time to time and the proceeds therefrom may be used for the purpose of acquiring, developing, constructing and

rehabilitating, and for the purposes of making loans for the financing or refinancing of the acquisition, development, construction and rehabilitation of, single family and multi-family residential housing developments, including low and moderate-income housing developments and market rate housing developments. The revenue bonds, notes, and other evidences of indebtedness shall be issued in accordance with a procedure established by ordinance. The procedure may, but need not, conform to any or all of the requirements of subsection (4) of Section 3 of this Charter. The City may cooperate with and receive aid from other agencies of government in accomplishing the purposes described in this subsection (b), but shall make no contributions to the payment of interest or principal due on any such revenue bonds, notes, or other evidences of indebtedness, from taxes imposed by the City of Los Angeles. Money in the Municipal Housing Finance Fund not immediately needed for the purposes of this subsection (b) may be deposited or invested in the same manner as other funds of the City, but interest earned on such money shall be credited to the Municipal Housing Finance Fund. The provisions of Section 382 shall not apply to the Municipal Housing Finance Fund.

(c) The City Council shall, by ordinance, provide for the authority to expend money in said Fund. The person with authority to expend shall be called the Municipal Housing Finance Fund Administrator, shall be appointed by the Mayor, with the concurrence of the City Council and shall be exempt from the provisions of Article IX. The Administrator shall report to the Mayor and to the City Council, or to a committee of the City Council should the City Council so direct, on a quarterly basis as to the progress of activities to carry out the purposes described in subsection (b).

(d) Notwithstanding Charter Section 420.1, any required signatures to the revenue bonds, notes, or other evidences of indebtedness issued pursuant to this Section 38, may be by facsimile or by autograph.

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

Date of Special Municipal Election: November 4, 1986.

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## Charter Chapter 23—City of Santa Cruz

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

[Filed with the Secretary of State December 1, 1986]

#### Article VI

Section 603 is amended to read as follows:

**SECTION 603. SALARY.** The Council may enact an Ordinance providing that each member of the City Council shall receive a salary, the amount of which shall not exceed the amount established by the Government Code by the State of California, as the same now exists or may

hereafter be amended, for the salaries of Council members in general law cities, provided, however, that the Ordinance may provide an additional amount for the Mayor's salary, the total of which shall not exceed twice the amount for each Councilmember.

At any municipal election, the question of whether City Councilmembers shall receive compensation for services, and the amount of compensation, may be submitted to the electors. If a majority of electors voting at the election favor it, all of the Councilmembers shall receive the compensation specified in the election call. Compensation of Councilmembers may be increased beyond the amount provided in this Section or decreased below the amount in the same manner.

Compensation of Councilmembers may be increased beyond the amount provided in this Section by an ordinance or by an amendment to an ordinance but the amount of the increase may not exceed an amount equal to five percent for each calendar year from the operative date of the last adjustment of the salary in effect when the ordinance or amendment is enacted. No salary ordinance shall be enacted or amended which provides for automatic future increases in salary.

Any amounts paid by a city for retirement, health and welfare, and Federal Social Security benefits shall not be included for purposes of the determining salary under this Section provided the same benefits are available and paid by the City for its employees.

Section 604 is amended to read as follows:

**SECTION 604. PRESIDING OFFICER—MAYOR.** The Mayor shall preside at the meetings of the Council, and shall be recognized as the titular head of the City government for all ceremonial purposes and by the governor for purposes of military law, but shall have no regular administrative duties.

The Council shall elect one of its members who shall have the title of Mayor. The Council shall also elect a Vice-Mayor, who shall act as Mayor during the absence or disability of the Mayor, and if a vacancy occurs, shall become Mayor for the completion of the unexpired term. Both the Mayor and the Vice-Mayor shall be elected from among the Councilmembers at the second meeting in November in each non-election year, and at the first Tuesday following the general municipal election in each election year and shall serve until their successors have been elected.

Section 619 is amended to read as follows:

**SECTION 619. VIOLATION OF ORDINANCE. PENALTY.** A violation of any Ordinance of the City shall constitute either a misdemeanor or an infraction, either of which may be prosecuted in the name of the people of the State of California, or may be redressed by civil action. The Council shall specify any violation of ordinances which are to constitute misdemeanors, and all other violations shall constitute infractions. The Council may, by ordinance, establish a minimum fine and/or a maximum fine or penalty for any violation of a City ordinance, provided, however, that in the absence of such an ordinance, the maximum fine or penalty shall be that established by the general laws of the State of California for misdemeanors or infractions, respectively.

## Article VIII

Section 801 is amended to read as follows:

**SECTION 801. APPOINTMENT AND REMOVAL.** The City Manager, City Clerk, and City Attorney shall be appointed by and may be removed by the affirmative votes of at least five members of the City Council, to and including December 31, 1989. From and after January 1, 1990, the City Manager, City Clerk, and City Attorney shall be appointed by and may be removed by the affirmative votes of at least four members of the Council, provided however that no such officer may be removed within sixty days prior to, or within ninety days following a general municipal election except by the affirmative votes of at least five members of the Council. Except as otherwise provided in this Charter, and subject to the provisions of Article XI, all other officers and department heads of the City shall be appointed by the City Manager and shall serve at the pleasure of the City Manager.

Section 802 is amended to read as follows:

**SECTION 802. OTHER APPOINTIVE OFFICERS.** The City Council may provide by ordinance for the creation, continuation or abolishment of other City offices and departments upon recommendation of the City Manager. Each department so created or continued shall be headed by an officer, as department head, who shall be appointed by the City Manager. The positions of such department heads shall not be included in the classified service.

Section 808 is repealed.

## Article X

Sections 1001, 1002, 1003, and 1004 are amended to read as follows:

**SECTION 1001. GENERAL.** The City Council shall have the power to establish such boards and commissions as shall be necessary for the effective accomplishment of municipal business.

**SECTION 1002. CREATION.** The boards or commissions provided for herein shall be established by ordinance. The ordinance creating any board or commission shall set forth its powers and duties and shall establish the number, manner of appointment, and term of office of the members of the board or commission, provided, however, that the term of office shall not exceed four years.

**SECTION 1003. EXISTING BOARDS AND COMMISSIONS.** All boards and commissions in existence at the time this amendment takes effect shall, without interruption, continue in existence, and shall continue to exercise their respective powers and duties, provided by ordinance or provided in this article prior to its amendment, until the Council abolishes such board or commission, or amends its powers and duties by ordinance. Until the Council provides otherwise by ordinance, the respective terms of office of all members of boards and commissions in existence at the time this amendment takes effect shall remain as provided in this article prior to its amendment.

**SECTION 1004. APPROPRIATIONS.** The City shall include in its annual budget appropriations of sufficient funds for the efficient and proper functioning of the boards and commissions created pursuant to this article.

### Article XI

Section 1104 is amended to read as follows:

**SECTION 1104. CLASSIFIED SERVICE.** The Civil Service of the City shall be divided into the Unclassified and the Classified Service.

(a) The Unclassified Service shall comprise the following offices and positions:

1. Members of the City Council;
2. City Manager; Assistant City Manager, if any; Assistant to City Manager and Personnel Director, if any;
3. City Attorney and any assistant or deputy;
4. City Clerk;
5. Department Heads;
6. All members of boards and commissions;
7. Any position which is created for a special, part-time or temporary purpose, which would not exist for a period longer than one year. The Civil Service Commission may exempt any position for such period of time as it may determine by an affirmative vote of four-fifths of its members. Any exemption shall not affect the tenure of any person whose appointment has become final under the Classified Service; and
8. Persons employed to render professional, scientific, technical or expert service of an occasional and exceptional character.

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

### Article XIV

Section 1415 is amended to read as follows:

**SECTION 1415. CONTRACTS FOR PUBLIC WORKS.** Any public works or improvements costing more than \$12,000.00 shall be executed by contract, except where a specific work or improvement is authorized by the Council to be performed directly by a City department or officer in conformity with detailed plans, specifications and estimates. All such contracts for more than \$12,000.00 shall be awarded to the lowest responsible bidder after such public notice and competition as may be prescribed by ordinance or resolution, provided the Council or the City Manager, when so authorized, shall have the power to reject all bids and may readvertise in its discretion. All advertisements as to such contract shall so provide. All contracts entered into by the City shall be signed by the City Manager or other officer or officers as the Council may by ordinance or resolution prescribe.

In the event of an emergency creating an imminent threat to life, health or property, the Council may pass a resolution authorizing the execution

of contracts, without advertising for bids for specified public works or improvements in excess of \$12,000.00 to correct such emergency conditions. Such resolution shall state the facts constituting the emergency.

Certified to be a true copy by Michael E. Rotkin, Mayor, and Patricia M. Kenyon, City Clerk.

Date of General Election: November 4, 1986.

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Charter Chapter 24—City of Riverside

*Amendments to the Charter of the City of Riverside*

[Filed with the Secretary of State December 11, 1986 ]

Section 712 is amended to read as follows:

Sec. 712. Mayor and Council Members Salary Commission.

There shall be a Mayor and Council Members Salary Commission which shall have the power and duty to:

(a) In every even-numbered year after study and public hearing and not later than ninety days before the end of the fiscal year, the commission shall make recommendations to the City Council concerning the compensation for the Mayor and members of the City Council. Such recommendations shall include salary and fringe benefits.

(b) The commission shall consist of seven members composed, if practicable, of one business executive, one representative of a non-partisan voter organization, one person experienced in public administration, one representative of a labor organization, one representative of an educational institution, and two other appointees.

(c) No person shall be appointed to this commission while serving as Mayor, a member of the City Council, or employee of the City nor within two years after holding such positions.

(d) The initial term of the members composing the initial commission shall be determined by the commission by lot so that four members shall serve a full four-year term and three members a two-year term.

Section 702 is amended to read as follows:

Sec. 702. Appointments; Terms.

The members of each such board or commission shall serve at the pleasure of the Mayor and City Council and shall be nominated and appointed by the Mayor and City Council from the qualified electors of the City, none of whom shall hold any paid office or employment in the City government. They shall be subject to removal by the Mayor and City Council by a motion adopted by five affirmative votes with the Mayor entitled to vote. The members thereof shall serve for a term of four years and until their respective successors are appointed and qualified, and may serve for not more than two consecutive full terms.

The first sentence of the second paragraph is amended to read as follows:

Any vacancies in any board or commission, from whatever cause arising, shall be filled by appointment by the Mayor and City Council with the Mayor entitled to vote on any such appointment.

Section 405 is amended to read as follows:

Sec. 405. Duties of mayor: mayor pro tem.

The mayor shall be the presiding officer at all meetings of the city council and shall have a voice in all its proceedings but shall not vote except to break a city council tie-vote which exists for any cause. The mayor shall be the official head of the city for all ceremonial purposes. The mayor shall have the primary but not exclusive responsibility for interpreting the policies, programs and needs of the city government to the people, and of informing the people of any major change in policy or program. The Mayor shall advise the City Council on all matters of policy and public relations and perform such other duties as may be prescribed by this Charter. During the months of January or February, the Mayor shall deliver a State of the City message at any location within the City that the Mayor deems appropriate at which the Mayor will present the Mayor's programs, objectives and priorities.

The City Council shall designate one of its members as Mayor Pro Tempore, who shall serve in such capacity at the pleasure of the City Council. In the absence of the Mayor, the Mayor Pro Tempore shall assume the duties of the Mayor. The Mayor Pro Tempore shall conduct the Council meetings and shall vote only as a member of the Council, not as Mayor Pro Tempore. In the event of a tie vote, the Mayor Pro Tempore shall not have a tie-breaking vote and Council vote shall be recorded as a negative or "nay" vote. With regards to the veto power, the Mayor Pro Tempore shall not have the power to veto acts of the City Council.

Certified to be a true copy by Ab Brown, Mayor, and Alice A. Hare, City Clerk.

Date of Special Municipal Election: November 4, 1986.

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## Charter Chapter 25—City of Monterey

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

[Filed with the Secretary of State December 15, 1986 ]

Section 8.7 is added to read as follows:

Sec 8.7. Visitor Accommodation Zone.

There is hereby established a Visitor Accommodation Zone. No hotel, motel, bread and breakfast, or other overnight accommodation facilities, as more precisely defined in Appendix A shall be permitted except in said zone. Ancillary facilities such as conference and meeting rooms and recreational facilities for guests may be constructed on property adjacent to said VAF zone if the Zoning Ordinance permits said uses.

Appendix A entitle "Visitor Accommodation Facility (VAF) Zone" sets forth the development standards, uses and procedures for said zone and is hereby made a part of this Charter.

Appendix B, consisting of the following seven (7) zoning maps, designates those parcels which are zoned VAF: 1. Cannery Row; 2. Downtown; 3. Munras Avenue Area; 4. Aguajito Area; 5. Fremont; 6. Del Monte Avenue; 7. Highway 68. Appendix B is hereby made a part of this Charter. Said maps shall be as amended through November 4, 1986.

Visitor Accommodation Facilities shall not be developed on any parcel except those zoned VAF by Appendix B including parcels subsequently annexed to the City.

The Zoning Ordinance is hereby amended to delete Visitor Accommodation Facilities as a principal or conditional use on all other parcels. The development standards and related matters may be amended, or additional parcels zoned VAF only by amendment of Appendices A and B of this Charter.

Section 2.4 is amended to read as follows:

Sec 2.4. Canvass of Returns.

The Council of said City shall meet at its usual meeting place at the first regular or adjourned meeting following any municipal election and duly canvass the returns and declare the results thereof. The Council shall install any newly-elected officers as soon after said canvass as possible, provided, however, no officer shall be installed prior to filing by said officer of all disclosure or other statements required by ordinance or State law.

Certified to be a true copy by Clyde Roberson, Mayor, and Cynthia Parham, City Clerk.

Date of General Election: November 4, 1986.

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## Charter Chapter 26—City of Santa Barbara

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

[Filed with the Secretary of State December 5, 1986]

Section 502 is amended to read as follows:

Section 502. Compensation.

The members of the City Council except the Mayor, shall receive a salary in the sum of eight hundred dollars (\$800) per month. The Mayor shall receive a salary in the sum of one thousand four hundred dollars (\$1,400) per month.

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

Date of Special Municipal Election: November 4, 1986.



## Charter Chapter 27—City of San Buenaventura

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

[Filed with the Secretary of State December 4, 1986 ]

The introduction is amended to read as follows:

**CHARTER OF THE CITY OF SAN BUENAVENTURA**

We, the people of the City of San Buenaventura, State of California, do ordain and establish this Charter as the organic law of said City under the Constitution of the State of California.

**Article III**

Section 301 is amended to read as follows:

**SECTION 301. ORDINANCES CONTINUED IN EFFECT.** All lawful ordinances, resolutions, rules and regulations, and portions thereof, in force at the time this Charter takes effect and not in conflict or inconsistent with it, are hereby continued in force until they shall have been duly repealed, amended, changed or superseded by proper authority

Section 302 is amended to read as follows:

**SECTION 302. RIGHTS OF OFFICERS AND EMPLOYEES RESERVED.** Nothing contained in this Charter, unless otherwise specifically provided herein, shall effect or impair the personnel, pension or retirement rights or privileges of officers or employees of the City, or of any office, department or agency thereof, existing at the time this Charter takes effect

Section 303 is amended to read as follows:

**SECTION 303. CONTINUANCE OF PRESENT OFFICERS AND EMPLOYEES.** The present officers and employees of the City shall continue without interruption to perform the duties of their respective offices and positions upon the same terms and conditions and for the compensation provided by the existing ordinances, resolutions, rules or laws, but subject to such removal, amendment and control as is provided or permitted in this Charter. Those whose offices are changed, abolished or superseded by this Charter shall serve until the election or appointment and qualification of their respective successors under this Charter.

Section 305 is amended to read as follows:

**SECTION 305. PENDING ACTIONS AND PROCEEDINGS.** No action or proceeding, civil or criminal, pending at the time this Charter takes effect, brought by or against the City or any officer, office, department or agency thereof, shall be affected or abated by the adoption of this Charter or by anything contained herein. However, all such actions or proceedings may be continued even though functions, powers, and duties of any officer, office, department, or agency a party thereto, may be assigned or transferred by or under this Charter to another officer, office,

department or agency. In that event, such actions may be prosecuted or defended by the head of the office, department or agency to which such functions, powers and duties have been assigned or transferred by or under this Charter.

#### Article IV

Section 400 is amended to read as follows:

**SECTION 400. POWERS OF CITY.** The City of San Buenaventura shall have the power to make and enforce all laws and regulations in respect to municipal affairs, subject only to such restrictions and limitations as may be provided in this Charter and in the Constitution of the State of California. It shall also have the power to exercise any and all rights, powers and privileges heretofore and hereafter established, granted or prescribed by any law of the State, by this Charter, or by other lawful authority, or which a municipal corporation may exercise under the Constitution of the State of California. The enumeration in this Charter of any particular powers is not to be held to be exclusive of or any limitation upon this general grant of power.

#### Article V

Section 503 is amended to read as follows:

**SECTION 503. ELIGIBILITY FOR OFFICE.** No person shall hold, or be eligible for nomination to, office as a member of the City Council unless at the time his nomination papers are filed or his appointment made, he is a registered voter of this City and he has been continuously, for at least one year next preceding his election or appointment, a resident of this City or of territory annexed thereto.

If any provision of this section should be invalid, such invalidity shall not affect the validity of the remaining portions of this section, and the law applicable to general law cities of the State of California shall apply in the place of any invalid provision.

Section 505 is amended to read as follows:

**SECTION 505. NAMES ON BALLOTS.** The names of all candidates nominated for elective office in the City shall be printed on the official ballots in the manner provided by state law.

Section 507 is amended to read as follows:

**SECTION 507. TERMS FOR CITY COUNCILMEMBERS.** Members of the Council shall hold office for a period of four years from and after eight p.m. of the day of the first regular meeting in December following the election, and until their successors are elected and qualified, provided that any person elected to fill a vacancy shall serve for the remainder of the unexpired term. In the election of members of the Council where full terms and one or more unexpired terms are to be filled, no distinction shall be made in nomination or voting between the full terms and the unexpired terms, but the full term offices shall be filled first and the unexpired term offices last on the basis that those receiving the highest number of votes in the election at which they are elected shall successively fill the first available offices.

Section 509 is amended to read as follows:

**SECTION 509. THE INITIATIVE, REFERENDUM AND RECALL.** Except as otherwise provided by this Charter or by ordinance, the provisions of the election laws of the State of California, as they now exist or may hereafter be amended, governing the initiative, the referendum and the recall of municipal officers, shall apply in the City.

## Article VI

Section 600 is amended to read as follows:

**SECTION 600. OFFICERS.** The officers of the City of San Buenaventura are the seven members of the Council, the City Manager, the City Attorney and such other officers as are established elsewhere in this Charter or as the Council may establish by ordinance. Where the appointment of any officer is vested in the Council, appointment or removal must be made by the affirmative vote of at least four members of the Council.

Section 601 is amended to read as follows:

**SECTION 601. COMPENSATION.** City Councilmembers shall receive a maximum of \$600.00 per month. In addition thereto, the Mayor or other Councilmember acting as Mayor for 30 days or more shall receive a maximum of \$100.00 additional per month. The Council may provide in the Administrative Code for reductions to such amounts by reason of absences from meetings. Each member of the Council shall receive reimbursement for Council authorized traveling and other expenses when on official duty. Upon the recommendation of the Manager, the compensation for all appointive officers and employees of the City, except officials and members of the boards, commissions and committees serving gratuitously, shall be fixed or changed by ordinance. The compensation of the City Manager and the City Attorney shall be decided by the Council. No officer or employee shall be allowed any fee, perquisite, emolument or stipend in addition to, or save as embraced in, the salary or compensation fixed for such office by the Council, and all fees received by such officer or employee in connection with official City duties shall be paid forthwith into the City Treasury.

Section 602 is amended to read as follows:

**SECTION 602. INELIGIBILITY OF COUNCILMEMBERS.** No Councilmember shall be eligible during the term for which he was appointed or elected or within six months thereafter, to hold any other office or employment with the City, except as a member of any board, commission or committee, of which he is a member pursuant to general law or by this Charter.

Section 603 is amended to read as follows:

**SECTION 603. CONFLICT OF INTEREST AND FINANCIAL INTEREST PROHIBITED.** The laws of the State of California, as they exist or hereafter may be amended, relating to conflict of interest and financial interest of City officers, appointees or employees, are hereby adopted by reference and shall apply to the City of San Buenaventura. The penalty for violation of this Section shall be as prescribed by State law and shall

also work the forfeiture of office or employment on order of the Council or court of competent jurisdiction.

Section 604 is amended to read as follows:

**SECTION 604. NEPOTISM.** The Council shall not appoint to a salaried position under the City government any person who is a relative by blood or marriage within the third degree of any member of the Council, nor shall the City Manager or any department head or other officer having appointive power appoint any relative of his or of any Councilmember within such degree to any such position.

Section 605 is amended to read as follows:

**SECTION 605. OATH OF OFFICE.** Every officer of the City before entering upon the duties of office, shall take and file with the City the constitutional oath of office.

Section 606 is amended to read as follows:

**SECTION 606. OFFICIAL BONDS.** The Council shall fix by ordinance the amounts and terms of the official bonds of all officials and employees who are required by this Charter or by ordinance to give such bonds. All bonds shall be executed by responsible corporate sureties, shall be approved as to form by the City Attorney, and shall be filed with the City Clerk. Premiums on official bonds shall be paid by the City.

## Article VII

Section 701 is amended to read as follows:

**SECTION 701. EMERGENCY POWERS.** Notwithstanding any general or special provision of this Charter, the Council, in order to ensure continuity of governmental operations in periods of emergency resulting from disasters of whatever nature, shall have the power and immediate duty

(a) To provide for prompt and temporary succession to the powers and duties of all City officers, of whatever nature and whether filled by election or appointment, the incumbents of which become unavailable for carrying on the powers or duties of such officers, and

(b) To adopt such other measures as may be necessary and proper for ensuring the continuity of City operations, including, but not limited to, the financing thereof. In the exercise of the powers hereby conferred, the Council in all respects shall conform to the requirements of this Charter except to the extent that in the judgment of the Council to do so would be impractical or would permit an undue delay.

Section 702 is amended to read as follows:

**SECTION 702. DUTIES AND PROCEDURES.** The Council shall:

(a) Judge the qualifications of its members and of election returns.

(b) Organize as herein required at the first regular meeting in December following the election.

(c) Establish rules for its proceedings.

(d) Cause a correct record of its proceedings to be kept. The ayes and the noes shall on demand of any member be taken and entered therein, and they shall be recorded on all votes passing any ordinance or appointing or dismissing or confirming the appointment or dismissal of any offi-

cer, or authorizing the execution of contracts, or the appropriation or payment of money.

(e) Appoint a City Manager and a City Attorney.

(f) Appoint such standing and other committees, boards, or commissions as it deems necessary.

Section 703 is amended to read as follows:

**SECTION 703. MAYOR.** The Council shall elect from among its members, officers of the City who shall have the titles of Mayor and Deputy Mayor, each of whom shall serve a two-year term. In no event may a Councilmember elected Mayor for a two-year term, succeed himself as Mayor without at least one additional two-year term having lapsed.

The Mayor shall preside over the sessions of the Council, shall sign official documents when the signature of the Council or Mayor is required by law and shall act as the official head of the City on public and ceremonial occasions. He shall have the power to administer oaths and affirmations, but shall have no power of veto. He shall have authority to preserve order at all Council meetings and to remove any person from any meeting of the Council for disorderly conduct, to enforce the rules of the Council and to determine the order of business under the rules of the Council. The Deputy Mayor shall act as Mayor in the absence or disability of the Mayor.

When the Mayor and the Deputy Mayor are absent from any meeting of the Council, the members of the Council may choose another member to act as Mayor pro tem, who shall, for the time being, have the powers of the Mayor.

Section 704 is amended to read as follows:

**SECTION 704. MEETINGS.**

(a) Regular Meetings. The Council shall meet at such times as have been or may be prescribed by ordinance or resolution, except that it shall meet regularly at least once each month. All of the meetings of the Council shall be held in the City Hall unless by reason of emergency, said City Hall cannot be used for that purpose; or the Council from time to time may elect to meet at other locations within the City and upon such in such instances shall make public notice of the change of location according to provisions of the Government Code of the State of California. All meetings of the Council and all its records shall be open to the public, except as provided for by State law, and no citizen shall be denied the right personally or through counsel, to present grievances, or offer suggestions for the betterment of municipal affairs.

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

by telegram. Such written notice may also be dispensed with as to any person who is actually present at the meeting at the time it convenes.

(c) Closed Sessions. The Council may hold a closed session to consider any matter permitted to be considered in Closed Session by State law. The general subject matter for consideration shall be expressed in open meeting before such session is held.

(d) Quorum. Four members of the Council shall constitute a quorum, but fewer may adjourn from time to time. No franchise shall be granted, ordinance passed, budget adopted, supplemented or amended, appropriation made or payment of money ordered, unless four members of the Council concur in such action.

Section 705 is amended to read as follows:

**SECTION 705. VACANCIES; FORFEITURE OF OFFICE; FILLING OF VACANCIES**

(a) Vacancies. The office of a Councilmember shall become vacant upon death, resignation, removal from office in any manner authorized by law, or forfeiture of office.

(b) Forfeiture of Office. A Councilmember shall forfeit office if he (1) lacks at any time during his term of office any qualification for the office prescribed by this Charter or by law, (2) accepts or retains any other elective public office, except as provided in this Charter, or (3) fails to attend four consecutive regular meetings of the Council without being excused by the Council provided, however, that he shall not be so excused for more than three consecutive months.

(c) Filling of Vacancies. If a vacancy occurs on the Council, the date upon which such vacancy occurred shall be determined as soon as possible by the Mayor in accordance with the provisions of this Charter relating to vacancies. Within 30 days after such determination, or within 60 days after the vacancy occurred, whichever is first, the Council by majority vote of the remaining members, shall appoint a person to the vacant office to serve until his successor is elected at the next succeeding municipal election and qualifies. If the Council fails to fill the vacancy by appointment as provided herein, it shall forthwith order a special election to be held to fill the vacancy for the remainder of the unexpired term. However, no such special election need be ordered if the vacancy occurs less than eight months before a municipal election.

Section 706 is amended to read as follows:

**SECTION 706. ORDINANCES.**

(a) Form. The enacting clause of every ordinance passed by the Council shall be: "The Council of the City of San Buenaventura does ordain as follows:" The enacting clause of every ordinance initiated by the people shall be: "Be it ordained by the People of the City of San Buenaventura."

(b) Procedure. At least five days must elapse between the introduction and the final passage of any ordinance; provided, that if amendments germane to the subject of any proposed ordinance are made when it is brought up for final passage, an additional elapse of five days shall be required before final passage. With the exception of emergency ordinances, no ordinance shall be adopted at any time other than at a regular or reconvened regular meeting. Every ordinance must be signed by the

Mayor, attested to by the City Clerk, and published in whole or in summary form once in the official newspaper in a manner allowed by law.

(c) **Emergency Ordinances.** Any ordinance declared by the Council to be necessary as an emergency measure for preserving the public peace, health or safety, and containing the reasons for its urgency, may be introduced and passed at one and the same meeting, regular or special.

(d) **Effective Date.** Except as otherwise provided in this Charter, every ordinance and every measure passed by the Council granting any franchise or privilege, shall go into effect thirty (30) days after its final passage, unless otherwise provided in the ordinance or measure; provided, however, that no such ordinance or measure shall go into effect in less than thirty (30) days after its final passage. But ordinances declared by the Council to be necessary as emergency measures as provided for in this Article, ordinances ordering or otherwise relating to elections, and ordinances relating to public improvements, the cost of which is to be borne wholly or in part by special assessments, may go into effect at the will of the Council.

(e) **Amending Ordinances.** No ordinance shall be amended by reference to its title only, but the full text of the sections to be amended shall be re-enacted at length as amended. Any amendment passed contrary to the provisions of this section shall be void.

Section 707 is amended to read as follows:

**SECTION 707. CONTRACTS. EXECUTION.** The City shall not be bound by any contract except as hereinafter provided, unless the contract shall be made in writing, approved by the City Attorney as to form, approved by the City Council and signed on behalf of the City by an officer or officers as shall be designated by the Council. Any of said such officers shall sign a contract on behalf of the City when directed to do so by the Council.

By ordinance or resolution the Council may authorize the City Manager to bind the City, with or without a written contract, for the acquisition of equipment, materials, supplies, labor, services or other items included within the budget approved by the Council and shall impose a monetary limit on such authority.

The Council may by ordinance or resolution provide a method for the sale or exchange of personal property not needed or not fit for the purpose for which intended.

Contracts for the sale or lease of real property owned by the city shall be authorized by the affirmative vote of five members of the Council.

Contracts for the sale of products, commodities or services of any public utility owned, controlled or operated by the City may be made by the Manager of such utility or by the City Manager or his designee upon forms approved by the City Manager and at rates fixed by the Council.

The provisions of this Section shall not apply to the employment of any person by the City at a regular salary.

Section 708 is amended to read as follows:

**SECTION 708. PUBLISHING LEGAL NOTICES.** The Council shall contract with a newspaper of general circulation in the City for the publication of all legal notices, ordinances and other matter required to be

published. Each such contract shall cover a period of not less than one nor more than three years. In the event there is more than one newspaper of general circulation published within the City, the contract shall be made only after the publication of a notice inviting bids. If there is only one newspaper of general circulation published in the City, then the Council shall have the power to contract with such newspaper for the print and publishing of such legal notices or matter without being required to advertise for bids. The newspaper with which any such contract is made shall be the official newspaper for the publication of such notices and other matter for the period of such contract.

In no case shall the contract prices for such publication exceed the customary rates charge by such newspaper for the publication of legal notices of a private character.

In the event there is no newspaper of general circulation published in the City, or in the event no such newspaper will accept such notices or other matter at the rates permitted herein, then all legal notices or other matter may be published by posting copies thereof at least five days before the action contemplated by the publication is to be taken, in at least three public places in the City to be designated by ordinance.

No defect or irregularity in proceedings taken under this section, or, failure to designate an official newspaper, shall invalidate any publication where it is otherwise in conformity with this Charter or law or ordinance.

Section 709 is amended to read as follows:

**SECTION 709. INTERFERENCE IN ADMINISTRATION.** Except as otherwise provided in this Charter, no individual member of the Council shall interfere with the execution by the City Manager of his powers and duties; or, directly or indirectly, by suggestion or otherwise, attempt to influence or coerce the City Manager or any of his subordinates in the making of any appointment or removal, or the purchase of supplies, or attempt to exact any promise relative to any appointment from any candidate for City Manager, or discuss directly or indirectly with any such candidate the matter of appointments to any City office or employments, provided, however, that the above shall not be construed as prohibiting the Council, while in session, discussing with or suggesting to the City Manager, fully and freely, anything pertaining to the aforementioned matters.

Except for the purpose of inquiries, investigations or independent management audits as such may be authorized from time to time by the Council, the Council and its members shall deal with the City officers and employees who are subject to the direction and supervision of the Manager solely through the Manager, and neither the Council nor any Councilmember shall give orders to any such officer or employee, either publicly or privately.

Any violation of this section may work a forfeiture of the office of the offending member of the Council, who may be removed therefrom by the Council or by any court of competent jurisdiction.



## Article VIII

Section 801 is amended to read as follows:

**SECTION 801. TERM.** The Manager shall be appointed for an indefinite term, but shall be removable at the pleasure of the Council by a vote of four or more Councilmembers; provided, however, that he shall not be removed from office during or within a period of 90 days after the seating of newly elected Councilmembers, except upon unanimous vote of all seven members of the Council.

Section 803 is amended to read as follows:

**SECTION 803. MANAGER PRO TEM.** In case of the absence or temporary disability of the Manager, the Council shall appoint a Manager pro tem who shall possess the powers and discharge the duties of the Manager during such absence or disability only; provided, however, that a Manager pro tem shall have no authority to appoint or remove any City officer or employee except with the vote of at least five members of the Council approving such action.

## Article IX

Section 901 is amended to read as follows:

**SECTION 901. INABILITY TO ACT.** When from any cause the City Attorney is unable to perform the duties of his office, he may, with the consent of the Council, appoint some other qualified attorney temporarily to act in his place. The Council may, when necessary, employ assistant counsel upon the recommendation of the City Manager.

## Article X

Section 1000 is amended to read as follows:

**SECTION 1000. ADMINISTRATIVE CODE.** Within one year following the effective date of this section or such additional time as extended by Council, but not to exceed one additional year, the Council shall adopt by ordinance an Administrative Code providing for:

(a) The organization, conduct and operation of the several offices and departments as established by this Charter and as authorized by general laws of the State of California.

(b) The creation of additional departments, divisions, offices and agencies and for their consolidation, alteration or abolition, after recommendations by the Manager.

(c) The assignment or reassignment of functions, duties, offices and agencies to other offices and departments, after recommendations by the Manager.

(d) The creation or abolition of such advisory boards and commissions as are authorized by the general laws of the State of California or as in its judgment are required, and the Council may specify the number of members, their terms and manner of appointment, and may grant to them such powers and duties as are consistent with the provisions of this Charter or the general laws of the State of California.

(e) In addition, the Administrative Code shall contain policy statements of the Council concerning personnel administration, salary and wage administration, hours of work, conditions of employment, employee benefits, centralized purchasing, and other administrative procedures.

Section 1001 is amended to read as follows:

**SECTION 1001. CONTINUANCE OF PRESENT FUNCTIONS.** All departments, offices, agencies, advisory boards and commissions existing on the effective date of this Charter shall continue to perform their present functions and duties, and to render their present services until or unless changed after the effective date of the Administrative Code.

Section 1005 is amended to read as follows:

**SECTION 1005. RETIREMENT SYSTEM.** Authority and power are hereby vested in the City, its Council and its several officers, agents, and employees to perform any act, and to exercise any authority, granted, permitted or required under the provisions of the State Employees Retirement Act, as it now exists or may hereafter be amended to enable the City to continue as a contracting City under the State Employees Retirement System.

Section 1006 is amended to read as follows:

**SECTION 1006. CONTRACTS ON PUBLIC WORKS.** In the construction, improvement and repair of all public buildings and public works, excluding maintenance, and in furnishing any supplies or materials for them, when the expenditure required exceeds the sum theretofore established by ordinance, the same shall be done by contract. The contract shall be let to the lowest responsible bidder after notice by publication in the official newspaper by two or more insertions, the first of which shall be at least ten (10) days before the time for opening bids.

The Council may reject any and all bids presented and may readvertise in its discretion. After rejecting bids, or if no bids are received, the Council may determine and declare that in its opinion, the work in question may be performed better or more economically by the City with its own employees, or that the materials or supplies may be purchased at a lower price in the open market. After the adoption of the resolution to this effect by the affirmative vote of at least four Councilmembers, the Council may proceed to have the work done or such materials or supplies purchased in the manner stated without further observance of the provisions of this Section.

Contracts may be let and purchases made without advertising for bids if such work or the purchase of materials shall be deemed by the Council to be of urgent necessity for the preservation of life, health or property, and shall be authorized by the affirmative votes of at least four members of the Council.

Section 1007 is amended to read as follows:

**SECTION 1007. PUBLIC WORKS. MINIMUM WAGES.** The minimum wage of any laborer, worker, or mechanic employed directly for the City by contractor or subcontractor, or by any other person or persons upon any public work, excluding maintenance, shall be the scale of wages then generally prevailing in the City for like work. This section does not apply to employees of the City.

## Article XI

Section 1100 is amended to read as follows:

**SECTION 1100. BOARD OF EDUCATION.** The control of the Public School District of the City shall be vested in a Board of Education which shall consist of five members elected from the District at-large, provided, however, that all qualified electors of the Ventura Unified School District shall have the right to vote for members of the Board of Education.

Section 1104 is amended to read as follows:

**SECTION 1104. ELECTION AND TERM.** Each member of the Board of Education shall service for four years from and after the first regular meeting in December following election and until a successor is elected and qualified.

At each General Municipal Election, as defined in Section 500 of this Charter, members of the Board of Education shall be elected to take the places of members whose terms are about to expire, to fill a vacancy, and also to fill the place of any members appointed to fill a vacancy. In the election of members of the Board of Education where full terms and one or more unexpired terms are to be filled, no distinction shall be made in nomination or voting between the full terms and the unexpired terms, but the person or persons elected by the highest number of votes shall be elected for the full term or terms and the person receiving the next highest vote shall be elected for the unexpired term or terms, as the case may be.

Section 1105 is amended to read as follows:

**SECTION 1105. VACANCIES.** All vacancies on the Board of Education shall be filed by a majority vote of the remaining members, and the person so appointed shall serve until his successor is elected at the next succeeding General Municipal Election and qualified. In the event that three or more vacancies exist in the Board at one time, the Council shall appoint enough members to give the Board of Education three members qualified to act. Such appointees shall hold office until the next succeeding General Municipal Election and until their successors are elected and qualified.

## Article XII

Section 1202 is amended to read as follows:

**SECTION 1202. FINANCIAL ADMINISTRATION.** The Council shall by ordinance establish as an integral part of the Administrative Code, a department to have charge of the administration of the financial affairs of the City. This department shall establish and maintain a system of financial procedures, accounts and controls for the City government and each of the City's offices, departments and agencies. It shall follow generally accepted municipal accounts procedures for cities of comparable size. This department shall also perform such other duties as are assigned to it by the City Manager or by the Council by ordinance.

Section 1204 is amended to read as follows:

**SECTION 1204. ANNUAL BUDGET. PREPARATION BY THE MANAGER.** At such date as the Manager shall determine, each depart-

ment head, board or commission shall furnish to the Manager estimates of revenues and expenditures for his department or for such board or commission for the next fiscal year, detailed in such a manner as may be prescribed by the Manager. In preparing the proposed annual budget, the Manager shall review the estimates, hold conferences thereon with the respective department heads, boards or commissions as necessary, and may revise the estimates as he may deemed advisable.

Section 1205 is amended to read as follows:

**SECTION 1205. SUBMISSION OF PROPOSED BUDGET.** On or before the first day of May of each year, the Manager shall submit to the Council a proposed budget for the next fiscal year.

Section 1206 is amended to read as follows:

**SECTION 1206. BUDGET.** The budget shall provide a complete financial plan of all City funds and activities for the next fiscal year, and the total of proposed expenditures shall not exceed the total of estimated revenue. Except as required by law or this Charter, the budget shall be in such form as the Manager deems desirable or the Council may require. In organizing the budget the Manager shall utilize the most feasible combination of expenditure classification by fund, organization unit, program, purpose or activity, and object. It shall begin with a clear general summary of its contents; shall show in detail all estimated revenue, indicating the proposed property tax levy, and all proposed expenditures, including debt service, for the next fiscal year; and shall be so arranged as to show comparative figures for actual and estimated revenue and expenditures of the current fiscal year and actual revenue and expenditures of the preceding fiscal year. It shall show in a separate section:

(a) Proposed expenditures for current operations during the next fiscal year, detailed by offices, departments and agencies in terms of their respective work programs, and the method of financing such expenditures.

(b) Proposed capital improvement expenditures during the next fiscal year, detailed by offices, departments and agencies when practicable, and the proposed method of financing each such capital improvement expenditure.

(c) Anticipated net surplus or deficit for the next fiscal year of each utility owned or operated by the City and the proposed method of its disposition.

Section 1207 is amended to read as follows:

**SECTION 1207. BUDGET. CONSIDERATION BY CITY COUNCIL.** After reviewing the proposed budget and making such revisions as it may deem advisable, the Council shall determine the time for the holding of a public hearing thereon and shall cause notice of it to be published not less than ten (10) days prior to the hearing in at least one insertion in the official newspaper. Copies of the proposed budget shall be available for inspection by the public at least ten (10) days prior to the hearing.

Section 1208 is amended to read as follows:

**SECTION 1208. BUDGET. PUBLIC HEARING.** At the time so advertised or at any time to which such public hearing shall from time to time be adjourned, the Council shall hold a public hearing on the proposed

budget, at which interested persons desiring to speak shall be heard.

Section 1209 is amended to read as follows:

**SECTION 1209. BUDGET. FURTHER CONSIDERATION AND ADOPTION.** At the conclusion of the public hearing the Council shall further consider the proposed budget and make any revisions that it may deem advisable. On or before June 30 it shall adopt by resolution the budget with revisions, if any, by the affirmative vote of at least four members of the Council. Upon final adoption, the budget, certified by the City Clerk, shall be reproduced and copies made available for the use of the public and of departments, offices and agencies of the City.

Section 1210 is amended to read as follows:

**SECTION 1210. CAPITAL IMPROVEMENT PROGRAM.** The Manager shall prepare and submit to the Council a five-year capital improvement program at least three months prior to the final date for submission of the budget. The contents of the program shall include:

- (a) A clear general summary of its contents.
- (b) A list of all capital improvements which are proposed to be made during the next five fiscal years, with appropriate supporting information as to the necessity for such improvements.
- (c) Cost estimates, method of financing and recommended time schedules for each such improvement.
- (d) The estimated annual cost of operating and maintaining the facilities to be constructed or acquired.

The above information may be revised and extended each year with regard to capital improvements still pending or in process of construction or acquisition.

On or before the first day of April of each year, the Council shall hold a public hearing and adopt by resolution a capital improvement program, with or without amendments.

Section 1211 is amended to read as follows:

**SECTION 1211. BUDGET. APPROPRIATIONS.** From the effective date of the budget, its proposed expenditures shall be and become appropriated to the several departments, offices and agencies for the respective objects and purposes named therein. However, the City Manager may transfer any unused balance that is less than an amount specified by ordinance from one object or purpose to another within the same department, office or agency. All appropriations shall lapse at the end of the fiscal year to the extent that they have not been expended or lawfully encumbered.

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

Section 1213 is amended to read as follows:

**SECTION 1213. INDEPENDENT AUDIT.** The Council shall employ each year an independent certified public account who shall examine the records and accounts of the City and make a report to the Council, the City Manager and Financial Director of the City. Copies of the report shall be made available for inspection by the public.

Section 1215 is amended to read as follows:

**SECTION 1215. TAX PROCEDURE.** The procedure for the assessment, levy and collection of taxes upon property, taxable for municipal purposes, shall be prescribed by ordinance of the Council and shall conform as nearly as practicable to the general laws of the State of California.

Section 1218 is amended to read as follows:

**SECTION 1218. REVENUE BONDS.** The City may issue revenue bonds to provide funds for the acquisition, construction and financing of additions to, or improvements or extensions of, the water supply and distribution system of the City, or its sewage collection and disposal system.

(a) **Nature of Obligation:** Revenue bonds issued under this section shall not constitute general obligations or general indebtedness of the City. Rather they shall be obligations on which principal, interest and any premiums upon redemption prior to maturity are payable solely from revenues, income and other receipts derived from the use and operation of the system to which the bonds pertain, or, if the Council so determines, such payments may be made, from a defined portion of such revenues, income and receipts.

(b) **Mode of Issuance:** The power to issue revenue bonds pursuant to this section shall be vested solely in the Council, but no such bonds shall be issued unless they shall first be authorized by the affirmative vote of a majority of those electors voting on the question of incurring such indebtedness. The Council may issue and sell revenue bonds so authorized, and it may fix and provide any terms, conditions, covenants and restrictions as it may deem necessary or desirable to facilitate the issuance and sale of the bonds or for the protection or security of the holders thereof. To the extent that any provisions of any ordinance, resolution or order of the Council pertaining to the issuance of bonds pursuant to this section are inconsistent with the provisions of any other section of this Charter, the provisions of such ordinance, resolution or order shall control so long as any of the revenue bonds or interest coupons to which they pertain are outstanding and unpaid.

(c) **Effect of Section:** The provisions of this Section are in addition to, and not a limitation upon, any power which the City might exercise in absence of this section.

### Article XIII

Section 1300 is amended to read as follows:

**SECTION 1300. INALIENABLE RIGHTS OF THE CITY.** The rights of the City in its tideland property, including waterfront and submerged lands as such now or hereafter exist and all improvements thereon, are inalienable except as provided in this article.

### Article XIV

Section 1400 is amended to read as follows:

**SECTION 1400. GRANT OF FRANCHISE.** The Council is empowered to grant by ordinance a franchise to any person, firm or corporation,

whether operating under an existing franchise or not, to use the public streets and places as the same now or may hereafter exist, for the construction and operation of plants, works, or equipment, necessary or convenient in connection with any public utility or service. The Council may prescribe by procedural ordinance the terms and conditions of any such grant. When two or more applicants seek to provide the same public utility or service within the City, the Council may grant more than one franchise and prescribe a specific geographical area of the City to be serviced by each applicant.

Section 1401 is amended to read as follows:

**SECTION 1401. RESOLUTION OF INTENTION, NOTICE AND PUBLIC HEARING.** Before granting any franchise, the City Council shall pass a resolution declaring its intention to grant the franchise, stating the name of the proposed grantee, the character of the franchise and the terms and conditions upon which it is proposed to be granted. Such resolution shall set forth the day, hour, and place of a public hearing at which protests will be heard. It shall direct the City Clerk to publish the resolution at least once within fifteen (15) days of its passage, in the official newspaper. The time fixed for such hearing shall be at least twenty (20) but not more than sixty (60) days after the passage of the resolution.

At the time set for the hearing, the Council shall proceed to hear and pass upon all protests and its decision thereon shall be final and conclusive. Thereafter, the Council may grant by ordinance or deny the franchise, subject to the right of referendum of the people.

Section 1402 is amended to read as follows:

**SECTION 1402. TERMS OF FRANCHISE.** Every franchise shall state the term for which it is granted, and no franchise shall exceed fifty (50) years, unless it is indeterminate.

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

Section 1403 is amended to read as follows:

**SECTION 1403. GRANT TO BE IN LIEU OF ALL OTHER FRANCHISES.** Any franchise granted by the City with respect to any given utility facilities, shall be in lieu of all other franchises, rights or privileges owned by the grantee, or by any successor of the grantee to any rights under such franchises, with respect to such utility facilities within the limits of the City as they now or hereafter exist, except any franchise derived under Section 19 of Article XI of the Constitution, as that Section existed prior to the amendment thereof adopted October 10, 1911. The acceptance of any franchise hereunder shall operate as an abandonment

of all such other franchises, rights and privileges within the limits of the City, as such limits shall at any time exist, in lieu of which such franchises shall be granted.

Any franchise granted pursuant to this Charter shall not become effective until the grantee has filed written acceptance with the City. Such acceptance by the grantee shall constitute a continuing agreement that if and when the City shall thereafter annex, or consolidate with additional territory, any and all other such franchises, rights and privileges owned by the grantee therein, except a franchise derived under said constitutional provisions, shall likewise be deemed to be abandoned within the limits of such territory.

Section 1404 is amended to read as follows:

**SECTION 1404. EMINENT DOMAIN.** No franchise shall in any way or to any extent impair, or affect the right of the city to acquire the property of the grantee, either by purchase or through the exercise of the right of eminent domain, and nothing in this Charter shall be construed to contract away, to modify, or abridge in any manner or for any period of time, the City's right of eminent domain with respect to any public utility.

Section 1405 is amended to read as follows:

**SECTION 1405. DUTIES OF GRANTEE.** By its acceptance, the grantee shall covenant and agree to perform and be bound by each and all of the terms and conditions imposed in the grant, or by procedural ordinance, and shall further agree to:

(a) Comply with all lawful ordinances, rules and regulations theretofore or thereafter adopted by the Council in the exercise of its police powers.

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

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

(d) Remove and relocate, without expense to the City, any facilities installed, used and maintained under the franchise if and when made necessary by the City's making any lawful changes of grade, alignment or width of any public street, or place, including the construction of any subsurface improvement.

(e) Pay to the City, during the life of the franchise, such compensation as the council may prescribe in the Ordinance granting the franchise.

## Article XV

Section 1501 is amended to read as follows:

**SECTION 1501. VIOLATIONS.** The violations of any provision of this Charter shall be a misdemeanor and shall be punishable as provided in section 19 of the California Penal Code or any successor provision.

Section 1502 is amended to read as follows:

**SECTION 1502. VALIDITY.** If any provision of this Charter or the



application thereof to any person or circumstance is held invalid, the remainder of the Charter, and the application of such provision to other persons or circumstances shall remain in full force and effect.

The captions used as headings of the various Articles and Sections hereof are for convenience only and are not to be considered as a part of this Charter or used in determining the intent or context thereof.

Section 1503 is amended to read as follows:

**SECTION 1503. AMENDMENTS.** Any amendment of this Charter shall be made pursuant to and in accordance with the applicable provisions of the Constitution of the State of California.

Certified to be a true copy by John M. Sullard, Mayor, and Barbara J. Kam, City Clerk.

Date of General Election: November 4, 1986.

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Charter Chapter 28—County of Santa Clara

*Amendments to the Charter of the County of Santa Clara*

[Filed with the Secretary of State December 24, 1986 ]

Section 604 is amended to read as follows:

**SECTION 604.**

(a) The Board of Supervisors shall establish a county park fund in the county treasury. During the 1987-88 and the 1988-89 fiscal years, the Board of Supervisors shall transfer from the general fund to the county park fund an amount of money which shall not be less than an amount estimated by the Auditor-Controller to equal the amount that would be raised for that year by a tax of one and one-half cents (\$.015) per One Hundred Dollars (\$100.00) of assessed valuation of all real and personal property situated within the County of Santa Clara. In addition, the Board of Supervisors shall transfer into such fund all fees and revenues generated by the operation of county parks and all other monies received from the United States Government, State of California, or any other public agency or any person for county park purposes. Any interest earned on the investment of money in the county park fund shall be credited to the fund.

(b) The Board of Supervisors shall appropriate the money in the county park fund for the acquisition, development, or acquisition and development of real property for county park purposes and for the maintenance and operation of county parks. At least 20% of the funds transferred from the general fund for fiscal years 1987-88 and 1988-89 shall be used for the acquisition of real property for county park purposes. The remaining funds shall be appropriated for the development, maintenance, and operation of county parks.

(c) The county shall not acquire real property for any park purpose until the Board of Supervisors has determined that the acquisition is in conformity with the adopted county parks and recreation element of the general plan.

(d) This section shall be operative commencing with the 1987–88 fiscal year and shall be repealed at the end of the 1988–89 fiscal year; provided, however, any unobligated monies remaining in the fund on June 30, 1989, shall be used only for the purposes set forth in subsection (b) of this section.

(e) The total annual appropriations limitation imposed on the county by Article XIII B of the California Constitution shall be increased by the county for the 1987–88 and 1988–89 fiscal years in an amount authorized by Section 1 of said Article XIII B and in an amount which reflects the monies transferred from the county general fund into the county park fund during the 1987–88 and 1988–89 fiscal years.

(f) The intent of this section is to ensure that a minimum amount of money will be placed into the county park fund for acquisition, development, operation, and maintenance purposes. Nothing in this section shall be construed as a limitation on the amount of money the Board of Supervisors may transfer into the county park fund for county park purposes or otherwise appropriate for county park purposes.

Section 203 is amended to read as follows:

**SECTION 203.**

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

The appointee shall hold office until the election and qualification of the successor. The election of a supervisor to fill an unexpired term shall be held at the next direct primary or general election (first Tuesday after the first Monday in June or first Tuesday after the first Monday in November in each even-numbered year), whichever occurs first. No such election shall be held within 180 days of the occurrence of the vacancy nor within the year preceding the year in which the term expires. The candidate having the highest number of votes shall be elected.

Certified to be a true copy by Susanne Wilson, Chairperson of the Board of Supervisors, and Grace K. Yamakawa, County Clerk.

Date of General Election: November 4, 1986.

Charter Chapter 29—City of San Diego

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

[Filed with the Secretary of State December 19, 1986]

Section 2.1 is added to read as follows:

Neither the City Council nor any officer or employee of the City shall take any action, or permit any action to be taken, which directly or indirectly authorizes or permits the construction, operation or maintenance of any pipeline within the City for the transmission of any crude oil or

natural gas taken or removed from any offshore crude oil or natural gas drilling or pumping operations within 100 nautical miles of the coastline of the County of San Diego; nor shall the City Council or any officer or employee of the City take any action, or permit any action to be taken, which directly or indirectly authorizes or permits the construction, operation or maintenance of any commercial or industrial facility within the City, including but not necessarily limited to crude oil or natural gas storage facilities, which operates directly or indirectly in support of any offshore crude oil or natural gas drilling or pumping operations within 100 nautical miles of the coastline of the County of San Diego.

Certified to be a true copy by Maureen F. O'Connor, Mayor, and Charles G. Abdelnour, City Clerk.

Date of Special Municipal Election: November 4, 1986.

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Charter Chapter 30—City of Richmond

*Amendments to the Charter of the City of Richmond*

[Filed with the Secretary of State on December 26, 1986 ]

Article III

Section 3.

The following paragraph is added to read as follows:

On the first Tuesday following the first Monday of November, 1987, an election shall be held for the election of Councilmembers to succeed the members of the City Council whose terms expire. Thereafter, on the first Tuesday following the first Monday in November of each odd-numbered year, an election shall be held for the election of Councilmembers to succeed the members of the City Council whose terms expire. The terms of office of City Councilmembers shall commence on the second Monday following his or her election. City Councilmembers whose terms expire in May, 1987, shall remain in office and their terms shall not expire until after the November, 1987, election for Councilmembers and their successors have taken office. City councilmembers whose terms expire in May, 1987, shall remain in office and their terms shall not expire until after the November, 1989, election for Councilmembers and their successors have taken office.

Paragraph 5 is amended to read as follows:

The City Council may, by resolution, change the date of any general election for the Mayor and City Councilmembers to another date in order to consolidate said election with an election of any other public agency which is held within one month of the dates set forth in this Charter for municipal elections. A notice of the change in the date of a general election shall be published for five days not earlier than the 120th day nor later than the 100th day prior to the date fixed for the election.

## Article III-A

## Section 3.

Paragraph (e) is added to read as follows:

(e) On the first Tuesday following the first Monday of November, 1989, an election shall be held for the election of a Mayor to succeed the Mayor whose term expires. Thereafter, the election of a Mayor to succeed the Mayor whose term expires shall be held on the first Tuesday following the first Monday in November in every other odd-numbered year. The Mayor whose term expires in May, 1989, shall remain in office and his term shall not expire until after the November, 1989 election for Mayor and his successor has taken office.

Certified to be a true copy by George L. Livingston, Mayor, and Harlan J. Heydon, City Clerk.

Date of General Election: November 4, 1986.

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Charter Chapter 31—City of Santa Ana

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

[Filed with the Secretary of State December 16, 1986.]

Section 101.1 is amended to read as follows:

Sec. 101.1. Wards of the City.

Prior to the general election in 1988, the City Council shall divide the City into six (6) wards by ordinance according to the following formula:

Each of the wards is to be as nearly equal in population as possible. The wards shall be composed of contiguous and compact territory and bounded by natural boundaries or street lines wherever possible. Any territory hereafter annexed to or consolidated with the City shall become a part of the ward to which it is most contiguous, pending any redistricting necessary to promote equality of population among the wards.

Section 400 is amended to read as follows:

Sec. 400. Number, selection and terms of members.

The city council shall consist of seven (7) members elected at the times and in the manner provided in this charter, each of whom, except for the Mayor, shall serve a term of four (4) years. The term of each member shall begin following such election, at the first regularly scheduled meeting of the city council following certification of election results, and each shall serve except as otherwise provided for in this charter, until his successor is elected and qualified. Each office of council member shall be a separate office and, except for the mayor, one of such offices shall be assigned to each of the wards of the city. Candidates for each office of council member, other than the mayor, shall be nominated from such ward by the electors of such ward, but all council members shall be elected by the vote of the electors of the city at large.

Section 401 is amended to read as follows:

Sec. 401. Qualifications members.

To be eligible to be elected to the office of council member, a person must be a registered voter and a resident of the ward from which he is nominated at the time nomination papers are issued to him as provided in Section 22842 of the Elections Code of the State of California, except that the mayor need only be a registered voter and resident of the city at such time. In the event any council member other than the mayor shall cease to be a resident of the ward from which he (or, in the case an appointee, his predecessor) was elected, or in the event the mayor shall cease to be a resident of the city, his office shall immediately become vacant and shall be filled in the same manner as herein provided for other vacancies; provided, that where a council member ceases to be a resident of the ward from which he (or, in case of an appointee, his predecessor) was elected solely because of a change in boundaries of any ward as in this charter provided, he shall not lose his office by reason of such change. If a member of the city council shall be convicted of a crime involving moral turpitude, his office shall immediately become vacant and be so declared by the city council.

No person shall be eligible for nomination for or election to the office of council member who has served two (2) consecutive terms of four (4) years each. Short or partial terms shall not be considered.

Section 401.1 is amended to read as follows:

Sec. 401.1. Order of filling offices.

The offices of council member from wards one, three, and five shall be filled at the general municipal election held in 1988, and the offices of council member from wards two, four and six shall be filled at the general municipal election held in 1990. Thereafter, the offices of council member from wards one, three and five and from wards two, four and six shall be filled alternately at the general municipal elections held in the years in which the terms of such offices respectively expire.

The candidate elected from each ward at each such election shall be the candidate receiving the highest number of votes cast for any candidate from said ward.

Section 404 is amended to read as follows:

Sec. 404. Presiding officer, mayor.

The mayor shall be a member of the city council and shall preside over the meetings of the city council. The mayor shall have voice and vote in all of the city council's proceedings and shall be recognized as head of the city government for all ceremonial purposes. The mayor shall have no administrative duties but shall perform such other duties as may be prescribed by this charter, or imposed by the city council, consistent with his office.

The mayor shall be elected by the voters of the City at large at each general municipal election in November of even-numbered years for a two-year term commencing on the same date as the terms of other council members elected in such year. No person may be a candidate for mayor and a candidate for any other office on the city council in the same election. In the event an incumbent city council member other than the

mayor is elected mayor such other office shall become vacant at the time he or she assumes office as mayor and the city council shall call a special election to fill the vacancy.

Section 405 is amended to read as follows:

Sec. 405. Mayor pro tem.

In the first meeting of the city council following any general or special election at which members of the city council are elected, the city council shall elect a mayor pro tem who shall act as mayor during the absence from the city or disability of the mayor, or during any vacancy in the office of mayor.

Section 403 is amended to read as follows:

Sec. 403. Vacancies.

In the event of a vacancy in the city council, for whatever cause, the city council shall declare the office vacant and fill the same by appointment. In each case the person so appointed shall hold office until the next general municipal election and until his successor is elected and qualified for the remainder of an unexpired term. Such appointee must, at the time of his appointment and continuously for one (1) year prior thereto, have been and be a resident of the ward from which his predecessor was elected. If the city council shall fail to fill a vacancy by appointment within thirty (30) days after such an office shall have become vacant, it shall forthwith cause an election to be held to fill such vacancy.

If a member of the city council absents himself from all regular meetings of the city council for a period of sixty (60) days consecutively from and after the last regular city council meeting attended by such member, unless by permission of the city council expressed in its official minutes, his office shall become vacant and shall be so declared by the city council.

Section 419 is amended to read as follows:

Sec. 419. Codification.

Any or all ordinances of the city which have been enacted and published in the manner required at the time of their adoption and which have not been repealed, may be compiled, consolidated, revised, indexed, and arranged in a comprehensive ordinance code, and such code may be adopted by reference by the passage of an ordinance for such purpose. Such code need not be published in the manner required for other ordinances, but not less than one (1) copy thereof shall be filed for use and examination in the office of the clerk of the council prior to the adoption thereof; and, in lieu of the publication of the ordinance, there shall be published a notice in the official newspaper describing the ordinance in brief and in general terms and stating that the code is available for public inspection at the office of the clerk of the council, together with the time and place when and where it will be considered for final passage. Ordinances codified shall be repealed as of the effective date of the code. Subsequent amendments to sections of the code shall be enacted in the same manner as herein required for the amendment of ordinances generally.

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

Section 600 is repealed.  
Section 601 is repealed.  
Section 608 is repealed.

Certified to be a true copy by Daniel H. Young, Mayor, and Janice C. Guy, City Clerk.

Date of General Municipal Election: November 4, 1986.

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Charter Chapter 32—City of Stockton

*Amendments to the Charter of the City of Stockton*

[Filed with the Secretary of State December 9, 1986]

Article II

Section 1 is amended to read as follows:

SECTION 1. The City of Stockton is divided into six (6) political divisions, which shall be known as districts. Following adoption of this section and thereafter following each decennial federal census, and using the census as a basis, the city clerk shall adjust the boundaries of any or all of the districts of the city so that the districts shall be as nearly equal in population as may be according to the latest federal decennial census. The city clerk shall adjust the boundary lines of the districts in conformance with the following standards:

- (a) Every district shall be contiguous.
- (b) District boundaries should not cross census tract lines, except to the extent necessary to ensure that the districts are as nearly equal in population as may be according to the latest federal decennial census.
- (c) Districts shall be numbered consecutively commencing at the northern boundary of the City and ending at the southern boundary.
- (d) District number one shall be composed of the northern-most census tracts in the City that contain one-sixth of the population of the City. For purposes of this section, a census tract shall be considered to be to the north of other census tracts if it contains any area that is farther to the north than all area contained within the other census tracts. In the event that two or more census tracts are equally northern by this definition, the city clerk shall select the western-most census tract.
- (e) District number two shall be composed of the northern-most census tracts in the City, excluding district number one, that contain one-sixth of the population of the City. Districts number three through six shall be determined in the same manner, so that the entire City is divided into six districts.
- (f) If at any time between each federal decennial census the City annexes territory, the city clerk shall adjust the boundaries of any or all of the districts of the City so that the districts shall be as nearly equal in population as may be according to the latest federal decennial census.

## Article IV

Section 10 is amended to read as follows:

**SECTION 10.** No ordinance or resolution shall be placed or become effective without receiving the affirmative votes of at least four (4) members of the council.

Commencing on January 1, 1989, every provision of this charter that required, prior to adoption of this section, a vote or approval of at least six (6) members of the council shall after such date require a vote or approval of at least five (5) members of the council.

## Article VI

Section 1 is amended to read as follows:

**SECTION 1.** The council shall consist of six council members, nominated and elected as herein provided, and the mayor. For purposes of this charter, the terms "council member" and "councilman" are used interchangeably.

Section 2 is amended to read as follows:

**SECTION 2.** The six council members shall be nominated from districts, and shall be elected by the qualified electors of the City at large.

(a) The voters of each district shall nominate two candidates for council member at the primary municipal election. The two candidates must be residents of the districts from which they are nominated.

(b) The voters of the entire city shall elect the council member for each district at the general municipal election. The council member from each district must be one of the two candidates nominated from the district at the primary municipal election.

(c) The respective terms of all present council members shall expire at midnight on December 31, 1988. At the first general municipal election to be held in 1988, one council member shall be elected from each of the six districts. The persons elected as council member at said first general municipal election in 1988 shall succeed to such office on January 1, 1989. Council members elected from odd-numbered districts in said first general municipal election of 1988 shall hold office for a term ending December 31, 1990, or until their successor is elected and qualified. Council members elected from even-numbered districts shall hold office for a term ending December 31, 1992, or until their successor is elected and qualified. Commencing with the general municipal election of 1990, all council members shall be elected to a term of four years beginning on January 1 of the year following their election.

(d) Each member of the council must reside in and be a qualified elector of the district from which said member is nominated and elected or appointed for a period of not less than thirty (30) days prior to the filing of his nomination papers or his appointment. The term of office of any council member who has been elected and whose term of office has not expired shall not be affected by any change in the boundaries of the district from which he was elected.



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

(f) If a vacancy shall occur in the office of any council member, the council shall appoint a person to fill such a vacancy. The vacancy in the council shall be filled by the council from the electors of the district in which the vacancy occurs. Such person shall hold office until December 31st next following the next general election, and at such election a person shall be elected to hold office for the remainder of any unexpired term. If at any municipal election held under the provisions of this charter, a council member be not nominated or elected from a district by reason of a tie vote among any of the candidates therefor, then the council shall select by lot one of the persons receiving such tie vote to fill such nomination or office.

(g) Notwithstanding the provisions of this section, if the city clerk fails to adjust the boundaries in the year following the adoption of this section or thereafter in the year following the year in which the decennial federal census is taken, or if the boundaries adjusted by the city clerk are held invalid, each council member to be elected at the next election and at any succeeding election shall be elected by and from the City at large. Council members shall continue to be so elected until the clerk makes a valid adjustment of the boundaries of the districts.

Section 7-1 is amended to read as follows:

SECTION 7-1. Each member of the council shall receive a salary of five hundred dollars (\$500.00) per month. Whenever the compensation for judges of the superior court is increased, compensation for council members shall be increased automatically by the same percentage as the increase of judges of the superior court.

Section 8 is amended to read as follows:

SECTION 8. No person elected as either council member or mayor shall be eligible to serve, or serve, as either council member or mayor for more than two terms; but such service prior to January 1, 1989 shall not disqualify any person for further service as either council member or mayor.

## Article VIII

Section 1 is amended to read as follows:

SECTION 1. Commencing with the general municipal election of 1988, the mayor shall be elected by the qualified electors of the City at large and shall hold such office for a term of four years beginning on January 1 of the year following his election and until his successor is elected and qualified.

(a) The voters of the entire city shall elect the mayor at the primary municipal election; provided, however, that should no candidate for the office of mayor receive at the primary municipal election a majority of the votes cast for all candidates for said office, the two candidates receiving

the highest number of votes cast for any such candidates shall thereby qualify as candidates for the office of mayor at the runoff election to be held at the general municipal election.

(b) The term of the mayor who shall hold office on the effective date of this Section shall be extended and shall expire at midnight December 31, 1988.

(c) The mayor must reside in and be a qualified elector of the City for a period of not less than thirty (30) days prior to the filing of nomination papers or appointment.

(d) Moving from the City during the term shall automatically forfeit the office. Absence from five consecutive regular meetings, unless excused by resolution of the Council, shall operate to vacate the office.

(e) Any vacancy shall be refilled by the Council from the electors of the City. Any person so appointed shall hold office until December 31st next following the next general election, and at such election a person shall be elected to hold office for the remainder of any unexpired term.

(f) The mayor shall receive a salary of one thousand dollars (\$1,000.00) per month. Whenever the compensation for judges of the superior court is increased, the compensation for the mayor shall be increased automatically by the same percentage as the increase for judges of the superior court.

(g) Notwithstanding other provisions of this charter, any petition to recall the mayor shall be signed by qualified electors of the City equal in number to not less than twenty percent (20%) of the entire votes cast by the electors of the City at the last preceding election for the mayor. Any vacancy occasioned by the recall of the mayor shall be filled by appointment by the council from the electors of the City. Any person so appointed shall hold office until December 31st next following the next general election and at such election a person shall be elected to hold office for the remainder of any unexpired term.

Section 2 is amended to read as follows:

**SECTION 2.** The mayor shall nominate one of the council members to serve as vice mayor. (Effective January 1, 1989)

(a) The term of the vice mayor shall commence upon ratification of the nomination by the council and shall continue until the December 31 following the next general municipal election.

(b) During the temporary absence or disability of the mayor, the vice mayor shall act as mayor. In case of the temporary absence or disability of both the mayor and the vice mayor, the council shall elect one of its members to be mayor pro tempore. In case of vacancy in the office of the mayor, the vice mayor shall act as mayor until such vacancy can be filled as provided in this charter.

## Article X

Section 7 is amended to read as follows:

**SECTION 7.** The city clerk shall divide the City into districts pursuant to Article II of this charter and shall prepare detailed maps or exterior descriptions thereof, or both, and as many such copies as the clerk may determine.

## Article XXIV

Section 1 is amended to read as follows:

**SECTION 1.** A primary municipal election, for the nomination and election of persons to the elective offices of the City, shall be consolidated with the statewide direct primary in each even-numbered year or, in the event no such statewide direct primary is held, shall be held on the first Tuesday after the first Monday in June in each even-numbered year. A general municipal election, for the election of persons to the elective offices of the City, shall be consolidated with the statewide general election in each even-numbered year or, in the event no such statewide general election is held, shall be held on the first Tuesday after the first Monday of November in each even-numbered year.

Section 5 is amended to read as follows:

**SECTION 5.** In the primary municipal election, the electors in each district from which a council member is to be elected shall be entitled to vote for one candidate from their district, and the two candidates for council member in each district receiving the highest number of votes cast by the electors of their district shall be the candidates in the general municipal election. In the general municipal election, the electors in the City shall be entitled to vote for one candidate in each district from which a council member is to be elected, and the candidate for council member in each district receiving the highest number of votes cast by the electors of the City shall be declared elected to such office. Notwithstanding other provisions of this charter, any vacancy occasioned by a recall proceeding shall be filled by appointment by the Council from the electors of the district in which the vacancy occurs. Such person shall hold office until December 31st next following the next general election, and at such election a person shall be elected to hold office for the remainder of any unexpired term.

If any provisions of this amendment or the application thereof to any persons or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the amendment which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

## Article XXXII

Section 9.2 is amended to read as follows:

**SECTION 9.2.** Notwithstanding any provisions of Section 9 of this Article to the contrary, whenever an entrance position in the classified service of the police department becomes vacant, the appointing authority, if it is desired to fill the vacancy, shall make such appointment from the reemployment list if such list exists. If there is no reemployment list, the appointing authority shall make requisition upon the Commission for the names and addresses of the persons eligible for appointment thereto from

the lateral entry list and the eligible list. The Commission shall certify two more names than the number of vacancies of those individuals standing highest on the existing eligible list and all names on the lateral entry list. The appointing authority may select any one of the three eligibles so certified to fill the vacancy or any one from the lateral entry list. On original appointment, the appointing authority shall appoint such persons to such vacant positions on probation.

Certified to be a true copy by Barbara Fass, Mayor, and Frances Hong, City Clerk.

Date of the Special General Municipal Election: November 4, 1986.

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Charter Chapter 33—City of San Jose

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

[Filed with the Secretary of State December 30, 1986]

Section 407 is amended to read as follows:

Section 407. The Council; Compensation

Each member of the Council, including the Mayor, shall be paid as compensation for his or her services as a member of the Council, for each calendar month during which he or she is a member of the Council, a monthly salary which shall be established by ordinance adopted pursuant to and in accordance with the provisions hereinafter set forth in this Section. No salary shall be established for any member of the Council, including the Mayor, except as provided in this Section.

Between March 1st and April 30th of every odd-numbered year, the Council Salary Setting Commission shall recommend to the Council the amount of monthly salary which it deems appropriate for the members of the Council, including the Mayor, for the two year period commencing July 1 of that odd-numbered year. The amount recommended for each member of the Council shall be the same, except that the amount recommended for the Mayor may exceed that of the other members of the Council. The monthly salary shall be in an amount which takes into account the full time nature of the office and which is commensurate with salaries then being paid for other public or private positions having similar full time duties, responsibilities and obligations.

No recommendations shall be made except upon the affirmative vote of three (3) members of the Commission. Failure of the Commission to make a recommendation in any year within the time prescribed shall be deemed to mean a recommendation that no change be made.

Each biennial recommendation, together with the reasons therefor, shall be made in writing. Before it submits any such recommendation to the Council, the Commission shall conduct at least one public hearing on the matter. When such a recommendation has been submitted to the Council, it shall not thereafter be amended by the Commission.

The Council shall, by ordinance, which shall be subject to the referendum provisions of this Charter, adopt the salaries as recommended by the Commission, or in some lesser amount, but in no event may it increase the amount.

No more than one salary setting ordinance shall be adopted on the basis of any biennial recommendation, provided that the Council may, at any time, by ordinance, reduce the salaries of the members of the Council, including the Mayor. In any salary setting ordinance adopted hereunder, the salaries for each member of the Council shall be the same, except that the salary of the Mayor may exceed that of the other members of the Council. Salaries established by ordinance adopted pursuant to the provisions of this Section shall remain in effect until amended by a subsequent ordinance adopted pursuant to the provisions of this Section.

For each member of the Council, except the Mayor, a sum, as established by the Council Salary Setting Commission, shall be deducted from the salary of such member for each regular meeting of the Council, other than regular adjourned meetings, which he or she fails to attend in each such calendar month; provided, however, that such deduction shall not be made for his or her failure to attend any meeting during which he or she is away on authorized City business, or from which he or she is absent because of his or her own illness or the illness or death of a close family member. No deduction shall be made from the Salary of the Mayor because of his or her failure to attend any Council meeting.

Section 411 is amended to read as follows:

Section 411. The Council; Interference With Administrative Matters

Neither the Council nor any of its members nor the Mayor shall interfere with the execution by the City Manager of his or her powers and duties, nor in any manner dictate the appointment or removal of any City officers or employees whom the City Manager is empowered to appoint except as expressly provided in Section 411.1. However, the Council may express its views and fully and freely discuss with the City Manager anything pertaining to the appointment and removal of such officers and employees.

Except for the purpose of inquiries and investigations under Section 416, the Council, its members and the Mayor shall deal with City officers and employees who are subject to the direction and supervision of the City Manager, the City Attorney, City Auditor, Policy Analyst or City Clerk, solely through the City Manager, City Attorney, City Auditor, Policy Analyst or City Clerk, respectively, and neither the Council nor its members nor the Mayor shall give orders to any subordinate officer or employee, either publicly or privately.

Section 411.1 is amended to read as follows:

Section 411.1. Department Heads; Policy Objectives; Consent to Hire.

- (a) The Council shall adopt a written Statement of Policy for each City Department which is under the administration of the City Manager. Said Statement of Policy shall set forth the broad goals, objectives and aspirations to be accomplished by that Department.
- (b) When the position of head of such Department becomes vacant, the Council shall review and, if necessary, amend the previously

approved Statement of Policy. The Council also shall adopt a set of questions which are intended to elicit responses from each prospective appointee concerning the goals, objectives and aspirations in the Statement of Policy.

For purposes of this section, the term “department” shall mean any department specified in Charter Section 807 as well as any department created by ordinance pursuant to Charter Section 800.

Prior to appointing any Department head, the City Manager shall submit to the Council, for its review, the responses to the Council’s questions submitted by the proposed appointee, and shall seek the Council’s advice and consent. The appointment shall be made only if the Council, by the affirmative vote of a majority of its members, advises the City Manager that it concurs with the proposed appointment. This section shall not apply to the appointment of any “acting” department head to serve in an interim capacity.

Section 502 is amended to read as follows:

Section 502. The Mayor; Powers and Duties

The Mayor shall have the following powers and duties:

- (a) The Mayor shall have the power to make recommendations to the Council on matters of policy and program which require Council decision.
- (b) Not less than annually, the Mayor shall address the citizens of the City concerning the current status of City affairs and articulating the policy plans which the Mayor proposes for the City during the ensuing year.
- (c) In addition, the Mayor, at other times during the year, may inform the citizens concerning any matters of policy or program which the Mayor believes are for the welfare of the community.
- (d) If the Mayor recommends any increases in the City budget, the Mayor shall recommend the method of financing such expenditures. If the Mayor proposes the curtailment of any service, the Mayor shall provide specific recommendations and the reasons for the proposal.
- (e) The Mayor shall preside at meetings of the Council and shall have a vote as a member of the Council. The Mayor shall have no veto powers;
- (f) The Mayor shall have authority to preserve order at all Council meetings, to remove or cause the removal of any person from any meeting of the Council for disorderly conduct, to enforce the rules of the Council and to determine the order of business under the rules of the Council;
- (g) The Mayor shall have the power to direct and supervise the Public Information Office of the City.
- (h) The Mayor shall exercise such other powers and perform such other duties as may be prescribed by the Council, provided the same are not inconsistent with this Charter.

Nothing in this Section shall be construed in any way as an infringement or limitation on the powers and duties of the City Manager as Chief Administrative Officer and head of the administrative branch of the City

government as prescribed in other sections of this Charter. Except as otherwise provided in this Charter, the Mayor shall possess only such authority over the City Manager and the administrative branch as he or she possesses as one member of the Council.

Section 700 is amended to read as follows:

**Section 700. Appointment, Term and Compensation**

There shall be a City Manager. The Mayor shall nominate one or more candidates for Council consideration for appointment to the position of City Manager. The City Manager shall be appointed by the Council for an indefinite term. The Council shall fix the compensation of the City Manager.

Section 701 is amended to read as follows:

**Section 701. City Manager; Powers and Duties**

The City Manager shall be the chief administrative officer of the City. He or she shall be responsible to the Council for the administration of City affairs placed in his or her charge by or under this Charter. Without limiting the foregoing general grant of powers, responsibilities and duties, the City Manager shall have the following powers and duties:

- (a) Subject to the Civil Service provisions of this Charter and of any Civil Service Rules adopted pursuant thereto, and except as otherwise provided elsewhere in this Charter, the City Manager shall appoint all officers and employees of the City; and, when he or she deems it necessary for the good of the service, the City Manager may, subject to the above-mentioned limitations, suspend without pay, demote, discharge, remove or discipline any City officer or employee who under this Charter is appointed by the City Manager;
- (b) Except as otherwise provided elsewhere by this Charter, the City Manager shall direct and supervise the administration of all departments, offices and agencies of the City;
- (c) The City Manager shall have the right to attend all meetings of the Council, other than closed executive sessions where the City Manager or another Council appointee is the subject of discussion, and to take part in its discussions, but not to vote. The City Manager shall attend all regular and special meetings of the Council unless prevented by illness or physical incapacity or unless his or her absence has been authorized by the Council;
- (d) The City Manager shall be responsible for the faithful execution of all laws, provisions of this Charter, and acts of the council which are subject to enforcement by the City Manager or by officers who are under the City Manager's direction and supervision;
- (e) The City Manager shall prepare and submit the annual budget to the Council in accordance with the provisions of Section 1204.
- (f) The City Manager shall submit a complete report on the finances and administrative activities of the City as of the end of the preceding fiscal year to the Council at a public meeting to be held within three (3) calendar months following the close of each preceding fiscal year. The annual report, which shall be personally certified by the City Manager to be accurate and complete shall contain a statement indicating:

- (1) Whether the revenues budgeted for the preceding fiscal year were actually received, and an explanation concerning any material differences between the total revenues budgeted and the revenues actually received;
- (2) The extent to which expenditures budgeted actually were incurred, and an explanation for any material variance between budgeted expenditures and actual expenditures;
- (3) The amount of the financial reserves of the city;
- (4) All other information which, in the opinion of the City Manager, is necessary to provide an accurate and complete picture of the fiscal status and condition of the city.

The report shall be in a form which is susceptible to confirmation by audit. It shall be made available to the public in the Office of the City Clerk.

- (g) The City Manager shall make such other reports as the Council from time to time may request concerning the operations of City departments, offices and agencies subject to his or her direction and supervision; shall keep the Council fully advised as to the financial condition and future needs of the City; and make such recommendations to the Council concerning the affairs of the City as he or she deems desirable or as requested by Council.
- (h) The City Manager shall exercise such other powers, and shall perform such other duties, as are specified in this Charter or may be authorized or required by the Council.

Section 800 is amended to read as follows:

Section 800. Administrative Organization; General Provisions

Subject to the limitations hereinafter specified in this section, the Council shall have the following powers and duties:

- (a) The Council, in its discretion, may at any time establish such City offices, departments and agencies, in addition to those established by this Charter as it may desire; and shall prescribe the respective functions, powers and duties of such additional offices, departments and agencies. The Council shall also prescribe the respective functions, powers and duties of those departments which are established by Section 807 of this Charter. The Council may at any time add to, take away, reduce or otherwise change the respective functions, powers and duties of any of the above mentioned offices, departments and agencies. The council may at any time abolish or discontinue any office, department or agency other than those established by this Charter. The Council may also, at any time, prescribe additional functions, powers or duties for those offices and departments specified in Sections 803 to 807, inclusive, and may at any time take away, reduce or otherwise change all or any of such additional functions, powers or duties;
- (b) Subject to the limitations hereinafter specified in subsection (c) of this Section, the Council may:
- (1) Contract with any "public agency" for the exercise or performance by a "public agency" for or on behalf of the City, of any of the



- powers, duties or functions of any office, department or agency of the City established by or pursuant to the provisions of this article;
- (2) Contract with any “public agency” for the exercise or performance by the City, for or on behalf of any “public agency” of any of the powers, duties or functions of any “public agency”;
  - (3) Contract with any “public agency” for the joint exercise or performance by such “public agency” and the City, for or on behalf of any “public agency” and/or the City, of any of the powers, duties or functions of any office, department or agency of the City established by or pursuant to the provisions of this article and/or of any of the powers, duties or functions of any “public agency”;
  - (4) Contract with any “private agency” for the exercise or performance by a “private agency” or jointly by a “private agency” and the City for or on behalf of the City, of any of the powers, duties or functions of any office, department or agency established by or pursuant to the provisions of this article;
  - (5) Contract with any “public agency” for the purchase or acquisition by a “public agency” by the City, or jointly by both, for or on behalf of the City, a “public agency” or both, of any real or personal property, or for the construction or making by a “public agency,” by the City, or jointly by both, for or on behalf of the City, a “public agency” or both, of any public works project or public improvement.

Each such contract, excepting contracts for specific improvements or projects, and also excepting contracts for specific studies or reports to be completed within five years, shall be terminable by the City at any time following the expiration of one (1) year from and after the date of such contract or at any time following the expiration of such shorter period of time as may be specified in the contract.

In case of and during the term of any such contract, any provisions of this Charter, or of any ordinance, resolution or other City regulation, providing for the exercise or performance of said powers, duties or functions by a City office, department or agency established by or pursuant to the provisions of this article, or specifying a procedure for or otherwise controlling or regulating the manner in which such powers, duties or functions may be exercised or performed by any City office, department or agency established by or pursuant to this article, shall be deemed suspended to the extent that they are inconsistent with the performance or exercise by a “public agency” or “private agency” of any such powers, duties or functions pursuant to or as provided by such contract. Also, the provisions of Section 1217 of this Charter, and of any City ordinance, resolution or other regulation relating to the matters mentioned in said Section 1217, shall not apply to any acquisitions or purchases of property, nor to any public works projects or improvements, made, constructed or done by a “public agency” for or on behalf of the City pursuant to any contract above mentioned in sub-paragraph (5) of this subsection (b), provided that the “public agency,” in doing such things for or on behalf of the City, complies with such procedural requirements as would be applicable to it if it were to do such things for or on behalf of itself.

As used in this sub-paragraph (b), "public agency" means the United States of America, the State of California, any division, department, office, agency or political or administrative subdivision of the United States or of the State of California, or any county, municipal corporation (other than the City of San Jose), district, authority or other governmental body or organization; and, as used in this sub-section (b), "private agency" means any private corporation, firm, association, organization or person.

- (c) Anything hereinabove in this section to the contrary notwithstanding, unless authorized by other sections of this charter, no power, duty or function assigned by this Charter to the office of City Clerk, City Attorney, City Auditor, or Policy Analyst or to the Finance Department, shall be discontinued or assigned or transferred to any other office, department or agency of the City nor to any "public agency" or "private agency" as said terms are hereinabove defined; excepting, however, that the Council may provide for the furnishing or performance of special services by another office, department or agency or by a "public agency" or a "private agency" to assist the office of City Clerk, City Attorney, City Auditor or Policy Analyst or the Department of Finance in the exercise or performance by them of those powers, duties and functions which are assigned to them by this Charter if and when such assistance or service is requested or recommended by the head of such office or department.

Section 805 is amended to read as follows:

Section 805. Office of the City Auditor

The office of City Auditor is hereby established. The City Auditor shall be appointed by the Council. Each such appointment shall be made as soon as such can reasonably be done after the expiration of the latest incumbent's term of office. Each such appointment shall be for a term ending four (4) years from and after the date of expiration of the immediately preceding term; provided, that if a vacancy should occur in such office before the expiration of the former incumbent's terms, the Council shall appoint a successor to serve only for the remainder of said former incumbent's term.

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

The City Auditor shall have the following powers and duties:

- (a) Conduct or cause to be conducted annual post audits of all the fiscal transactions and accounts kept by or for the City. Such audits shall

include but not be limited to the examination and analysis of fiscal procedures and the examination, checking and verification of accounts and expenditures. The audits shall be conducted in accordance with generally accepted auditing standards and accordingly shall include tests of the accounting records and other auditing procedures as may be considered necessary under the circumstances. The audits shall include the issuance of suitable reports of examination so the Council and the public will be informed as to the adequacy of the financial statements of the City.

- (b) Conduct performance audits, as assigned by Council. A “performance audit” means a post audit which determines with regard to the purpose, functions and duties of the audited agency all of the following:
  - (1) Whether the audited department, office or agency, is managing or utilizing its resources, including public funds, personnel, property, equipment and space in an economical and efficient manner.
  - (2) Causes of inefficiencies or uneconomical practices, including inadequacies in management information systems, internal and administrative procedures, organizational structure, use of resources, allocation of personnel, purchasing policies and equipment.
  - (3) Whether the desired results are being achieved.
  - (4) Whether objectives established by the Council or other authorizing body are being met.
- (c) Conduct special audits and investigations, as assigned by Council. “Special audits” and “investigations” mean assignments of limited scope, intended to determine:
  - (1) The accuracy of information provided to the Council.
  - (2) The costs and consequences of recommendations made to the Council.
  - (3) Other information concerning the performance of City Departments, Offices or Agencies as requested by the Council.
- (d) The City Auditor shall have access to, and authority to examine any and all documents including but not limited to books, accounts, internal memoranda, writings and tapes, reports, vouchers, correspondence files and other records, bank accounts, money and other property of any City department, office or agency, whether created by the Charter or otherwise, with the exception of the office of any elected official.
 

It is the duty of any officer, employee or agent of the City having control of such records to permit access to, and examination thereof, upon the request of the City Auditor or his or her authorized representative. It is also the duty of any such officer, employee or agent to fully cooperate with, and to make full disclosure of all pertinent information.
- (e) Prepare and submit to the Council, in each calendar month, a written report of the City Auditor’s activities and findings in the immediately preceding calendar month, together with any recommendations to improve the administration of the City;

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

Section 805.1 is amended to read as follows:

**Section 805.1. City Auditor; Power of Appointment**

- (a) The City Auditor may appoint and prescribe the duties of the professional and technical employees employed in the Office of the City Auditor. Such appointed professional and technical employees shall serve in unclassified positions at the pleasure of the City Auditor. The Council shall determine whether a particular employee is a “professional” or “technical” employee who may be appointed by the City Auditor pursuant to these Subsections.
- (b) In addition, subject to the Civil Service provisions of this Charter and of any Civil Service Rules adopted pursuant thereto, the City Auditor shall appoint all clerical employees employed in the Office of the City Auditor, and when the City Auditor deems it necessary for the good of the service he or she may, subject to the above-mentioned limitations, suspend without pay, demote, discharge, remove or discipline any such employee whom he or she is empowered to appoint.
- (c) Neither the Council nor any of its members nor the Mayor shall in any manner dictate the appointment or removal of any such officer or employee whom the City Auditor is empowered to appoint, but the Council may express its views and fully and freely discuss with the City Auditor anything pertaining to the appointment and removal of such officers and employees.

Section 805.2 is amended to read as follows:

**Section 805.2. City Auditor Performance Audit**

The Council shall contract with an independent audit firm, which has no other contracts with the City, to conduct a performance audit of the City Auditor’s office at least every two years. The report of the performance audit shall be available to the public.

Section 807 is amended to read as follows:

**Section 807. Administrative Organization; Other Departments**

- (a) The following Charter departments are hereby established: A Police Department, a Fire Department, a Public Works Department, a Parks and Recreation Department, a Personnel Department, a Planning Department, an Airport Department and a Library Department.
- (b) Additional departments may be created by Council from time to time pursuant to Section 800.
- (c) Each department shall have such functions, powers and duties as Council may from time to time prescribe.

Section 808 is amended to read as follows:

**Section 808. Public Information Office**

A Public Information Office is hereby established.

This office shall be administered by a Public Information Officer appointed by the Mayor. The Public Information Officer shall be under the direction and supervision of the Mayor.

The functions and duties of this office shall be to gather and disseminate to the public and to the news media, in a timely manner, accurate and complete information concerning the policies of the Council and other information regarding the City and the general region in which it is located, and to perform such other duties as may be assigned by the Council.

Section 809 is amended to read as follows:

Section 809. Office of Policy Analysis

The Office of Policy Analysis is hereby established.

The Office of Policy Analysis shall perform the following functions and duties under the direction and supervision of the Council:

- (a) To conduct an independent policy analysis of the proposed budget or other matters, and present said analysis to Council together with appropriate recommendations.
- (b) To conduct an independent review of policy and any other matters proposed by the City Manager or any City department, office or agency and to present said review to Council, together with appropriate recommendations.
- (c) To assist the Council in the evaluation and formulation of proposed policies.
- (d) To provide the Council with complete and impartial information concerning any matter.

The Council shall appoint a Policy Analyst, who shall report to the Council, as the head of the Office of Policy Analysis.

The Council may retain or contract with any agency or organization or individual for performance of any powers, duties or functions of the Office of Policy Analysis.

Section 900 is amended to read as follows:

Section 900. Officers and Employees; Enumeration

The officers of the City shall consist of the Mayor, members of the Council, the City Manager, the City Attorney, the City Clerk, the City Auditor, the Policy Analyst, the directors or heads of the various City offices or departments, the members of various boards and commissions and such other officers as may be provided for by this Charter or by action of the Council.

Section 901 is amended to read as follows:

Section 901. Officers and Employees; Appointment and Removal

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

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

The City Manager shall, subject to the provisions of Section 411.1, appoint a person to act as the head of a department or office, other than the

office of City Clerk, City Attorney, City Auditor, Policy Analyst and Public Information Officer in the case of absence or disability of the head of such department or office.

Section 1101 is amended to read as follows:

Section 1101. Civil Service System; Classified and Unclassified Service

The Civil Service of the City shall be divided into the Classified Service and the Unclassified Service, as follows:

(a) The Unclassified Service shall comprise and include all of the following officers and employees:

- (1) The Mayor and the members of the Council;
  - (2) All members of boards and commissions, and if so desired by the Civil Service Commission, the Secretary of the Civil Service Commission;
  - (3) The City Manager and all his assistants, deputies and secretaries; the City Attorney and one assistant; the City Clerk and one assistant; the head of each department and one assistant in each department;
  - (4) Persons temporarily employed to make or conduct a special inquiry, investigation, examination or installation, or to render professional, scientific or technical services of an occasional or exceptional character; provided that no person employed in the Unclassified Service pursuant to this subsection for any purpose shall continue in such employment pursuant to this subsection for a period in excess of six (6) months for each special inquiry, investigation, examination, installation or particular service unless an extension is approved by the Civil Service Commission;
  - (5) Persons employed in the event of an emergency to perform services required because of and during such emergency for a period of time not to exceed six (6) months unless an extension is approved by the Civil Service Commission;
  - (6) Persons employed to temporarily fill positions in the classified service when no eligible lists of applicants for such positions exist, until such time as eligible lists are created and persons can be hired there from to fill such positions;
  - (7) Volunteer members of the police, fire or civil defense departments or of any police, fire or civil defense force or organization.
  - (8) The Public Information Officer, and all persons employed in the Public Information Office, exclusive of clerical.
  - (9) The Head of the Office of Policy Analysis, and all persons employed in the Office of Policy Analysis, exclusive of clerical.
  - (10) The City Auditor and the professional and technical employees in the Office of the City Auditor.
- (b) The Classified Service shall consist of all persons employed in positions in the City Civil Service which are not in the Unclassified Service;
- (c) Nothing herein shall be construed as precluding the appointing authority from filling any position in the manner in which positions in the Classified Service are filled.

Section 1204 is amended to read as follows:

**Section 1204. Fiscal Administration; Submission of Budget and Budget Message**

- (a) Each Council Appointee shall submit to the Mayor and the Council annually the budget request, for the ensuing fiscal year, of each City department, office or agency under his or her administration.
- (b) The Mayor shall deliver a budget message which shall include:
  - A statement of the fiscal priorities which the City should adopt for the ensuing year.
  - Which Departments, Offices or Agencies the Mayor proposes to be expanded or to receive reduced budgeted allocations.
  - Specific recommendations concerning any proposed additions to or deletions from the budget.
- (c) The Mayor shall deliver the Mayor's budget message during a meeting of the Council to be held following the receipt of the budget request from the City Manager.
- (d) The Council shall hold a public hearing to consider the Mayor's budget message and to make any revisions or changes in it which the Council deems advisable.

The Council shall fix a time and place for the public hearing, and shall give notice in the manner specified in Section 1206.

Upon close of the public hearing, the Council shall approve the Mayor's budget message as presented, or as revised, by the affirmative vote of a majority of its members.

- (e) None of the recommendations included within the Mayor's budget message, or as amended and approved by the Council, shall be implemented or carried out in any manner which violates the requirement for a balanced budget contained in Section 1205.
- (f) At least thirty (30) days prior to the beginning of each fiscal year, or at such earlier time as the Council may specify, the City Manager shall submit to the Council a budget for the ensuing fiscal year, together with an accompanying report.

In addition to complying with the requirements of Section 1205, the budget shall contain the City Manager's financial plan for the activities of the City proposed for the ensuing fiscal year which reflects accurately the recommendations and priorities specified in the budget message as adopted by the Council.

The report of the City Manager accompanying the budget shall specify the budget allocations which implement each component included within the budget message as adopted by the Council.

Section 1704 is amended to read as follows:

**Section 1704. Definitions**

Unless the provisions of the context otherwise require, as used in this Charter:

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

- (d) A "member of the Council" means any one of the members of the Council, including the Mayor;
- (e) "County" is the County of Santa Clara;
- (f) "State" is the State of California;
- (g) "Newspaper of general circulation within the City" is defined by Section 6000 of the Government Code of the State of California;
- (h) The masculine gender includes the feminine and neuter.
- (i) "Council Appointees" are the City Manager, the City Attorney, the City Clerk, the City Auditor and the Policy Analyst.

Certified to be a true copy by Thomas McEnery, Mayor, and City Clerk, Andrea M. Pavone.

Date of Special Municipal Election: November 4, 1986.

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Charter Chapter 34—City of Napa

***Amendments to the Charter of the City of Napa***

[Filed with the Secretary of State December 29, 1986 ]

Section 8 is amended to read as follows:

Section 8. The terms of all elective officers shall be for four years, commencing on the first Tuesday in July succeeding their election and until their successors have qualified. The elective officers of the City of Napa who were elected in 1984 shall serve until the first Tuesday in July, 1988. The elective officers of the City of Napa who were elected in 1986 shall serve until the first Tuesday in July, 1990.

Section 60 is amended to read as follows:

Section 60. On the first Tuesday in July following a General Municipal Election, the City Council shall meet at the usual place for holding its meetings, at which time any newly elected Mayor or Councilmember shall assume the duties of his office. Thereafter the City Council shall meet at such times and places as may be prescribed by ordinance or resolution, except that it shall meet regularly at least once a month. The City Council shall prescribe the manner in which special meetings may be called.

At all meetings of the City Council a majority shall constitute a quorum to transact business; a smaller number may adjourn from day to day and may compel the attendance of absent members in such a manner and under such penalties as the City Council previously by ordinance may have prescribed. The Mayor shall preside at all meetings of the City Council and shall be entitled to vote upon all meetings coming before the City Council.

Certified to be a true copy by Robert G. Pelusi, Mayor, and Pamyla C. Means, City Clerk.

Date of Special Municipal Election: November 4, 1986.