

CITY CHARTERS – ORANGE COUNTY CITIES

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Page 1

Last Revised 05/05/2011

Page 1

CHARTER OF THE CITY OF ANAHEIM

ARTICLE I.

NAME OF CITY

Section 100. Name

ARTICLE II.

BOUNDARIES

Section 200. Boundaries

ARTICLE III. RIGHTS, LIABILITIES AND SUCCESSION

Section 300. Rights and Liabilities

Section 301. Ordinances, Resolutions and Other Regulations

Section 302. Rights of Officers and Employees Preserved

ARTICLE IV. POWERS OF CITY

Section 400. Powers of City

Section 401. Procedures

Section 402. Limitations On Use Of Eminent Domain

ARTICLE V. CITY COUNCIL

Section 500. City Council. Terms

Section 501. Eligibility

Section 502. Compensation

Section 503. Vacancies

Section 503.5 Mayor and City Council Term Limitations

Section 504. Mayor

Section 505. Powers Vested in City Council

Section 506. Regular Meetings

Section 507. Special Meetings

Section 508. Place of Meetings

Section 509. Quorum. Proceedings

Section 510. Citizen Participation

Section 511. Adoption of Ordinances and Resolutions

Section 512. Ordinances. Enactment. Publication

Section 513. Codification of Ordinances

Section 514. Ordinances. When Effective

Section 515. Penalty for Violation of Ordinances

Section 516. Ordinances. Amendment

Section 517. Publishing of Legal Notices

Section 518. Contracts. Execution

Section 519. Gambling Activities and Gambling Facilities

Last Revised 05/05/2011

Page 2

ARTICLE VI. CITY MANAGER
Section 600. City Manager
Section 601. Residence
Section 602. Eligibility
Section 603. Compensation and Bond
Section 604. Powers and Duties
Section 605. Meetings
Section 606. Removal
Section 607. Non-Interference with Administrative Service
Section 608. Assistant City Manager
Section 609. Acting City Manager
ARTICLE VII. OFFICERS AND EMPLOYEES
Section 700. Enumeration
Section 701. Appointment and Removal
Section 702. Administrative Departments
Section 703. City Attorney. Powers and Duties
Section 704. City Clerk. Powers and Duties
Section 705. City Treasurer. Powers and Duties
Section 706. Director of Finance. Powers and Duties
Section 707. Administering Oaths
Section 708. Prohibited Financial Interests in
Contracts, Forfeiture of Office
Section 709. Acceptance of Other Office
Section 710. Nepotism
Section 711. Official Bonds
ARTICLE VIII. Left Blank Intentionally
ARTICLE IX. APPOINTIVE BOARDS AND COMMISSIONS
Section 900. In General
Section 901. Appropriations
Section 902. Appointments. Terms
Section 903. Existing Boards
Section 904. Meetings. Chairman
Section 905. Oaths. Affirmations
Section 906. Planning Commission. Powers and Duties
Section 907. Park and Recreation Commission. Powers and
Duties
Section 908. Library Board. Powers and Duties
ARTICLE X.
PERSONNEL SYSTEM
Section 1000. System to be Established.
ARTICLE XI.
RETIREMENT
Section 1100. Retirement System

Last Revised 05/05/2011

Page 3

ARTICLE XII. FISCAL ADMINISTRATION

- Section 1200. Fiscal Year
- Section 1201. Annual Budget. Preparation by the City Manager
- Section 1202. Budget. Submission to City Council
- Section 1203. Budget. Public Hearing
- Section 1204. Budget. Further Consideration and Adoption
- Section 1205. Budget. Appropriations
- Section 1206. Centralized Purchasing
- Section 1208. Tax Procedure
- Section 1209. Bonded Debt Limit
- Section 1210. Revenue Bonds
- Section 1210.1 Electric and Water Refunding Revenue Bonds
- Section 1211. Contracts on Public Works
- Section 1212. Use of Design-Build Procurement for Public Works Projects
- Section 1213. Prohibition of Automated Traffic Enforcement Systems (Red Light Cameras)
- Section 1216. Claims and Demands. Presentation and Payment
- Section 1217. Actions Against the City
- Section 1218. Registering Warrants
- Section 1219. Independent Audit
- Section 1220. Sale of Public Utility
- Section 1221. Utility Rates
- Section 1222. Sale of Municipal Property

ARTICLE XIII.
ELECTIONS

- Section 1300. General Municipal Elections
- Section 1301. Special Municipal Elections
- Section 1302. Procedure for Holding Elections
- Section 1303. Initiative, Referendum and Recall

ARTICLE XIV. FRANCHISES

- Section 1400. Granting of Franchises
- Section 1401. Resolution of Intention. Notice and Public Hearing
- Section 1402. Terms of Franchise
- Section 1403. Grant to be in Lieu of all Other Franchises
- Section 1404. Eminent Domain
- Section 1405. Duties of Grantees
- Section 1406. Exercising Rights Without Franchise

ARTICLE XV. MISCELLANEOUS

- Section 1500. Definitions
- Section 1501. Violations
- Section 1502. Validity

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

CHARTER OF THE CITY OF ANAHEIM

ARTICLE I. NAME OF CITY

Section 100. NAME.

The **City** of Anaheim, hereinafter termed the **City**, shall continue to be a municipal corporation under its present name of "**City** of Anaheim." (Amended November 7, 2000, filed by Secretary of State February 6, 2001.)

ARTICLE II. BOUNDARIES

Section 200. BOUNDARIES.

The boundaries of the **City** shall be as now established until changed in the manner authorized by law. (Amended November 7, 2000, filed by Secretary of State February 6, 2001.)

ARTICLE III. RIGHTS, LIABILITIES AND SUCCESSION

Section 300. RIGHTS AND LIABILITIES.

The **City** shall continue to own, possess and control all rights and property of every kind and nature owned, possessed or controlled by it on the effective date of this **Charter** and shall continue to be subject to all its lawfully enforceable debts, obligations, liabilities and contracts. (Amended November 7, 2000, filed by Secretary of State February 6, 2001.)

Section 301. ORDINANCES, RESOLUTIONS AND OTHER REGULATIONS.

All lawful ordinances, resolutions, rules and regulations in force on the effective date of this **Charter**, and not in conflict or inconsistent herewith, shall continue in force until duly

repealed, amended, changed or superseded. (Amended November 7, 2000, filed by Secretary of State February 6, 2001.)

Section 302. RIGHTS OF OFFICERS AND EMPLOYEES PRESERVED.

Unless otherwise specifically provided in this **Charter**, nothing contained herein shall affect or impair the personnel, pension or retirement rights or privileges of officers or employees of the **City**, which rights or privileges existed on the effective date of this **Charter** or any amendments hereto. (Amended November 7, 2000, filed by Secretary of State February 6, 2001.)

Section 303, 304, 305 and 306 (Repealed November 7, 2000, filed by Secretary of State February 6, 2001.)

ARTICLE IV. POWERS OF **CITY**

Section 400. POWERS OF **CITY**.

The **City** shall have the power to make and enforce all laws and regulations in respect to municipal affairs, subject only to such restrictions and limitations as may be provided in this **Charter** or in the Constitution of the State of California. It shall also have the power to exercise any and all rights, powers and privileges heretofore or hereafter established, granted or prescribed by any law of the State, by this **Charter**, or by other

lawful authority, or which a municipal corporation might or could exercise under the Constitution of the State of California, subject to such restrictions and limitations as may be contained in this Charter.

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

Section 401. PROCEDURES.

The City shall have the power to and may act pursuant to any procedure established by any law of the State, unless a different procedure is required by this Charter.

Section 402. LIMITATIONS ON USE OF EMINENT DOMAIN.

Neither the City of Anaheim nor any City-affiliated agency may exercise the power of eminent domain to acquire any property from any private owner thereof, without such owner's consent, when

Last Revised 05/05/2011

Page 6

the purpose of the acquisition is the intended conveyance of the property so acquired to any other private party, for the conduct of any for-profit commercial activity or for-profit residential development, sales or leasing. Nothing contained in this section shall be deemed to prohibit acquisitions of property interests by eminent domain for the purpose of either (i) conveying such acquired interests to the owner of other property affected by a public acquisition of property in order to mitigate impacts of the

acquisition or the project to be constructed on such other property, or (ii) the development of any facilities to be operated

by the City or any facilities of which the City is or shall be an owner.

As used in this section, the following terms shall have the following ascribed meanings:

"Owner" means the owner of the fee title interest in the property to be acquired, as shown on the last equalized assessment

roll, or other more current proof of vesting the City may have.

"Property" shall mean any interest in real or personal property otherwise subject to acquisition through the use of eminent domain.

"City-affiliated agency" shall mean the Anaheim Redevelopment Agency, Anaheim Housing Authority, and any other entity possessing

the power of eminent domain the governing board of which is solely

composed of, or is solely appointed by, the members of the City Council of the City of Anaheim. (Added November 7, 2006, filed by the Secretary of State February 13, 2007.)

ARTICLE V. CITY COUNCIL

Section 500. CITY COUNCIL. TERMS.

The elective officers of the City shall consist of a Mayor and four City Council members elected from the City at large and at the times and in the manner provided in this Charter who shall serve for a term of four years and until their respective successors qualify. The term "City Council," "legislative body," or other similar terms as used in this Charter or any other provision of law shall be deemed to refer to the collective body composed of the Mayor and four City Council members unless such other provision of this charter or other provision of law expressly provides to the contrary or unless such interpretation would be clearly contrary to the intent and context of such other provision.

The Mayor and members of the City Council in office at the time this Charter provision takes effect shall continue in office

Last Revised 05/05/2011

Page 7

until the expiration of their respective terms and until their successors are elected and qualified. The Mayor and two members of

the City Council shall be elected at the general municipal election held in November, 1994, and each fourth year thereafter. Two members of the City Council shall be elected at the general municipal election held in November, 1996, and each fourth year thereafter.

Ties in voting among candidates for office, including the office of the Mayor, shall be settled by the casting of lots. (Amended November 2, 1982, filed by Secretary of State January 18,

1983: amended March 5, 1991, filed by Secretary of State April 18,

1991; amended November 7, 2000, filed by Secretary of State February 6, 2001.)

Section 501. ELIGIBILITY.

No person shall be eligible to hold office as the Mayor or a member of the City Council unless he or she is and shall have been

a resident and qualified elector of the City at the time of, and for the thirty-day period immediately preceding, filing of his or her nominating papers or such other equivalent declaration of candidacy as may be required or authorized by law, or at the time of, and for the thirty-day period immediately preceding, his or her appointment to such office.

No employee of the City of Anaheim shall be eligible to hold office as the Mayor or as a member of the City Council. An employee of the City of Anaheim shall resign from such employment prior to being sworn into office as an elected or appointed member

of the City Council or as the Mayor. If such employee does not resign his or her employment with the City prior to being sworn into office, such employment shall automatically terminate upon

his or her being sworn into office. (Amended November 2, 1976, filed by Secretary of State December 27, 1976; amended March 5, 1991, filed by Secretary of State April 18, 1991; amended November 7, 2000, filed by Secretary of State February 6, 2001.)

Section 502. COMPENSATION.

The members of the City Council, including the Mayor, shall receive as compensation for their services as such a monthly salary in such amount as established in accordance with, and limited by, the provisions of law applicable to the salaries of City Council members in general law cities as set forth in Section

36516 of the Government Code of the State of California or any successor provision thereto.

In addition, each member of the City Council shall receive reimbursement on order of the City Council for Council authorized

Page 8

Last Revised 05/05/2011

Page 8

traveling and other expenses when on official duty. In addition, members shall receive reimbursement for itemized routine and ordinary expenses incurred in official duty or such reasonable and

adequate amount as may be established by ordinance, which amount shall be deemed to be reimbursement to them of routine and ordinary expenses imposed upon them by virtue of their service as members of the City Council. (Amended March 5, 1991, filed by Secretary of State April 18, 1991.)

Section 503. VACANCIES.

A vacancy in the office of Mayor or on the City Council, from whatever cause arising, shall be filled by appointment by the City

Council, such appointee to hold office until the first Tuesday following the next general municipal election and until his or her

successor qualifies. At the next general municipal election following any vacancy, a successor shall be elected to serve for the remainder of any unexpired term. As used in this paragraph, the next general municipal election shall mean the next such election at which it is possible to place the matter on the ballot

and elect a successor.

If the Mayor or a member of the City Council is absent from all regular meetings of the City Council for a period of thirty days consecutively from and after the last regular City Council meeting attended by such person, unless by permission of the City Council expressed in its official minutes, or is convicted of a crime involving moral turpitude, or ceases to be an elector of the

City, his office shall become vacant. The City Council shall declare the existence of any such vacancy.

In the event it shall fail to fill a vacancy by appointment

within sixty days after such office shall become vacant, the City Council shall cause an election to be held forthwith to fill such vacancy for the remainder of the unexpired term. (Amended March 5, 1991, filed by Secretary of State April 18, 1991; amended November

7, 2000, filed by Secretary of State February 6, 2001.)

Section 503.5. MAYOR AND CITY COUNCIL TERM LIMITATIONS.

No person shall serve as Mayor or as member of the City Council for a combined period of more than eight consecutive years. For purposes of calculating consecutive years of service pursuant to the limitation of this section, consecutive periods of

service as Mayor (other than periods where such person served concurrently as the Mayor and as a separately elected member of the City Council) shall be combined with consecutive periods of service as member of the City Council to determine the combined period of consecutive years of service which is subject to the

Page 9

Last Revised 05/05/2011

Page 9

limitation of this section. In addition, any period of service resulting from, or which (if the complete term of service were completed) could result from, an election or appointment which period of service commences less than two years following the date

of completion of any prior period of service by such person shall be combined with such prior period of service for purposes of determining the combined period of consecutive years of service of

such person for purposes of this section.

No person shall be eligible for further election or appointment as Mayor or member of the City Council (and the City Clerk shall reject, refuse to accept for filing, and otherwise refuse to process any nominating papers or other equivalent declaration of candidacy as required or authorized by law for such

person) where the term to which such person seeks election or appointment, when combined with the immediately preceding consecutive years of service by such person as defined in the preceding paragraph of this section, would exceed a total of eight

consecutive years of service; provided, however, and notwithstanding any other provision of this section, no period of service resulting from an election or appointment to fill an unexpired term of less than two years in length shall be counted in determining consecutive years of service for purposes of this section.

Any person who shall be ineligible for election, appointment or further service as Mayor or member of the City Council due to the limitation set forth in this section shall again be eligible

for election or appointment as Mayor or member of the City Council

(and a new period of consecutive years of service shall commence) provided not less than two years has or will have elapsed between the most recent date of such person's prior service as Mayor or member of the City Council and the effective date of such person's

most recent election or appointment to such office.

Two complete terms of service as City Council member pursuant to Charter Section 500, or as elected Mayor pursuant to Charter Section 504(b), or one complete term as City Council member and one complete term as elected Mayor, shall be deemed equivalent to eight years of service for purposes of this section regardless of the actual number of days of service.

The phrase "two years" as used in this section shall mean the period between the date of the declaration of the results of any general municipal election held in November of any even numbered year and the date of the declaration of the results of any general

municipal election held in November of any immediately preceding or immediately succeeding even numbered year even though such period may be more or less than an actual period of two years.

The provisions of this section shall apply to all persons including the Mayor and members of the City Council in office on

the date this section becomes effective and consecutive years of service by such Mayor and City Council members occurring prior to the date of adoption of this section shall be counted in calculating the limitation of consecutive years of service set forth in this section; provided, however, any incumbent Mayor or member of the City Council in office on the date this charter section becomes effective shall be entitled to serve the balance of the term to which such person was elected or appointed even though such service results in such person serving more than eight

consecutive years in office. Further, any member of the City Council, including the Mayor, in office on November 3, 1992, and who would otherwise be ineligible to seek election to the office of Mayor in 1994 due to the operation of this section, shall be eligible for election to the office of Mayor in 1994, and if so elected shall be eligible for reelection to the office of Mayor in

1998, notwithstanding any other provision of this section. (Added November 3, 1992, filed by Secretary of State, December 21, 1992.)

Section 504. MAYOR.

The Mayor shall have the same rights, privileges, powers and duties as are held by members of the City Council and shall be regarded as a member of the City Council for all purposes except to the extent expressly inconsistent with any other provision of

this Charter or other applicable law.

The Mayor may make and second motions and shall have a voice and vote in all proceedings of the City Council. The Mayor shall be the official head of the City for ceremonial purposes. The Mayor shall have the primary, but not the exclusive, responsibility for communicating the policies, programs and needs of the City government to the people, and as occasion requires, he

may inform the people of any major change in policy or program. The Mayor shall perform such other duties consistent with his or her office as may be prescribed by this Charter or as may be imposed by the City Council.

The Mayor shall serve for a term of four years and until his or her successor is elected and qualified.

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

Notwithstanding any other provision of this Charter to the contrary, no person shall file nominating papers, or other equivalent declaration of candidacy as may be required or authorized by law, for election to both the office of Mayor and member of the City Council at the same election. The City Clerk shall reject, refuse to accept for filing, and otherwise refuse to

process any such nominating papers or other declaration of candidacy for the office of Mayor or City Council member where such person has previously filed nominating papers or a declaration of candidacy for election to the office of Mayor or City Council member at the same election. In the event a person seeks to simultaneously file nominating papers or declarations of candidacy for election to both the offices of Mayor and member of the City Council at the same election, the City Clerk shall reject, refuse to accept for filing, and otherwise refuse to process all such nominating papers or declarations of candidacy simultaneously tendered. (*Amended April 9, 1974, approved by the California State Legislature May 6, 1974; amended March 5, 1991, filed by Secretary of State, April 18, 1991; amended November 7, 2000, filed by Secretary of State February 6, 2001.*)

Section 505. POWERS VESTED IN CITY COUNCIL.

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

Section 506. REGULAR MEETINGS.

The City Council shall hold regular meetings at least twice each month at such times as it shall fix by ordinance or resolution and may adjourn or re-adjourn any regular meeting to a date and hour 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. If the hour to which a meeting is adjourned is not stated in the order of adjournment, such meeting shall be held at the hour for holding regular meetings. If

at any time any regular meeting falls on a holiday such regular meeting shall be held on the next business day.

Section 507. SPECIAL MEETINGS.

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

be considered at such meeting. Such written notice may be dispensed with as to any person entitled thereto who, at or prior to the time the meeting convenes, files with the City Clerk a written waiver of notice. Such waiver may be given by telegram.

Such written notice may also be dispensed with as to any person who is actually present at the meeting at the time it convenes. (*Amended November 7, 2000, filed by Secretary of State February 6, 2001.*)

Section 508. PLACE OF MEETINGS.

Except to the extent otherwise required or permitted by law, all meetings shall be held in the Council Chambers of the City Hall, or in such place within the City to which any such meeting may be adjourned, and shall be open to the public. If, by reason of fire, flood or other emergency, it shall be unsafe to meet in the place designated, the meetings may be held for the duration of

the emergency at such place within the City as is designated by the Mayor, or, if he should fail to act, by three members of the City Council. (*Amended November 7, 2000, filed by Secretary of State February 6, 2001.*)

Section 509. QUORUM. PROCEEDINGS.

A majority of the members of the City Council shall constitute a quorum to do business but a lesser number may adjourn

from time to time. In the absence of all the members of the City Council from any regular meeting or adjourned regular meeting, the

City Clerk may declare the same adjourned to a stated day and hour. The City Clerk shall cause written notice of a meeting adjourned by less than a quorum or by the City Clerk to be

delivered to each council member at least twenty-four hours before the time to which the meeting is adjourned, or such notice may be dispensed with in the same manner as specified in this Charter for dispensing with notice of special meetings of the City Council. The City Council shall judge the qualifications of its members as set forth by the Charter. It shall judge all election returns. It may establish rules for the conduct of its proceedings and evict or refer any member or other person for prosecution for disorderly conduct at any of its meetings. Each member of the City Council shall have the power to administer oaths and affirmations in any investigation or proceeding pending before the City Council. The City Council shall have the power and authority to compel the attendance of witnesses, to examine them under oath and to compel the production of evidence before it. Subpoenas shall be issued in the name of the City and be attested by the City Clerk. They shall be served and complied with in the same manner as subpoenas in civil actions. Disobedience of such subpoenas, or the refusal to testify (upon other than constitutional grounds), shall constitute a

misdemeanor, and shall be punishable in the same manner as violations of this Charter are punishable.

Voting on all matters which come before the Council shall be by voice or visual means wherein the vote of each member may be ascertained. At the demand of any member, and upon the adoption of

any ordinance, resolution, or order for the payment of money, the City Clerk shall call the roll and shall cause the ayes and noes taken on such questions to be entered in the minutes of the meeting. (*Amended November 7, 2000, filed by Secretary of State February 6, 2001.*)

Section 510. CITIZEN PARTICIPATION.

All regular and special meetings of the City Council shall be open and public and all persons shall be permitted to attend such meetings, except that the provisions of this Section shall not apply to closed sessions held pursuant to any provision of Chapter

9 of Part 1 of Division 2 of Title 5 of the Government Code of the

State of California (the Ralph M. Brown Act), or any successor statute thereto. No person shall be denied the right to be heard by the City Council on any item of interest to the public that is within the subject matter jurisdiction of the City Council, but such right shall be subject to such reasonable rules and

regulations as may be authorized or adopted by ordinance.

(Amended

November 3, 1992, filed by Secretary of State, December 21, 1992; amended November 7, 2000, filed by Secretary of State February 6, 2001.)

Section 511. ADOPTION OF ORDINANCES AND RESOLUTIONS.

With the sole exception of emergency ordinances which take effect upon adoption, referred to in this Article, no ordinance shall be adopted by the City Council on the day of its introduction, nor within five days thereafter nor at any time other than at a regular or adjourned regular meeting. At the time of its introduction an ordinance shall become a part of the proceedings of such meeting in the custody of the City Clerk. At the time of adoption of an ordinance or resolution it shall be read in full, unless the City Council has adopted a motion at such

meeting waiving the reading in full of all ordinances or resolutions adopted at such meeting, or the reading in full of the

specific ordinance or resolution is waived by a motion duly adopted by the City Council, except that emergency ordinances shall either be read in full or the full text of such emergency ordinance shall be made available to the public for review prior to its adoption in compliance with the preceding sentence by either (i) a statement on the printed agenda of the City Council

meeting at which the emergency ordinance is to be adopted indicating that a copy of the full text of the proposed ordinance is available for public review in the City Clerk's Office, or

(ii)

whether or not such ordinance appears on the printed agenda of the

meeting at which it will be adopted, by publicly announcing at the

City Council meeting at which the emergency ordinance is to be adopted that the full text of the emergency ordinance is available

for public review and by posting a copy of the full text of the emergency ordinance at or near the entrance of the City Council chambers or otherwise making the full text of the emergency ordinance available to the public prior to its adoption. In the event that any ordinance is altered after its introduction, the same shall not be finally adopted except at a regular or adjourned

regular meeting held not less than five days after the date upon which such ordinance was so altered. The correction of typographical or clerical errors shall not constitute the making of an alteration within the meaning of the foregoing sentence.

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

Unless a higher vote is required by other provisions of this Charter, the affirmative votes of at least three members of the City Council shall be required for the enactment of any ordinance or resolution, or for the making or approving of any order for the payment of money. All ordinances and resolutions shall be signed by the Mayor and attested by the City Clerk. Any ordinance declared by the City Council to be necessary as an emergency measure for the immediate preservation of the public peace, health, or safety, and containing a statement of the reasons for its urgency, may be introduced and adopted at one and the same meeting if passed by at least four affirmative votes. (Amended November 5, 1996, filed by the Secretary of State, January 21, 1997; amended November 3, 1992, filed by Secretary of State, December 21, 1992.)

Section 512. ORDINANCES. ENACTMENT. PUBLICATION.

In addition to such other acts of the City Council as are required by this Charter to be by ordinance, every act of the City

Council establishing a fine or other penalty, or granting a franchise, shall be by ordinance.

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

The City Clerk shall cause each ordinance, or a summary thereof, to be published at least once in the official newspaper within fifteen days after its adoption. In the event a summary of the ordinance is published instead of the publication of the

ordinance in full, said summary need include no more than a brief description of the subject matter of the ordinance, the names of the Council members and how they each voted on the ordinance, a statement that the full text of the ordinance is available, at no charge, from the Office of the City Clerk, and the telephone number of the City Clerk's Office. (Amended November 5, 1996, filed by the Secretary of State, January 21, 1997.)

Section 513. CODIFICATION OF ORDINANCES.

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 as a comprehensive ordinance code, and such code may be adopted by reference, with the same effect as

an ordinance, by the passage of an ordinance for such purpose. Such code need not be published in the manner required for other ordinances, but not less than three copies thereof shall be filed for use and examination by the public in the office of the City Clerk prior to the adoption thereof. Ordinances codified shall be repealed as of the effective date of the code. Amendments to the code shall be enacted by ordinance.

Detailed regulations pertaining to any subject, such as the construction of buildings, plumbing and wiring, when arranged as a

comprehensive code, may likewise be adopted by reference in the manner provided in this Section. Maps, charts and diagrams also may be adopted by reference in the same manner.

Section 514. ORDINANCES. WHEN EFFECTIVE.

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

(a) An ordinance calling or otherwise relating to an election;

(b) An improvement proceeding ordinance adopted under some special law or procedural ordinance relating thereto;

(c) An ordinance declaring the amount of money necessary to be raised by taxation, or fixing the rate of property taxation, or

levying the annual tax upon property;

(d) An emergency ordinance adopted in the manner provided for in this Article.

Section 515. PENALTY FOR VIOLATION OF ORDINANCES.

A violation of any ordinance of the City shall constitute a misdemeanor unless by ordinance it is made an infraction. Any such

violation may be prosecuted in the name of the People of the State

of California and/or may be redressed by civil action. The maximum

fine or penalty for conviction of any misdemeanor shall be the maximum fine or term of imprisonment, or both, as authorized by Section 19 of the Penal Code of the State of California, or any successor provision thereto. The maximum fine or penalty for conviction of any infraction shall be as provided by state law. (*Amended November 3, 1992, filed by Secretary of State, December 21, 1992; amended November 7, 1978, filed by Secretary of State, January 2, 1979; amended November 7, 2000, filed by Secretary of State February 6, 2001.*)

Section 516. ORDINANCES. AMENDMENT.

The amendment of any section or subsection of an ordinance may be accomplished solely by the re-enactment of such section or subsection at length, as amended.

Section 517. PUBLISHING OF LEGAL NOTICES.

The City Council shall contract for the publication of all legal notices, ordinances and other matter required to be published in a newspaper of general circulation in the City. 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 therefor. In the event there is only one newspaper of general circulation published in the City, then the City Council shall have the power to contract with such newspaper for the printing and publishing of such legal notices or matter without being required to advertise for bids therefor. The newspaper with which any such contract is made shall be the official newspaper for the publication of such notices or other matter for the period of such contract.

In no case shall the contract prices for such publication exceed the customary rates charged by such newspaper for the publication of legal invoices 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 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 the same is otherwise in conformity with this Charter or law or ordinance.

Section 518. CONTRACTS. EXECUTION.

The City shall not be bound by any contract, except as hereinafter provided, unless the same shall be made in writing, approved by the City Council and signed on behalf of the City by the Mayor and City Council or by such officer or officers as shall

be designated by the City Council. Any of said officers shall sign

a contract on behalf of the City when directed to do so by the City Council.

By ordinance or resolution the City 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

City Council, and may impose a monetary limit upon such authority.

The City Council may by ordinance or resolution provide a method for the sale or exchange of personal property not needed in

the City Service or not fit for the purpose for which intended, and for the conveyance of title thereto.

Contracts for the exhibition of events at Anaheim Stadium may

be made by the Stadium General Manager or the head of such department or the City Manager at rates fixed or authorized by the City Council provided the form of any such contract is approved by the City Attorney.

Contracts for the exhibition of events at the Anaheim Convention Center may be made by the Convention Center General Manager or the head of such department or the City Manager at rates fixed or authorized by the City Council provided the form of

any such contract is approved by the City Attorney.

Contracts for the sale of the 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 head

of the department or City Manager upon forms approved by the City Manager and at rates fixed by the City Council.

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

(Amended

November 6, 1990, filed by Secretary of State, February 19, 1991.)

Section 519. GAMBLING ACTIVITIES AND GAMBLING FACILITIES PROHIBITED.

No ordinance shall be adopted by the City Council which would permit or authorize any gambling activities or gambling facility in the City of Anaheim. Any ordinance adopted by the City Council in violation of this section shall be null and void.

Neither the City Council, nor any officer or employee of the City when acting in his or her official capacity, shall (i) take any action or approve any license, permit or other entitlement, including but not limited to any zoning reclassification or zoning

code amendment, which would directly or indirectly result in the authorization, approval, establishment or expansion of any gambling activities or gambling facility in the City of Anaheim; or (ii) acquiesce or concur in any action or decision of any other governmental agency or governmental official having jurisdiction concerning such gambling activities or gambling facility where a protest or objection procedure is available to the City and where failure to so protest or object could result in

the approval, establishment or expansion of any gambling activities or gambling facility in the City of Anaheim or which could authorize any gambling activities or gambling facility to be

so established or expanded; or (iii) approve, authorize, execute or enter into any agreement or understanding, or take any other

action of any nature whatsoever, which would authorize, approve, or in any way facilitate or result in, any gambling activities or gaming facility in the City of Anaheim, including, but not limited

to, any agreement or understanding relating to any gambling activities or gambling facility which would result in the receipt by the City of any revenue of any kind from such gambling activities or gambling facility.

The term "gambling activities" as used in this section shall mean any game, contest or activity in which one or more players wager, stake or otherwise risk money, checks, credits, merchandise, chips, markers or other items of value or representations of value for the chance to win money, checks, credits, merchandise, chips, markers or other items of value or representations of value based upon the outcome or result of such game, contest or activity, regardless of whether chance or skill is the determining factor, except those certain games, contests and activities lawfully permitted in the City of Anaheim as of November 1, 2006.

The term "gambling facility" as used in this section shall mean any property, lot, building or structure used in whole or part for any gambling activities.

Nothing contained in this section shall be deemed to apply to any gambling activities or gambling facilities which are beyond the power of the City of Anaheim to prohibit.

Nothing contained in this section shall be deemed to prohibit the adoption of an initiative measure by the electorate of the City of Anaheim relating to gambling activities or gambling facilities in the City of Anaheim, nor shall be deemed to prevent the City Council from prohibiting or otherwise regulating any games, contests or activities which were permitted within the City

of Anaheim as of November 1, 2006, to the extent it is within the power of the City to do so. (Added November 7, 2006, filed by the Secretary of State February 13, 2007.)

ARTICLE VI. CITY MANAGER

Section 600. CITY MANAGER.

There shall be a City Manager who shall be the chief administrative officer of the City. The City Manager shall be appointed by the affirmative vote of at least a majority of the members of the City Council and shall serve at the pleasure of the City Council, provided, however, that he or she shall not be removed from office except as provided in this Charter. The City Manager shall be chosen on the basis of his or her executive and administrative qualifications, with special reference to actual experience in, and knowledge of, accepted practice in respect to the duties of the office as herein set forth. (Amended November

7, 2000, filed by Secretary of State February 6, 2001.)

Section 601. RESIDENCE.

The City Manager need not be a resident of the City at the time of his appointment, but he shall establish his residence within the City within ninety days after his appointment, unless such period is extended by the City Council, and thereafter maintain his residence within the City during his tenure of office.

Section 602. ELIGIBILITY.

No person shall be eligible to receive appointment as City Manager while serving as a member of the City Council nor within one year after such person has ceased to be a member of the City Council. (Amended November 7, 2000, filed by Secretary of State February 6, 2001.)

Section 603. COMPENSATION AND BOND.

The City Manager shall be paid a salary commensurate with the responsibilities as chief administrative officer of the City, which salary shall be established by ordinance or resolution. The City Manager shall furnish a corporate surety bond conditioned upon the faithful performance of his or her duties in such form and in such amount as may be determined by the City Council, the

Last Revised 05/05/2011

Page 20

premium on such bond to be paid by the City. (Amended November 7, 2000, filed by Secretary of State February 6, 2001.)

Section 604. POWERS AND DUTIES.

The City Manager shall be the chief administrative officer and head of the administrative branch of the City Government. Except as otherwise provided in this Charter, the City Manager shall be responsible to the City Council for the proper administration of all affairs of the City. Without limiting the foregoing general grant of powers, responsibilities and duties, subject to the provisions of this Charter, including the personnel

provisions thereof, the City Manager shall have power and be required to:

(a) Appoint, and he or she may promote, demote, suspend or remove all department heads, officers and employees of the City except elective officers and those department heads, officers and employees the power of whose appointment is vested by this Charter

in the City Council. He or she may authorize the head of any department or office to appoint or remove subordinates in such department or office. No department head shall be appointed or removed until the City Manager shall first have reviewed such appointment or removal with the City Council and received its approval for such appointment or removal.

(b) Prepare the budget annually, submit it to the City Council, and be responsible for its administration after its adoption.

(c) Prepare and submit to the City Council as of the end of

each fiscal year, a complete report on the finances of the City for the preceding fiscal year, and annually or more frequently, a current report of the principal administrative activities of the City.

(d) Keep the City Council advised of the financial condition and future needs of the City and make such recommendations as may to him or her seem desirable.

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

(f) Prepare rules and regulations governing the contracting for, purchasing, inspection, storing, inventory, distribution and disposal of all supplies, materials, equipment and services required by any office, department or agency of the City government and recommend them to the City Council for adoption by ordinance, and administer and enforce the same after adoption.

(g) See that the laws of the State pertaining to the City, the provisions of this Charter and the ordinances, franchises and rights of the City are enforced.

(h) Exercise control of all administrative offices and departments of the City and of all appointive officers and employees except those directly appointed by the City Council and prescribe such general rules and regulations as he or she may deem

necessary or proper for the general conduct of the administrative offices and departments of the City under his or her jurisdiction.

(i) Perform such other duties consistent with this Charter as may be required by the City Council. (*Amended November 6, 1990,*

filed by Secretary of State, February 19, 1991; amended November 7, 2000, filed by Secretary of State February 6, 2001.)

Section 605. MEETINGS.

The City Manager shall be accorded a seat at all meetings of the City Council and of all boards and commissions and shall be entitled to participate in their deliberations, but shall not have

a vote. The City Manager shall receive notice of all special meetings of the City Council, and of all boards and commissions. (*Amended November 7, 2000, filed by Secretary of State February 6, 2001.*)

Section 606. REMOVAL.

The City Manager shall not be removed from office during or within a period of ninety days next succeeding any municipal election at which a member of the City Council is elected. At any other time the City Manager may be removed only at a regular meeting of the City Council and upon the affirmative votes of a majority of the total membership of the City Council. At least

thirty days prior to the effective date of his or her removal, the City Manager shall be furnished with a written notice stating the Council's intention to remove him or her and the reasons therefor.

After furnishing the City Manager with written notice of his or her intended removal, the City Council may suspend him or her from duty, but his or her compensation shall continue until his or her removal as herein provided. In removing the City Manager, the City

Council shall use its uncontrolled discretion, and its actions shall be final. (*Amended November 7, 2000, filed by Secretary of State February 6, 2001.*)

Section 607. NON-INTERFERENCE WITH ADMINISTRATIVE SERVICE.

Except as otherwise provided in this Charter, neither the Council nor any of its members shall interfere with the execution by the City Manager of his or her powers and duties, or order, directly or indirectly, the appointment by the City Manager, or by

any of the department heads in the administrative service of the

Page 22

Last Revised 05/05/2011

Page 22

City, of any person to any office or employment, or his or her removal therefrom. Except for the purpose of inquiry, the City Council and its members shall deal with the administrative service

under the jurisdiction of the City Manager solely through the City

Manager, and neither the City Council nor any member thereof shall

give orders to any subordinate of the City Manager, either publicly or privately. (*Amended November 7, 2000, filed by Secretary of State February 6, 2001.*)

Section 608. ASSISTANT CITY MANAGER.

There shall be an Assistant City Manager who shall act as the principal aid to the City Manager in the performance of his or

her duties and who shall serve as Acting City Manager during the temporary absence or disability of the City Manager, except as otherwise provided in Section 609 of this Charter. (*Amended November 7, 2000, filed by Secretary of State February 6, 2001.*)

Section 609. ACTING CITY MANAGER.

The City Manager shall appoint, subject to the approval of the City Council, one of the other officers or department heads of

the City to serve as Acting City Manager during any temporary absence or disability of both the City Manager and the Assistant City Manager. If the City Manager fails to make such appointment, the City Council may appoint an officer or department head to serve as such Acting City Manager. (*Amended November 7, 2000,*

filed by Secretary of State February 6, 2001.)

ARTICLE VII. OFFICERS AND EMPLOYEES

Section 700. ENUMERATION.

In addition to the City Council, City Manager and Assistant City Manager, the officers and employees of the City shall consist of a City Attorney, a City Clerk, a City Treasurer, a Director of Finance, and such other officers, assistants, deputies and employees as the City Council may provide by ordinance or resolution.

Section 701. APPOINTMENT AND REMOVAL.

The City Attorney, City Clerk and City Treasurer shall be appointed by and may be removed by the affirmative votes of at least a majority of the total membership of the City Council. All

Page 23

Last Revised 05/05/2011

Page 23

other officers, department heads and employees of the City shall be appointed and may be removed as elsewhere in this Charter provided.

Section 702. ADMINISTRATIVE DEPARTMENTS.

The City Council may provide by ordinance or resolution not inconsistent with this Charter for the organization, conduct and operation of the several offices and departments of the City as established by this Charter, for the creation of additional departments, divisions, offices and agencies and for their consolidation, alteration or abolition. It may further provide by ordinance or resolution for the assignment and reassignment of functions, duties, offices and agencies to offices and departments, and for the number, titles, qualifications, powers, duties, and compensation of all officers and employees, consistent

with this Charter.

Each department so created shall be headed by an officer as department head.

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

Section 703. CITY ATTORNEY. POWERS AND DUTIES.

To become and remain eligible for City Attorney, the person appointed shall be an attorney at law duly licensed as such under the laws of the State of California, and shall have been engaged in the practice of law for at least three years prior to such appointment. The City Attorney shall have the power and may be required to:

- (a) Represent and advise the City Council and all City officers in all matters of law pertaining to their offices.
- (b) Prosecute on behalf of the people any or all criminal cases arising from violation of the provisions of this Charter or

of City ordinances and such state misdemeanors as the City has the power to prosecute, unless otherwise provided by the City Council.

Except for such prosecutions as may be conducted by another public agency having jurisdiction to do so, all prosecutions pursuant to this paragraph shall be conducted by the City Attorney or by employees or persons under the direction and control of the City Attorney. The City Council shall not contract with any person or firm to act as special or independent prosecutor or otherwise appoint or designate any other person or firm to prosecute any criminal matter.

Last Revised 05/05/2011

Page 24

(c) Represent and appear for the City in any or all actions or proceedings in which the City is concerned or is a party and represent and appear for any City officer or employee, or former City officer or employee, in any or all civil actions or proceedings in which such officer or employee is concerned or is a

party for any act arising out of such employment or by reason of such official capacity.

(d) Attend all regular meetings of the City Council, unless excused, and give advice or opinion orally or in writing whenever requested to do so by the City Council or by any of the boards or officers of the City.

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

(f) Prepare any and all proposed ordinances and City Council resolutions and amendments thereto.

(g) Devote entire time to the duties of the office.

(h) Perform such legal functions and duties incident to the execution of the foregoing powers as may be necessary.

(i) Surrender to the successor City Attorney all books, papers, files and documents pertaining to the City's affairs. The City Council shall have control of all legal business and proceedings of the City and may employ or contract with other attorneys to take charge of or assist in any civil litigation or other civil legal matters or business. (*Amended November 7, 1978, filed by Secretary of State, January 2, 1979; amended November 11,*

1976, filed by Secretary of State, December 27, 1976; amended November 7, 2000, filed by Secretary of State February 6, 2001.)

Section 704. CITY CLERK. POWERS AND DUTIES.

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

(a) Attend all meetings of the City Council, unless excused, and be responsible for the recording and maintaining of a full and

true record of all of the proceedings of the City Council in records that shall bear appropriate title and be devoted to such

purpose.

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

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

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

Last Revised 05/05/2011

Page 25

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

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

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

(h) Have charge of all City elections.

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

(Amended November 7, 2000, filed by Secretary of State February 6, 2001.)

Section 705. CITY TREASURER. POWERS AND DUTIES.

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

(a) Receive on behalf of the City all taxes, assessments, license fees and other revenues of the City, or for the collection

of which the City is responsible, and receive all taxes or other money receive by the City from the County, State or Federal Government, or from any Court, or from any office, department or agency of the City.

(b) Have custody of all public funds belonging to or under control of the City or any office, department or agency of the City government, except such funds as may be in the custody of any

City office or department as expressly authorized by resolution of

the City Council, and deposit or cause to be deposited all funds under his or her custody in such depository as may be designated

by resolution of the City Council, or, if no such resolution be adopted, then in such depository designated in writing by the City

Manager, and in compliance with all of the provisions of the State

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

(c) Pay out moneys on proper orders, warrants, checks, or other negotiable instruments in the manner provided for in this Charter and verify authenticity and accuracy of all checks and other negotiable instruments drawn upon any City depository and return incorrect, forged or otherwise unauthorized checks and instruments to such depository.

(d) Prepare and submit to the Director of Finance monthly written reports of all receipts, disbursements and fund balances, and shall file copies of such reports with the City Manager.

Page 26

Last Revised 05/05/2011

Page 26

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

(Amended November 6, 1990, filed by Secretary of State, February 19, 1991; amended November 7, 2000, filed by Secretary of State February 6, 2001.)

Section 706. DIRECTOR OF FINANCE. POWERS AND DUTIES.

The Director of Finance shall have the power and shall be required to:

(a) Have charge of the administration of the financial affairs of the City under the direction of the City Manager, and be head of the Finance Department of the City.

(b) Assist the City Manager in the preparation and execution of the budget.

(c) Establish and maintain a system of financial procedures, accounts and controls for the City government and each of its offices, departments and agencies.

(d) Supervise and be responsible for the disbursement of all moneys and have control of all expenditures, except expenditures from funds under the control of any other City office of department as expressly authorized by resolution of the City Council, to insure that budget appropriations are not exceeded; audit all purchase orders before issuance; audit and approve before payment, all bills, invoices, payrolls, demands or charges against the City government; with the advice of the City Attorney,

when necessary, determine the regularity, legality and correctness

of such claims, demands or charges; and draw warrants upon the City Treasurer, or where such procedure is authorized by the City Council, prepare or approve wire transfers, electronic payments and checks or other negotiable instruments drawn upon a proper City depository for the approval of the City Treasurer and, where

required, the signatures or facsimile signatures of the City Treasurer and the Mayor, for all claims and demands audited and approved as in this Charter provided specifying the purpose for which drawn and the fund from which payment is to be made.

(e) See that all taxes, assessments, license fees and other revenues of the City, or for the collection of which the City is responsible, and all other money receivable by the City from the County, State or Federal Government, or from any court, office, department or agency of the City are collected.

(f) Submit to the City Council through the City Manager a monthly statement of all revenues and expenditures in sufficient detail to show the exact financial condition of the City; and, as of the end of each fiscal year, submit a complete financial statement and report.

Last Revised 05/05/2011

Page 27

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

(h) Perform such other duties consistent with this Charter as may be required. (Amended November 6, 1990, filed by Secretary of State, February 19, 1991; amended November 7, 2000, filed by Secretary of State February 6, 2001.)

Section 707. ADMINISTERING OATHS.

Each department head and his or her deputies shall have the power to administer oaths and affirmations in connection with any official business pertaining to his or her department. (Amended November 7, 2000, filed by Secretary of State February 6, 2001.)

Section 708. PROHIBITED FINANCIAL INTERESTS IN CONTRACTS, FORFEITURE OF OFFICE.

Any member of the City Council, city officer or employee, or member of any city board or commission, who has a financial interest in any contract made by such person in his or her official capacity, or by any body or board of which he or she is a

member, in violation of Article 4 of Division 4 of Title 1 (commencing with Section 1090) of the Government Code of the State

of California, or any successor provision thereto, upon conviction

thereof, and in addition to any other penalty imposed for such violation, shall forfeit his or her office or position of employment with the City. (Amended November 7, 2000, filed by Secretary of State February 6, 2001.)

Section 709. ACCEPTANCE OF OTHER OFFICE.

Any elective officer of the City who shall accept or retain any other elective public office, except as provided in this Charter, shall be deemed thereby to have vacated his or her office

under the City government. (Amended November 7, 2000, filed by Secretary of State February 6, 2001.)

Section 710. NEPOTISM.

The City Council shall not appoint to a salaried position under the City government any person who is a relative by blood or marriage within the third degree of any one or more of the members of such City Council, nor shall the City Manager or any department head or other officer having appointive power appoint any of his or her relatives, or any relative of a Council member, within such

Last Revised 05/05/2011

Page 28

degree to any such position. (*Amended November 7, 2000, filed by Secretary of State February 6, 2001.*)

Section 711. OFFICIAL BONDS.

The City Council shall fix by ordinance or resolution the amounts and terms of the official bonds of all officials or employees who are required by this Charter or by ordinance to give

such bonds. All bonds shall be executed by responsible corporate surety, shall be approved as to form by the City Attorney, and shall be filed with the City Clerk. Premiums on official bonds shall be paid by the City.

In all cases wherein an employee of the City is required to furnish a faithful performance bond, there shall be no personal liability upon, or any right to recover against, his or her superior officer or other officer or employee, or the bond of the latter, unless such superior officer, or other officer or employee

is a party to, or has conspired in, the wrongful act causing directly or indirectly such loss. (*Amended November 7, 2000, filed by Secretary of State February 6, 2001.*)

ARTICLE VIII.

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(*Amended November 7, 2000, filed by Secretary of State February 6, 2001.*)

ARTICLE IX. APPOINTIVE BOARDS AND COMMISSIONS

Section 900. IN GENERAL.

There shall be the following named advisory boards and commissions which shall have the powers and duties herein stated. In addition, the City Council may create by ordinance such additional advisory boards or commissions as in its judgment are required, and may grant to them such powers and duties as are consistent with the provisions of this Charter.

Section 901. APPROPRIATIONS.

The City Council shall include in its annual budget such

appropriations of funds as in its opinion shall be sufficient for

Last Revised 05/05/2011

Page 29

the efficient and proper functioning of such boards and commissions.

Section 902. APPOINTMENTS. TERMS.

The members of each of the boards or commissions hereinafter named in this Article shall be appointed by the City Council from the qualified electors of the City, none of whom shall hold any paid office or employment in the City government. They shall be subject to the removal by motion of the City Council adopted by the affirmative votes of a majority of the total membership thereof. The members thereof shall serve for terms of four years and until their respective successors are appointed and qualified.

The terms shall be staggered so that the number of terms on any such board or commission expiring in any year shall not differ by more than one from the number of terms expiring in any other year.

Such terms shall expire on June thirtieth of the appropriate year.

A vacancy occurring before the expiration of a term shall be filled by appointment for the remainder of the unexpired term.

Section 903. EXISTING BOARDS.

The members of the boards and commissions holding office when this Charter takes effect shall continue to hold office thereafter

until their respective terms of office shall expire and until their successors shall be appointed and qualified. If the membership of any board or commission is reduced by this Charter, the members to be eliminated shall be determined by the City Council. The terms of the members of any existing board or commission shall be adjusted, if necessary, to comply with the provisions of this Charter.

Section 904. MEETINGS. CHAIRMAN.

As soon as practicable, following the first day of July of every year, each of such boards and commissions shall organize by electing one of its members to serve as presiding officer at the pleasure of the board or commission. All meetings of said boards and commissions shall be open to the public and all persons shall be permitted to attend such meetings, except that the provisions of this sentence shall not apply to closed sessions authorized pursuant to any provision of law.

The City Manager shall designate a secretary for each of such boards and commissions who need not be a member of such board or commission, and who shall keep a record of its proceedings and transactions. Each board or commission may prescribe its own rules

and regulations, which shall be consistent with this Charter and

Last Revised 05/05/2011

Page 30

shall be subject to the approval of the **City** Council. Copies of such rules shall be kept on file in the office of the **City** Clerk where they shall be available for public inspection. (Amended November 3, 1992, filed by Secretary of State, December 21, 1992.)

Section 905. OATHS. AFFIRMATIONS.

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

Section 906. PLANNING COMMISSION. POWERS AND DUTIES.

There shall be a Planning Commission consisting of seven members. The Planning Commission shall have the power and be required to:

(a) Recommend to the **City** Council after a public hearing thereon, the adoption, amendment or repeal of a General Plan, or any part thereof, for guidance in the physical development of the **City**.

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

(c) Exercise such functions with respect to zoning, building, land use and related matters as may be prescribed by ordinance not inconsistent with the provisions of this **Charter**.

(d) Perform such other functions not inconsistent with this **Charter** as may be delegated to it by the **City** Council.

Section 907. PARK AND RECREATION COMMISSION. POWERS AND DUTIES.

There shall be a Park and Recreation Commission consisting of seven members. The Park and Recreation Commission shall have the power and duty to:

(a) Act in an advisory capacity to the **City** Council in all matters pertaining to parks and recreation.

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

(c) Advise in the planning of parks and recreation programs for the inhabitants of the **City**, promote and stimulate public interest therein, and to that end solicit to the fullest extent possible the cooperation of school authorities and other public and private agencies interested therein.

(d) Recommend policies for the acquisition, development and improvement of parks and playgrounds and for the planting, care

Last Revised 05/05/2011

Page 31

and removal of trees and shrubs in all parks and playgrounds, subject to the rights and powers of the **City** Council.

- (e) Perform such other duties as may be prescribed by ordinance not inconsistent with the provisions of this Charter. Section 908. LIBRARY BOARD. POWERS AND DUTIES. There shall be a Library Board consisting of five members which shall have the power and duty to: (a) Make recommendations to the City Council for the operation and conduct of City libraries.
- (b) Recommend to the City Council rules and regulations and by-laws for the administration and protection of City libraries.
- (c) Recommend to the City Council the duties and qualifications of the librarian and other officers and employees of the libraries.
- (d) Make recommendations concerning the acquisition of books, journals, reports, maps, publications and other personal property.
- (e) Make recommendations concerning the purchase or lease of real property and the rental or provision for adequate buildings or rooms for library purposes.
- (f) Make recommendations concerning the borrowing of library materials from and lending library materials to and exchanging library materials with other libraries subject to any costs and expenses approved by the City Council.
- (g) Consider the annual budget for library purposes during the process of its preparation and make recommendations with respect thereto to the City Council and the City Manager.
- (h) Within sixty days after the close of each fiscal year, report to the City Council on the condition of the libraries for the preceding fiscal year and on such other matters deemed expedient by the Library Board.
- (i) Exercise such other functions not inconsistent with this Charter as may be prescribed by ordinance.
- ARTICLE X. PERSONNEL SYSTEM

Section 1000. SYSTEM TO BE ESTABLISHED.

The City Council shall by ordinance establish a personnel system for the selection, employment, classification, advancement, demotion, suspension and discharge of those appointive officers and employees who shall be included in the system. The system may consist of the establishment of minimum standards of employment

and qualifications for the various classes of employment, or of a comprehensive system, as the City Council shall determine to be for the best interest of the public service. The ordinance shall designate the departments and the appointive officers and employees who shall be included within the system. By subsequent ordinances the City Council may amend the system or the list of departments and appointive officers and employees included within the system. The system shall comply with all other provisions of this Charter.

Section 1050. IMPARTIAL ARBITRATION - DECLARATION OF POLICY

It is hereby declared to be the policy of the City of Anaheim that strikes by firefighters are not in the public interest and should be prohibited, and that a method should be adopted for peacefully and equitably resolving disputes that might otherwise lead to such strikes.

Section 1051. PROHIBITION AGAINST STRIKES

No City of Anaheim firefighter shall willfully engage in a strike against the City. Any such employee against whom the City brings charges of failing to report for work as part of a strike shall be subject to dismissal from his or her employment in the event the charges are sustained upon conclusion of the proceedings

that are required by law for the imposition of disciplinary action

upon said employee.

Section 1052. OBLIGATION TO NEGOTIATE IN GOOD FAITH

The City, through its duly authorized representatives, shall negotiate in good faith with a recognized employee organization which primarily represents firefighters on all matters relating to

the wages, hours, and other terms and conditions of City employment, including the establishment of procedures for the resolution of grievances concerning the interpretation or application of any negotiated agreement. Unless and until agreement is reached through negotiations between the City and the

recognized employee organization for the fire department bargaining unit which primarily represents firefighters, or a determination is made through the arbitration procedure hereinafter provided, no existing benefit or condition of employment for said fire department employees shall be eliminated or changed.

Section 1053. IMPASSE RESOLUTION PROCEDURES

All disputes or controversies pertaining to wages, hours, or terms and conditions of employment which remain unresolved after good faith negotiations between the City and the recognized employee organization involved in the dispute shall be submitted to a three-member Board of Arbitrators upon the declaration of an impasse by the City or by the recognized employee organization. Representatives designated by the City and representatives of the recognized employee organization involved in the dispute shall

each appoint one arbitrator to the Board of Arbitrators within three (3) days after either party has notified the other, in writing, that it desires to proceed to arbitration. The third member of the Arbitration Board shall be selected by agreement between the two arbitrators selected by the City and the employee organization, and shall serve as the neutral arbitrator and

Chairperson of the Board. In the event that the arbitrators selected by the City and the employee organization cannot agree upon the selection of the third arbitrator within ten (10) days from the date that either party has notified the other that it has declared an impasse, then either party may request the State of California Mediation and Conciliation Service to provide a list of seven (7) persons who are qualified and experienced as labor arbitrators. If the arbitrators selected by the City and the employee organization cannot agree within three (3) days after receipt of such list on one of the seven (7) to act as the third arbitrator, they shall alternately strike names from the list of nominees until one name remains and that person shall then become the third arbitrator and chairperson of the Arbitration Board. Any arbitration convened pursuant to this article shall be conducted in conformance with, subject to, and governed by Title 9 of Part 3 of the California Code of Civil Procedure. The Arbitration Board shall hold public hearings, receive evidence from the parties and cause a transcript of the proceedings to be prepared. The Arbitration Board, in the exercise of its discretion, may meet privately with the parties and mediate or mede-arb issues in dispute. The Arbitration Board may also adopt such other procedures that are designed to encourage an agreement between the parties, expedite the arbitration hearing process, or reduce the costs of the arbitration process. At the conclusion of the arbitration hearings, the Arbitration Board shall direct each of the parties to submit, within such time limit as the Board may establish, a last offer of settlement on each of the issues in dispute. The Arbitration Board shall decide each issue by majority vote by selecting whichever last offer of settlement on that issue it finds most nearly conforms with those factors traditionally taken into

consideration in the determination of wages, hours and other terms

and conditions of public and private employment, including, but not limited to, changes in the average consumer price index for goods and services, the wages, hours, and other terms and conditions of employment of other employees performing similar services, and the financial condition of the City and its ability to meet the cost of the award.

After reaching a decision, the Arbitration Board shall mail or otherwise deliver a true copy of its decision to the parties. The decision of the Arbitration Board shall not be publicly disclosed and shall not be binding until ten (10) days after it is

delivered to the parties. During that ten day period the parties

may meet privately, attempt to resolve their differences, and by mutual agreement amend or modify any of the decisions of the Arbitration Board. At the conclusion of the ten (10) day period, which may be extended by mutual agreement between the parties, the decision of the Arbitration Board, incorporating any amendments or modifications agreed to by the parties, shall be publicly disclosed and shall be binding upon the parties. The City and the recognized employee organization shall take whatever action is necessary to carry out and effectuate the final Arbitration Board award (incorporating any amendments or modifications agreed to by the parties as provided above). The expenses of any arbitration convened pursuant to this article, including the fee for the services of the Chairperson of the Arbitration Board, shall be borne equally by the parties. All other expenses which the parties may incur individually are to be borne by the party incurring such expenses. (Adopted by the voters at the November 3, 1998 General Municipal Election; filed with the Clerk-Recorder of the County of Orange on January 6, 1999; amended November 7, 2000, filed with Secretary of State February 6, 2001.)

ARTICLE XI. RETIREMENT

Section 1100. RETIREMENT SYSTEM.

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

Page 35

Last Revised 05/05/2011

Page 35

Retirement System only under authority granted by ordinance adopted by a majority vote of the electors of the City voting on such proposition at an election at which such proposal is presented. (Amended November 7, 2000, filed by Secretary of State February 6, 2001.)

ARTICLE XII. FISCAL ADMINISTRATION

Section 1200. FISCAL YEAR.

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

Section 1201. ANNUAL BUDGET. PREPARATION BY THE CITY MANAGER.

At such date as the City Manager shall determine, each board or commission and each department head shall furnish to the City Manager, personally, or through the Director of Finance, estimates

of revenue and expenditures for his or her department or for such board or commission for the ensuing fiscal year, detailed in such manner as may be prescribed by the City Manager. In preparing the proposed budget, the City Manager shall review the estimates, hold

conferences thereon with the respective department heads, boards or commissions as necessary, and may revise the estimates as he or

she may deem advisable. (*Amended November 7, 2000, filed by Secretary of State February 6, 2001.*)

Section 1202. BUDGET. SUBMISSION TO CITY COUNCIL.

At least thirty days prior to the beginning of each fiscal year, the City Manager shall prepare and submit to the City Council the proposed budget. Upon receipt of the proposed budget, the City Council shall determine the time for the holding of a public hearing thereon and shall cause to be published a notice thereof not less than ten days prior to said hearing, by at least one insertion in the official newspaper. Copies of the proposed budget shall be available for inspection by the public in the office of the City Clerk at least ten days prior to said hearing.

(*Amended November 7, 1978, filed by Secretary of State, January 2,*

1979; amended November 2, 1982, filed by Secretary of State, January 18, 1983.)

Section 1203. BUDGET. PUBLIC HEARING.

At the time so advertised or at any time to which such public hearing shall from time to time be adjourned, the City Council shall hold a public hearing on the proposed budget, at which interested persons desiring to heard shall be given such opportunity. (*Amended November 7, 1978, filed by Secretary of State, January 2, 1979; amended November 2, 1982, filed by Secretary of State, January 18, 1983.*)

Section 1204. BUDGET. FURTHER CONSIDERATION AND ADOPTION.

At the conclusion of the public hearing the City Council shall further consider the proposed budget and make any revisions thereof that it may deem advisable and on or before June 30 it shall adopt the budget with revisions, if any, by the affirmative votes of at least a majority of the total members of the Council. Upon final adoption, the budget shall be in effect for the ensuing

fiscal year. Copies thereof, certified by the City Clerk, shall be

filed with the City Manager, Director of Finance, City Treasurer, and the person retained by the City Council to perform the post audit function, and a further copy shall be placed, and shall

remain on file, in the office of the City Clerk where it shall be available for public inspection. The budget so certified shall be reproduced and copies made available for the use of the public and

of departments, offices and agencies of the City.

Section 1205. BUDGET. APPROPRIATIONS.

From the effective date of the budget, the several amounts stated therein as proposed expenditures shall be and become appropriated to the several departments, offices and agencies for the respective objects and purposes therein named, provided, however, that the City Manager may transfer funds 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 shall not have been expended or lawfully encumbered.

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

Section 1206. CENTRALIZED PURCHASING.

Under the control and direction of the City Manager there shall be established a centralized purchasing system for all City

departments and agencies, except as otherwise in this Charter provided. The City Manager shall recommend and the City Council shall consider and adopt by ordinance, rules and regulations governing the contracting for, purchasing, storing, and distribution of all supplies, materials, equipment and services required by any office, department or agency of the City government. (*Amended November 6, 1990, filed by Secretary of State, February 19, 1991.*)

Section 1207 (*Amended April 11, 1978, filed by Secretary of State,*

April 25, 1978; repealed November 7, 2000, filed by Secretary of State February 6, 2001.)

Section 1208. 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 City Council.

If the City Council fails to fix the rate and levy taxes on or before August 31 in any year, the rate for the next preceding fiscal year shall thereupon be automatically adopted and a tax at such rate shall be deemed to have been levied on all taxable property in the City for the current fiscal year.

Section 1209. BONDED DEBT LIMIT.

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

No bonded indebtedness which shall constitute a general obligation of the City may be created unless authorized by the affirmative votes of two-thirds of the electors voting on such proposition at any election at which the question is submitted to the electors and unless in full compliance with the provisions of the State Constitution and of this Charter.

Section 1210. REVENUE BONDS.

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

Last Revised 05/05/2011

Page 38

issuing the same at an election at which such proposition shall have been duly submitted to the qualified electors of the City. It shall be competent for the City to make contracts and covenants for the benefit of the holders of any such bonds payable

only from revenues and which shall not constitute a general obligation of the City for the establishment of a fund or funds, for the maintaining of adequate rates or charges, for restrictions

upon further indebtedness payable out of the same fund or revenues, for restrictions upon transfer out of such fund, and other appropriate covenants. Money placed in any such special fund

for the payment of principal and/or interest on any issue of such bonds or to assure the application thereof to a specific purpose shall not be expended for any other purpose whatever except for the purpose for which such special fund was established and shall be deemed segregated from all other funds of the City and reserved

exclusively for the purpose for which such special fund was established until the purpose of its establishment shall have been

fully accomplished.

Notwithstanding the foregoing, the City may sell and issue at any time and from time to time revenue bond anticipation notes (including renewal revenue bond anticipation notes) in anticipation of the revenue bonds authorized by the voters on June

2, 1981; provided that the aggregate principal amount of such revenue bond anticipation notes and revenue bonds outstanding in accordance with their terms at any one time shall not exceed \$92 million. Such revenue bond anticipation notes may be sold, issued and secured in such a manner and subject to such terms and conditions as the City Council may prescribe by ordinance;

provided that such revenue bond anticipation notes shall not constitute an indebtedness or general obligation of the City of Anaheim and are not to be secured by the taxing power of said City.

Notwithstanding the foregoing, the City may also sell and issue at any time and from time to time revenue bond anticipation notes (including renewal revenue bond anticipation notes) in anticipation of any electric or water revenue bonds theretofore or

hereafter authorized by the voters; provided that (i) the aggregate principal amount of such electric revenue bond anticipation notes and the electric revenue bonds in anticipation of which such electric revenue bond anticipation notes were issued

outstanding in accordance with their terms at any one time shall not exceed the principal amount of such electric revenue bonds authorized by the voters and (ii) the aggregate principal amount of such water revenue bond anticipation notes and the water revenue bonds in anticipation of which such water revenue bond anticipation notes were issued outstanding in accordance with their terms at any one time shall not exceed the principal amount

of such water revenue bonds authorized by the voters. Such revenue

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

Notwithstanding the foregoing, the City may also sell and issue at any time and from time to time revenue anticipation notes

(including renewal revenue anticipation notes) in anticipation of the receipt of revenues of the City's water and electric utilities; provided that the aggregate principal amount of such revenue anticipation notes outstanding in accordance with their terms at any one time shall not exceed, for each of such utilities, an amount equal to 25% of the gross revenue earned by the respective utility during the immediately preceding fiscal year as set forth in the audited financial statements of such utility for such year. Such revenue anticipation notes may be sold, issued, and secured in such manner and subject to such terms

and conditions as the City Council may prescribe by ordinance; provided that such revenue anticipation notes shall not constitute

an indebtedness or general obligation of the City of Anaheim and are not to be secured by the taxing power of said City. (Amended June 2, 1981, filed in office of Secretary of State, July 20,

1981: amended November 2, 1982, filed in office of Secretary of State, January 18, 1983.)

Section 1210.1.

ELECTRIC AND WATER REFUNDING REVENUE BONDS.

Electric and water refunding revenue bonds may be issued to purchase, redeem or retire any bonds heretofore or hereafter issued pursuant to Section 1210 or this Section 1210.1, whenever the City Council determines that (1) costs of the City will be reduced by the refunding of any bonds, or (2) issuance of the refunding bonds will otherwise be financially advantageous to the City.

If as a result of the issuing of refunding bonds pursuant to this Section 1210.1, the water or electric utility of the City shall, in any Fiscal Year, realize a reduction in principal and interest on debt issued to finance such utility when the principal

and interest paid on the refunding bonds in such Fiscal Year is compared to the principal and interest that would have been payable on the refunded bonds in such Fiscal Year, the City Council shall, not later than the last day of the next succeeding Fiscal Year, adjust rates of such utility, if necessary, to reflect fully such reduction in principal and interest payments as

a reduction in costs of service of such utility.

Last Revised 05/05/2011

Page 40

All provisions of Section 1210 are applicable to refunding bonds, except that notwithstanding Section 1210 no additional election shall be required to authorize their issuance. (Amended June 2, 1981, filed in office of Secretary of State, July 20, 1981.)

Section 1211. CONTRACTS ON PUBLIC WORKS.

Except as hereinafter expressly provided, every contract involving an expenditure in excess of an amount as specified in Division 2, Part 3, Chapter 1, Article 4 of the Public Contracts Code of California as amended from time to time, or any successor provision thereto, for the construction or improvement (excluding maintenance and repair) of public buildings, works, streets, drains, sewers, utilities, parks and playgrounds, shall be let to the lowest responsible bidder after notice by publication in the official newspaper by two or more insertions, the first of which shall be at least ten days before the time for opening bids.

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

The City Council, without advertising for bids if the total amount of the work is less than Fifty Thousand Dollars (\$50,000), or 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 the affirmative vote of a majority of the total members of the City Council, it may proceed to have said work done in the manner stated, without further observance of the provisions of this section. Such contracts likewise may be let without advertising for bids, if such work shall be deemed by the City Council to be of urgent necessity for the preservation of life, health or property, and shall be authorized by resolution passed by the affirmative vote or at least two-thirds of the total members of the City Council. Projects for the extension, replacement or expansion of the transmission or distribution system of any existing public utility operated by the City may be excepted from the requirements of this Section by the affirmative vote of a majority of the total members of the City Council.

The City Council may by ordinance establish procedures for the procurement of materials, supplies and equipment for use in the construction or improvement of public buildings, works, streets, drains, sewers, utilities, parks and playgrounds. (Amended November 3, 1992, filed by Secretary of State, December 21, 1992; amended November 7, 1978, filed by Secretary of State,

Last Revised 05/05/2011

Page 41

January 2, 1979; amended November 2, 1976, filed by Secretary of State, December 27, 1976.)

Sections 1212, 1213, 1214 and 1215 (Repealed November 7, 2000, filed by Secretary of State February 6, 2001.)

Section 1212. USE OF DESIGN-BUILD PROCUREMENT FOR PUBLIC WORKS PROJECTS.

Notwithstanding any provision to the contrary in the California Public Contracts Code, in Section 1211 of the Anaheim City Charter, or any other law or regulation of the State of California or the City of Anaheim, the use of design-build procurement by competitive negotiation is authorized. The City Council shall, by ordinance, establish regulations for the award, use and evaluation of such design-build contracts, in which the design and construction of public works projects are procured from

a single entity. (Adopted by the voters at the November 2, 2010 General Municipal Election; filed with Secretary of State January 7, 2011)

Section 1213. PROHIBITION OF AUTOMATED TRAFFIC ENFORCEMENT SYSTEMS (RED LIGHT CAMERAS).

No ordinance shall be adopted by the City Council which would permit or authorize any red light camera or other automated traffic enforcement system in the City of Anaheim. Any ordinance adopted by the City Council in violation of this section shall be null and void.

Neither the City Council, nor any officer or employee of the

City when acting in his or her official capacity, shall (i) take any action which would directly or indirectly result in the authorization, approval or installation of any red light camera or other automated traffic enforcement system in the City of Anaheim; or (ii) acquiesce or concur in any action or decision of any other governmental agency or governmental official having jurisdiction concerning such red light cameras where a protest or objection procedure is available to the City and where failure to so protest or object could result in the authorization, approval, or installation of any red light camera or other automated traffic enforcement system in the City of Anaheim; or (iii) approve, authorize, execute or enter into any agreement or understanding, or take any other action of any nature whatsoever, which would authorize, approve, or in any way facilitate or result in the installation of any red light camera or other automated traffic enforcement system in the City of Anaheim, including, but not limited to, any agreement or understanding relating to the

Last Revised 05/05/2011

Page 42

installation of any red light camera or automated traffic enforcement system which would result in the receipt by the City. The term "red light camera or other automated traffic enforcement system" as used in this section shall mean and include

any automated traffic enforcement system, as that term is used in California Vehicle Code Section 21455.5, or any successor legislation thereto, which is used to enforce any provision of the

California Vehicle Code. (*Adopted by the voters at the November 2,*

2010 General Municipal Election; filed with Secretary of State January 7, 2011)

Section 1216. CLAIMS AND DEMANDS. PRESENTATION AND PAYMENT.

Procedures prescribed by the State Legislature governing the presentation, consideration and enforcement of claims against chartered cities or against officers, agents and employees thereof

shall apply to the presentation, consideration and enforcement of claims against the City.

In the absence of applicable procedures prescribed by the State Legislature, and to the extent that the same are not inconsistent therewith, the following provisions of this Section shall govern the presentation, processing and payment of all claims and demands against the City.

All claims for damages against the City must be presented in writing to the City Clerk within six months after the occurrence, event or transaction from which the damages allegedly arose, and

shall set forth in detail the name and address of the claimant, the time, date, place and circumstances of the occurrence and the extent of the injuries or damages sustained. All such claims shall

be approved or rejected in writing by order of the City Council and the date thereof given.

All other demands against the City must be in writing and may be in the form of a bill, invoice, payroll, or formal demand.

Each

such demand shall be presented to the Director of Finance within one hundred days after the last item of the account or claim accrued. The Director of Finance shall examine the same. If the amount thereof is legally due and there remains on his books an unexhausted balance of any appropriation against which the same may be charged, he shall approve such demand and either draw his warrant on the City Treasurer therefor or, where such procedure is

authorized by the City Council, prepare a check or other negotiable instrument drawn on a City depository to be approved and signed by the City Treasurer and countersigned by the Mayor, payable out of the proper fund or account. Otherwise he shall reject it. Objections of the Director of Finance may be overruled by the City Council and the warrant or negotiable instrument ordered drawn. The Director of Finance shall transmit such demand,

with his approval or rejection thereof endorsed thereon, and warrant or negotiable instrument, if any, to the City Manager. If a demand is one for an item included within an approved budget appropriation, it shall require the approval of the City Manager before payments otherwise it shall require the approval of the City Council, following the adoption by it of any amendment to the

budget authorizing such payment. Any person dissatisfied with the refusal of the City Manager to approve any demand, in whole or in part, may present the same to the City Council within the time required by law which, after examining into the matter, shall approve or reject the demand in whole or in part. (*Amended November 6, 1990, filed by Secretary of State, February 19, 1991.*)

Section 1217. ACTIONS AGAINST THE CITY.

No suit shall be brought for money or damages against the City or any board, commission or officer thereof on any cause of action for which this Charter, the general law or any City ordinance requires a claim to be presented, until a claim or demand for the same has been presented as in this Charter provided

and such claim or demand has been rejected in whole or in part.

If

rejected in part suit may be brought to recover the whole.

Failure

to complete action approving or rejecting any claim or demand within forty-five days from the day the same is presented shall be

deemed a rejection thereof unless such time is extended by mutual agreement of the **City** and the claimant. (Amended November 3, 1992,

filed by Secretary of State, December 21, 1992.)

Section 1218. REGISTERING WARRANTS.

Warrants on the **City** Treasurer which are not paid for lack of funds shall be registered. All registered warrants shall be paid in the order of their registration when funds therefor are available and shall bear interest from the date of registration at

such rate as shall be fixed by the **City** Council by resolution.

Section 1219. INDEPENDENT AUDIT.

The **City** Council shall employ at the beginning of each fiscal year, an independent certified public accountant who shall, at such time or times as may be specified by the **City** Council, at least annually, and at such other times as he shall determine, examine the books, records, inventories and reports of all officers and employees who receive, control, handle or disburse public funds and of all such other officers, employees or departments as the **City** Council may direct. As soon as practicable

after the end of the fiscal year, a final audit and report shall

be submitted by such accountant to the **City** Council, one copy thereof to be distributed to each member, one to the **City** Manager,

Director of Finance, Treasurer, and **City** Attorney, respectively, and sufficient additional copies of the audit shall be placed on file in the office of the **City** Clerk where they shall be available

for inspection by the general public, and a copy of the financial statement as of the close of the fiscal year shall be published in

the official newspaper.

Section 1220. SALE OF PUBLIC UTILITY.

No public utility now or hereafter owned or operated by the **City** shall be sold, leased or otherwise transferred or disposed of

unless authorized by the affirmative votes of at least a majority of the total membership of the **City** Council and by the affirmative

votes of at least two-thirds of the electors voting on such proposition at a general or special election at which such proposition is submitted.

Section 1221. UTILITY RATES.

The City Council shall establish rates, rules and regulations for the water and electrical utilities. The rates shall be sufficient with respect to each utility to pay:

- (a) For operations and maintenance of the system.
- (b) For payment of principal and interest on debt.
- (c) For creation and maintenance of financial reserves adequate to assure debt service on bonds outstanding.
- (d) For capital construction of new facilities and improvements of existing facilities, or maintenance of a reserve fund for that purpose.
- (e) For payments to the general fund of the City (exclusive of those amounts paid pursuant to subsection (a) of this Section 1221) in each fiscal year in an amount equal to, or less than, four percent (4%) of the gross revenue earned by the utility during the previous fiscal year.

Rates shall be reviewed by the City Council periodically to insure that financial goals are being accomplished.

Rates shall be uniform for all consumers within the same class and shall be based on the cost of service revenue requirement for the class; but different rate schedules may be applied to different classes of consumers. Notwithstanding the foregoing, the City Council may establish, and revise from time to time, ratepayer discount and other programs to assist residential customers in the payment of their utility bills and the costs of such discount and other programs may be paid from utility revenues. (Amended November 2, 1976, filed by Secretary of State

December 27, 1976: amended November 6, 1990, filed by Secretary of State February 19, 1991.)

Section 1222. SALE OF MUNICIPAL PROPERTY.

Except as otherwise required by law, no municipal property, real or personal, of a market value in excess of Fifty Thousand Dollars (\$50,000.00) shall be sold, transferred, exchanged, or title otherwise conveyed, except by sale to the highest bidder after notice by publication in the official newspaper of the City by two or more insertions, the first of which shall be at least ten days prior to the time for opening bids.

The City Council may reject any and all bids received and, in its discretion, may readvertise. The City Council shall reject any

bids received which are offers of less than the fair market value of the property as established by an appraisal by the City prior to the opening of such bids.

The City Council may sell, transfer, exchange, or otherwise convey title to any municipal property of a fair market value in excess of Fifty Thousand Dollars (\$50,000.00) without advertising for bids or otherwise complying with the provisions of this Section where the City Council finds and determines said sale,

transfer, exchange, or conveyance to be in the best interests of the City, and the same is authorized the affirmative votes of at least two-thirds of the total members of the City Council.
(Amended November 7, 1978, filed by Secretary of State, January 2, 1979.)

ARTICLE XIII. ELECTIONS

Section 1300. GENERAL MUNICIPAL ELECTIONS.

General municipal elections for the election of officers and for such other purposes as the City Council may prescribe shall be held in the City on the first Tuesday after the first Monday in November in each even-numbered year. However, in the event the state legislature hereafter prescribes a different day for the holding of the statewide general election, general municipal elections shall be held upon such day in each even-numbered year as prescribed for the statewide general election. (Amended November 2, 1982, filed by Secretary of State, January 18, 1983; amended November 7, 2000, filed by Secretary of State February 6, 2001.)

Page 46

Last Revised 05/05/2011

Page 46

Section 1301. SPECIAL MUNICIPAL ELECTIONS.

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

Section 1302. PROCEDURE FOR HOLDING ELECTIONS.

All elections shall be held in accordance with the provisions of the Elections Code of the State of California, as the same now exist or hereafter may be amended, for the holding of municipal elections so far as the same are not in conflict with this Charter.

Section 1303. INITIATIVE, REFERENDUM AND RECALL.

There are hereby reserved to the electors of the City the powers of the initiative and referendum and of the recall of municipal elective officers. The provisions of the Elections Code of the State of California, as the same now exist or hereafter may

be amended, governing the initiative and referendum and the recall

of municipal officers, shall apply to the use thereof in the City so far as such provisions of the Elections Code are not in conflict with the provisions of this Charter.

ARTICLE XIV. FRANCHISES

Section 1400. GRANTING OF FRANCHISES.

Any person, firm or corporation furnishing the City or its inhabitants with transportation, communication, terminal facilities, water, light, heat, electricity, gas, power,

refrigeration, storage or any other public utility or service, or using the public streets, ways, alleys or places for the operation of plants, works or equipment for the furnishing thereof, or traversing any portion of the City for the transmitting or conveying of any such services elsewhere, may be required by ordinance to have a valid and existing franchise therefor. The City Council is empowered to grant such franchise to any person, firm or corporation, whether operating under an existing franchise or not, and to prescribe the terms and conditions of any such grant. It may also provide, by procedural ordinance, the method of procedure and additional terms and conditions of such grants, or the making thereof, all subject to the provisions of this Charter.

Last Revised 05/05/2011

Page 47

Nothing in this Section, or elsewhere in this Article, shall apply to the City, or to any department thereof, when furnishing any such utility or service.

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 same, stating the name of the proposed grantee, the character of the franchise and the terms and conditions upon which it is proposed to be granted. Such resolution shall fix and set forth the day, hour and place when and where any persons having any interest therein or any objection to the granting thereof may appear before the City Council and be heard thereon. It shall direct the City Clerk to publish said resolution at least once, within fifteen days of the passage thereof, in the official newspaper. The time fixed for such hearing shall not be less than twenty nor more than sixty days after the passage of said resolution.

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

Section 1402. TERMS OF FRANCHISE.

Every franchise shall state the term for which it is granted, which, unless it be indeterminate as provided for herein, shall not exceed forty years.

A franchise grant may be indeterminate, that is to say, it may provide that it shall endure in full force and effect until the same 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 noncompliance with its terms by the possessor thereof.

Last Revised 05/05/2011

Page 48

Section 1403. GRANT TO BE IN LIEU OF ALL OTHER FRANCHISES.

Any franchise granted by the City with respect to any given utility service shall be in lieu of all other franchises, rights or privileges owned by the grantee, or by any successor of the grantee to any right under such franchise, for the rendering of such utility service within the limits of the City as they now or may hereafter exist, except any franchise derived under Section 19

of Article XI of the Constitution of California as said section existed prior to the amendment thereof adopted October 10, 1911. The acceptance of any franchise hereunder, shall operate as an abandonment of all such franchises, rights and privileges within the limits of the City as such limits shall at any time exist, in lieu of which such franchise shall be granted.

Any franchise granted hereunder shall not become effective until written acceptance thereof shall have been filed by the grantee thereof with the City Clerk. Such acceptance shall be filed within ten days after the adoption of the ordinance granting

the franchise, or any extension thereof granted by the City Council, and when so filed, such acceptance shall constitute a continuing agreement of such grantee that if and when the City shall thereafter annex, or consolidate with, additional territory any and all franchises, rights and privileges owned by the grantee

therein, except a franchise derived under said constitutional provision, shall likewise be deemed to be abandoned within the limits of such territory. No grant of any franchise may be transferred or assigned by the grantee except by consent in writing of the City Council and unless the transferee or assignees

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

Section 1404. EMINENT DOMAIN.

No franchise grant shall in any way, or to any extent, impair or affect the right of the City to acquire the property of the grantee thereof either by purchase or through the exercise of the right of eminent domain, and nothing herein contained shall be

construed to contract away or to modify or to abridge, either for a term or in perpetuity, the City's right of eminent domain with respect to any public utility.

Section 1405. DUTIES OF GRANTEEES.

By its acceptance of any franchise hereunder, the grantee shall covenant and agree to perform and be bound by each and all

Last Revised 05/05/2011

Page 49

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 City Council in the exercise of its police power governing the construction, maintenance and operation of its plants, works or equipment.

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

(c) Indemnify and hold harmless the City and its officers and employees from any and all liability for damages proximately resulting from any operations under such franchise and provide such insurance as the City Council may require.

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

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

Section 1406. EXERCISING RIGHTS WITHOUT FRANCHISE.

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

ARTICLE XV. MISCELLANEOUS

Section 1500. DEFINITIONS.

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

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

(b) "City" is the City of Anaheim 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 Anaheim.

(c) "County" is the County of Orange.

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

Section 1501. VIOLATIONS.

The violation of any provision of this Charter shall be a misdemeanor and shall be punishable upon conviction by a fine or imprisonment, or both, not exceeding the maximum fine or term of imprisonment, or both, as authorized by Section 19 of the Penal Code of the State of California, or any successor provision thereto. (*Amended November 3, 1992, filed by Secretary of State, December 21, 1992; amended November 7, 2000, filed by Secretary of*

State February 6, 2001.)

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 not be affected thereby.

CHARTER OF THE CITY OF ANAHEIM HISTORY

ADOPTED BY THE ELECTORS OF THE CITY
OF ANAHEIM AT THE SPECIAL ELECTION
HELD ON JUNE 2, 1964.

APPROVED BY THE
CALIFORNIA STATE LEGISLATURE
JANUARY 14, 1965

SECTION 100 AMENDED BY THE ELECTORS OF
THE CITY OF ANAHEIM AT THE ELECTIONS HELD NOVEMBER 7, 2000, FILED
BY THE SECRETARY OF STATE FEBRUARY 6, 2001

SECTION 200 AMENDED BY THE ELECTORS OF
THE CITY OF ANAHEIM AT THE ELECTIONS HELD NOVEMBER 7, 2000, FILED
BY THE SECRETARY OF STATE FEBRUARY 6, 2001

SECTION 300 AMENDED BY THE ELECTORS OF
THE CITY OF ANAHEIM AT THE ELECTIONS HELD NOVEMBER 7, 2000, FILED
BY THE SECRETARY OF STATE FEBRUARY 6, 2001

SECTION 301 AMENDED BY THE ELECTORS OF
THE CITY OF ANAHEIM AT THE ELECTIONS HELD NOVEMBER 7, 2000, FILED
BY THE SECRETARY OF STATE FEBRUARY 6, 2001

SECTION 302 AMENDED BY THE ELECTORS OF
THE CITY OF ANAHEIM AT THE ELECTIONS HELD NOVEMBER 7, 2000, FILED
BY THE SECRETARY OF STATE FEBRUARY 6, 2001

SECTION 303, 304, 305, 306 REPEALED BY THE ELECTORS OF

THE CITY OF ANAHEIM AT THE ELECTIONS HELD NOVEMBER 7, 2000, FILED BY THE SECRETARY OF STATE FEBRUARY 6, 2001
SECTION 402 ADDED BY THE ELECTORS OF THE CITY OF ANAHEIM AT THE ELECTION HELD NOVEMBER 7, 2006, FILED WITH THE COUNTY OF ORANGE, CLERK-RECORDER,
FILED WITH THE SECRETARY OF STATE FEBRUARY 13, 2007
SECTION 500 AMENDED BY THE ELECTORS OF THE CITY OF ANAHEIM AT THE ELECTIONS HELD ON NOVEMBER 2, 1982, FILED BY THE SECRETARY OF STATE JANUARY 18, 1983; MARCH 5, 1991, FILED BY THE SECRETARY OF STATE APRIL 18, 1991; AND NOVEMBER 7, 2000, FILED BY THE SECRETARY OF STATE FEBRUARY 6, 2001

Last Revised 05/05/2011

Page 52

SECTION 501 AMENDED BY THE ELECTORS OF THE CITY OF ANAHEIM AT THE ELECTIONS HELD ON NOVEMBER 2, 1976, FILED BY THE SECRETARY OF STATE DECEMBER 27, 1976; MARCH 5, 1991, FILED BY THE SECRETARY OF STATE APRIL 18, 1991; AND NOVEMBER 7, 2000, FILED BY THE SECRETARY OF STATE FEBRUARY 6, 2001

SECTION 502 AMENDED BY THE ELECTORS OF THE CITY OF ANAHEIM AT THE ELECTION HELD ON MARCH 5, 1991, FILED BY THE SECRETARY OF STATE APRIL 18, 1991

SECTION 503 AMENDED BY THE ELECTORS OF THE CITY OF ANAHEIM AT THE ELECTION HELD ON MARCH 5, 1991, FILED BY THE SECRETARY OF STATE APRIL 18, 1991 AND NOVEMBER 7, 2000, FILED BY THE SECRETARY OF STATE FEBRUARY 6, 2001

SECTION 503.5 ADDED BY THE ELECTORS OF THE CITY OF ANAHEIM AT THE ELECTION HELD ON NOVEMBER 3, 1992, FILED BY THE SECRETARY OF STATE DECEMBER 21, 1992

SECTION 504 AMENDED BY THE ELECTORS OF THE CITY OF ANAHEIM AT THE GENERAL MUNICIPAL ELECTION HELD ON APRIL 9, 1974, APPROVED BY THE CALIFORNIA STATE LEGISLATURE MAY 6, 1974; MARCH 5, 1991, FILED BY THE SECRETARY OF STATE APRIL 18, 1991; AND NOVEMBER 7, 2000, FILED

BY THE SECRETARY OF STATE FEBRUARY 6, 2001

SECTION 507 AMENDED BY THE ELECTORS OF THE CITY OF ANAHEIM AT THE ELECTION HELD ON NOVEMBER 7, 2000, FILED BY THE SECRETARY OF STATE FEBRUARY 6, 2001

SECTION 508 AMENDED BY THE ELECTORS OF THE CITY OF ANAHEIM AT THE ELECTION HELD ON NOVEMBER 7, 2000, FILED BY THE SECRETARY OF STATE

FEBRUARY 6, 2000
SECTION 509 AMENDED BY THE ELECTORS OF
THE CITY OF ANAHEIM AT THE ELECTION
HELD ON NOVEMBER 7, 2000, FILED BY THE SECRETARY OF STATE
FEBRUARY 6, 2001

Last Revised 05/05/2011

Page 53

SECTION 510 AMENDED BY THE ELECTORS OF
THE CITY OF ANAHEIM AT THE ELECTION
HELD ON NOVEMBER 3, 1992, FILED BY THE SECRETARY OF STATE
DECEMBER
21, 1992; AND NOVEMBER 7, 2000, FILED BY THE SECRETARY OF STATE
FEBRUARY 6, 2001
SECTION 511 AMENDED BY THE ELECTORS OF
THE CITY OF ANAHEIM AT THE ELECTION
HELD ON NOVEMBER 3, 1992, FILED BY THE SECRETARY OF STATE
DECEMBER
21, 1992; AND NOVEMBER 5, 1996, FILED BY THE SECRETARY OF STATE
JANUARY 21, 1997
SECTION 512 AMENDED BY THE ELECTORS OF
THE CITY OF ANAHEIM AT THE ELECTION
HELD ON NOVEMBER 5, 1996, FILED BY THE SECRETARY OF STATE
JANUARY 21, 1997
SECTION 515 AMENDED BY THE ELECTORS OF
THE CITY OF ANAHEIM AT THE ELECTIONS
HELD ON NOVEMBER 7, 1978, FILED BY THE SECRETARY OF STATE JANUARY
2, 1979; NOVEMBER 3, 1992, FILED BY THE SECRETARY OF STATE
DECEMBER 21, 1992; AND NOVEMBER 7, 2000, FILED BY THE SECRETARY
OF
STATE FEBRUARY 6, 2001
SECTION 518 AMENDED BY THE ELECTORS OF
THE CITY OF ANAHEIM AT THE ELECTION
HELD ON NOVEMBER 6, 1990, FILED BY THE SECRETARY OF STATE
FEBRUARY 19, 1991
SECTION 519 ADDED BY THE ELECTORS OF
THE CITY OF ANAHEIM AT THE ELECTION HELD
NOVEMBER 7, 2006, FILED WITH THE COUNTY OF ORANGE, CLERK-
RECORDER,
AND FILED WITH THE SECRETARY OF STATE FEBRUARY 13, 2007
SECTION 600 AMENDED BY THE ELECTORS OF
THE CITY OF ANAHEIM AT THE ELECTION
HELD ON NOVEMBER 7, 2000, FILED BY THE SECRETARY OF STATE
FEBRUARY 6, 2001
SECTION 602 AMENDED BY THE ELECTORS OF
THE CITY OF ANAHEIM AT THE ELECTION
HELD ON NOVEMBER 7, 2000, FILED BY THE SECRETARY OF STATE
FEBRUARY 6, 2001

Last Revised 05/05/2011

SECTION 603 AMENDED BY THE ELECTORS OF
THE CITY OF ANAHEIM AT THE ELECTION
HELD ON NOVEMBER 7, 2000, FILED BY THE SECRETARY OF STATE
FEBRUARY 6, 2001

SECTION 604 AMENDED BY THE ELECTORS OF
THE CITY OF ANAHEIM AT THE ELECTION
HELD ON NOVEMBER 6, 1990, FILED BY THE SECRETARY OF STATE
FEBRUARY
19, 1991; AND NOVEMBER 7, 2000, FILED BY THE SECRETARY OF STATE
FEBRUARY 6, 2001

SECTION 605 AMENDED BY THE ELECTORS OF
THE CITY OF ANAHEIM AT THE ELECTION
HELD ON NOVEMBER 7, 2000, FILED BY THE SECRETARY OF STATE
FEBRUARY 6, 2001

SECTION 606 AMENDED BY THE ELECTORS OF
THE CITY OF ANAHEIM AT THE ELECTION
HELD ON NOVEMBER 7, 2000, FILED BY THE SECRETARY OF STATE
FEBRUARY 6, 2001

SECTION 607 AMENDED BY THE ELECTORS OF
THE CITY OF ANAHEIM AT THE ELECTION
HELD ON NOVEMBER 7, 2000, FILED BY THE SECRETARY OF STATE
FEBRUARY 6, 2001

SECTION 608 AMENDED BY THE ELECTORS OF
THE CITY OF ANAHEIM AT THE ELECTION
HELD ON NOVEMBER 7, 2000, FILED BY THE SECRETARY OF STATE
FEBRUARY 6, 2001

SECTION 609 AMENDED BY THE ELECTORS OF
THE CITY OF ANAHEIM AT THE ELECTION
HELD ON NOVEMBER 7, 2000, FILED BY THE SECRETARY OF STATE
FEBRUARY 6, 2001

SECTION 703 AMENDED BY THE ELECTORS OF
THE CITY OF ANAHEIM AT THE ELECTION
HELD ON NOVEMBER 7, 2000, FILED BY THE SECRETARY OF STATE
FEBRUARY 6, 2001

SECTION 704 AMENDED BY THE ELECTORS OF
THE CITY OF ANAHEIM AT THE ELECTION
HELD ON NOVEMBER 7, 2000, FILED BY THE SECRETARY OF STATE
FEBRUARY 6, 2001

SECTION 705 AMENDED BY THE ELECTORS OF
THE CITY OF ANAHEIM AT THE ELECTIONS
HELD ON NOVEMBER 6, 1990, FILED BY THE SECRETARY OF STATE
FEBRUARY
19, 1992; AND NOVEMBER 7, 2000, FILED BY THE SECRETARY OF STATE
FEBRUARY 6, 2001

SECTION 706 AMENDED BY THE ELECTORS OF
THE CITY OF ANAHEIM AT THE ELECTION
HELD ON NOVEMBER 6, 1990, FILED BY THE SECRETARY OF STATE
FEBRUARY

19, 1991; AND NOVEMBER 7, 2000, FILED BY THE SECRETARY OF STATE
FEBRUARY 6, 2001
SECTION 707 AMENDED BY THE ELECTORS OF
THE CITY OF ANAHEIM AT THE ELECTION
HELD ON NOVEMBER 7, 2000, FILED BY THE SECRETARY OF STATE
FEBRUARY 6, 2001
SECTION 709 AMENDED BY THE ELECTORS OF
THE CITY OF ANAHEIM AT THE ELECTION
HELD ON NOVEMBER 7, 2000, FILED BY THE SECRETARY OF STATE
FEBRUARY 6, 2001
SECTION 710 AMENDED BY THE ELECTORS OF
THE CITY OF ANAHEIM AT THE ELECTION
HELD ON NOVEMBER 7, 2000, FILED BY THE SECRETARY OF STATE
FEBRUARY 6, 2001
SECTION 711 AMENDED BY THE ELECTORS OF
THE CITY OF ANAHEIM AT THE ELECTION
HELD ON NOVEMBER 7, 2000, FILED BY THE SECRETARY OF STATE
FEBRUARY 6, 2001
ARTICLE VIII, SECTIONS 800, 801 AND 802 REPLEAED BY THE ELECTORS
OF THE CITY OF ANAHEIM AT THE ELECTION
HELD ON NOVEMBER 7, 2000, FILED BY THE SECRETARY OF STATE
FEBRUARY 6, 2001
SECTION 904 AMENDED BY THE ELECTORS OF
THE CITY OF ANAHEIM AT THE ELECTION
HELD ON NOVEMBER 3, 1992, FILED BY THE SECRETARY OF STATE
DECEMBER 21, 1992

Last Revised 05/05/2011

Page 56

SECTIONS 10.200 - 10.203 ADDED BY THE ELECTORS OF
THE CITY OF ANAHEIM AT THE ELECTION HELD
NOVEMBER 3, 1998, FILED WITH THE COUNTY OF ORANGE, CLERK-
RECORDER,
JANUARY 6, 1999; AND AMENDED NOVEMBER 7, 2000, FILED WITH THE
SECRETARY OF STATE FEBRUARY 6, 2001
SECTION 1100 AMENDED BY THE ELECTORS OF
THE CITY OF ANAHEIM AT THE ELECTION
HELD NOVEMBER 7, 2000, FILED WITH THE SECRETARY OF STATE
FEBRUARY 6, 2001
SECTION 1201 AMENDED BY THE ELECTORS OF
THE CITY OF ANAHEIM AT THE ELECTION
HELD ON NOVEMBER 7, 2000, FILED BY THE SECRETARY OF STATE
FEBRUARY 6, 2001
SECTION 1202 AMENDED BY THE ELECTORS OF
THE CITY OF ANAHEIM AT THE ELECTIONS HELD ON NOVEMBER 7, 1978;
FILED BY THE SECRETARY OF STATE JANUARY 2, 1979; AND NOVEMBER 2,
1982, FILED BY THE
SECRETARY OF STATE JANUARY 18, 1983
SECTION 1203 AMENDED BY THE ELECTORS
OF THE CITY OF ANAHEIM AT THE
ELECTIONS HELD ON NOVEMBER 7, 1978, FILED BY THE SECRETARY OF
STATE JANUARY 2, 1979; AND NOVEMBER 2, 1982, FILED BY THE

SECRETARY OF STATE JANUARY 18, 1983
SECTION 1206 AMENDED BY THE ELECTORS
OF THE CITY OF ANAHEIM AT THE ELECTION HELD ON NOVEMBER 6, 1990,
FILED BY THE SECRETARY OF STATE FEBRUARY 19, 1991
SECTION 1207 AMENDED BY THE ELECTORS
OF THE CITY OF ANAHEIM AT THE
ELECTION HELD ON APRIL 11, 1978, FILED BY THE SECRETARY OF STATE
APRIL 25, 1978; AND NOVEMBER 7, 2000, FILED BY THE SECRETARY OF
STATE FEBRUARY 6, 2001
SECTION 1210 AMENDED BY THE ELECTORS
OF THE CITY OF ANAHEIM AT THE
ELECTIONS HELD ON JUNE 2, 1981, FILED BY THE SECRETARY OF STATE
JULY 20, 1981; AND NOVEMBER 2, 1982, FILED BY THE SECRETARY OF
STATE JANUARY 18, 1983

Last Revised 05/05/2011

Page 57

SECTION 1211 AMENDED BY THE ELECTORS
OF THE CITY OF ANAHEIM AT THE
ELECTIONS HELD ON NOVEMBER 2, 1976, FILED BY THE SECRETARY OF
STATE DECEMBER 27, 1976; NOVEMBER 7, 1978, FILED BY THE SECRETARY
OF STATE JANUARY 2, 1979; AND NOVEMBER 3, 1992, FILED BY THE
SECRETARY OF STATE DECEMBER 21, 1992
SECTIONS 1212, 1213, 1214 AND 1215 REPEALED
AT THE ELECTIONS HELD ON NOVEMBER 7, 2000, FILED BY THE SECRETARY
OF STATE FEBRUARY 6, 2001
SECTION 1212 ADDED BY THE ELECTORS OF
THE CITY OF ANAHEIM AT THE ELECTION HELD
NOVEMBER 2, 2010, FILED WITH THE SECRETARY OF STATE
JANUARY 7, 2011
SECTION 1213 ADDED BY THE ELECTORS OF
THE CITY OF ANAHEIM AT THE ELECTION HELD
NOVEMBER 2, 2010, FILED WITH THE SECRETARY OF STATE
JANUARY 7, 2011
SECTION 1216 AMENDED BY THE ELECTORS
OF THE CITY OF ANAHEIM AT THE
ELECTION HELD ON NOVEMBER 6, 1990, FILED BY THE SECRETARY OF
STATE
FEBRUARY 19, 1991
SECTION 1217 AMENDED BY THE ELECTORS OF
THE CITY OF ANAHEIM AT THE ELECTION
HELD ON NOVEMBER 3, 1992, FILED BY THE SECRETARY OF STATE
DECEMBER 21, 1992
SECTION 1221 AMENDED BY THE ELECTORS
OF THE CITY OF ANAHEIM AT THE
ELECTIONS HELD ON NOVEMBER 2, 1976, FILED BY THE SECRETARY OF
STATE DECEMBER 27, 1976; AND NOVEMBER 6, 1990, FILED BY THE
SECRETARY OF STATE FEBRUARY 19, 1991
SECTION 1222 AMENDED BY THE ELECTORS
OF THE CITY OF ANAHEIM AT THE
ELECTION HELD ON NOVEMBER 7, 1978, FILED BY THE SECRETARY OF
STATE

JANUARY 2, 1979
SECTION 1300 AMENDED BY THE ELECTORS
OF THE CITY OF ANAHEIM AT THE
ELECTION HELD ON NOVEMBER 2, 1982, FILED BY THE SECRETARY OF
STATE
JANUARY 18, 1983; AND NOVEMBER 7, 2000, FILED BY THE SECRETARY OF
STATE FEBRUARY 6, 2001

Page 58

Last Revised 05/05/2011

Page 58

SECTION 1501 AMENDED BY THE ELECTORS
OF THE CITY OF ANAHEIM AT THE ELECTION
HELD ON NOVEMBER 3, 1992, FILED BY THE SECRETARY OF STATE
DECEMBER
21, 1992; AND NOVEMBER 7, 2000, FILED BY THE SECRETARY OF STATE
FEBRUARY 6, 2001

BUENA PARK:

CHARTER OF THE CITY OF BUENA PARK

PREAMBLE

We the people of the City of Buena Park declare our intent to restore to our community the historic principles of self governance inherent in the doctrine of home-rule. Sincerely committed to the belief that local government has the closest affinity to the people governed, and firm in the conviction that the economic and fiscal independence of our local government will promote the health, safety and welfare of all the citizens of this City, we do hereby exercise the express right granted by the Constitution of the State of California to enact and adopt this Charter for the City of Buena Park.

Article I – Municipal Affairs: Generally

Section 100. Municipal Affairs. The City shall have full power and authority to adopt, make, exercise and enforce all legislation, laws, and regulations and to take all actions relating to municipal affairs, without limitation, which may be lawfully adopted, made, exercised, taken or enforced under the Constitution of the State of California.

Article II – General Laws

Section 100. General Law Powers. In addition to the power and authority granted by the terms of this Charter and the Constitution of the State of California, the City shall have the power and authority to adopt, make, exercise and enforce all legislation, laws and regulations and to take all actions and to exercise any and all rights, powers, and privileges heretofore or hereafter established, granted or prescribed by any law of the State of California or by any other lawful authority. In the event of any conflict between the provisions of this Charter and the provisions of the general laws of the State of California, the provisions of this Charter shall control.

Article III – Public Contracting

Section 100. The provisions of California Labor Code Section 1770 et. seq. regarding prevailing wages on public works and related regulations, as now existing and as may be amended, are accepted and made applicable to the City, its departments, boards, officers, agents and employees.

Article IV – Interpretation

Section 100. Construction and Interpretation. The language contained in this Charter is intended to be permissive rather than exclusive or limiting and shall be liberally and broadly

construed in favor of the exercise by the City of its power to govern with respect to any matter

which is a municipal affair.

Section 200. Severability. If any provision of this Charter should be held by a court of competent jurisdiction to be invalid, void or otherwise unenforceable, the remaining provisions

shall remain enforceable to the fullest extent permitted by law.

CYPRESS:

1

CHARTER

CITY OF CYPRESS

We, the People of the City of Cypress, State of California, do ordain and establish this Charter as the organic law of the City under the Constitution of the State of California.

ARTICLE I

INCORPORATION AND SUCCESSION

Section 100. Name and Boundaries. The City of Cypress, hereinafter termed the City, shall continue to be a municipal corporation under its present name, "City of Cypress". The boundaries of the City shall be as established at the time this Charter

takes effect, or as they may be changed thereafter in the manner authorized by law.

Section 101. Rights and Liabilities of the City. The City shall continue to own, possess, and control all rights and property of every kind and nature owned, possessed, or controlled by it at the time this Charter takes effect and shall be subject to all its

legally enforceable debts, obligations, liabilities, and contracts.

Section 102. Ordinances, Codes and Other Regulations. All ordinances, codes, resolutions, regulations, or portions thereof, in force at the time this Charter takes effect,

and not in conflict or inconsistent herewith, shall continue in force until they shall have

been duly repealed, amended, changed, or superseded by proper authority as provided herein.

Section 103. Officers and Employees. Subject to the provisions of this Charter, the present officers and employees shall continue to perform the duties of their respective offices and employments without interruption and for the same compensations and under the same conditions until the election or appointment and

qualification of their successors and subject to such removal and control as herein provided.

Section 104. Effective Date of Charter. This Charter shall take effect upon its approval by the Legislature of the State of California, or as otherwise provided by law.

ARTICLE II

POWERS OF CITY

Section 200. Powers. The City shall have all powers possible for a City to have

under the Constitution and laws of the State of California as fully and completely as though they were specifically enumerated in this Charter. Specifically, but not by way of limitation, the City shall have the power to make and enforce all laws and regulations 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

2

have the power to exercise any and all rights, powers, and privileges heretofore or hereafter established, granted or prescribed by any law of the State, by this Charter, or by any other lawful authority, or which a municipal corporation might or could exercise under the Constitution of the State of California. The enumeration in this Charter of any particular power, duty or procedure shall not be held to be exclusive of, or any limitation or restriction upon, this general grant of power.

Section 201. Intergovernmental Relations. The City may exercise any of its powers or perform any of its functions and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with any one or more cities, counties, states, or civil divisions or agencies thereof, or the United States or any agency thereof.

ARTICLE III FORM OF GOVERNMENT

Section 300. Form of Government. The municipal government established by this Charter shall be known as the "Council-Manager" form of government.

ARTICLE IV THE CITY COUNCIL

Section 400. City Council. The City Council, hereinafter termed "Council", shall consist of five Councilmen elected to office from the City at large in the manner provided in this Charter. The term of office shall be four years. Alternatively, and successively, three four-year terms shall be filled at one general municipal election and two four-year terms at the next such election, consistent with the sequence of terms of Councilmen existing on the effective date hereof. The term of a Councilman shall commence on the

first Tuesday following his election and he shall serve until his successor qualifies. Any

ties in voting shall be settled by the casting of lots.

Each Councilman in office at the time this Charter takes effect shall continue in office until the end of the term for which he was elected or appointed. [Repealed November 8, 1977]

Section 400. City Council. The City Council, hereinafter termed "Council", shall consist of five Councilmen elected to office from the City at large in the manner provided

in this Charter. The term of office shall be four years. Alternatively, and successively,

three four-year terms shall be filled at one general municipal election and two four-year

terms at the next such election, consistent with the sequence of terms of Councilmen

existing on the effective date hereof. The term of a Councilman shall commence on the

first Tuesday following his election and he shall serve until his successor qualifies. Any

ties in voting shall be settled by the casting of lots.

Each Councilman in office at the time this Charter takes effect shall continue in office until the end of the term for which he was elected or appointed.

3

No person shall be eligible for election or appointment to the Council who, at the time he would take office, would have previously served on the Council for eight or more

years; provided, however, that service on the Council prior to the effective date of this

provision shall be disregarded in determining eligibility for office. [Amended November

8, 1977]

Section 401. Eligibility. No person shall be eligible to hold the office of Councilman unless he is a legally registered voter and resident of the City.

Section 402. Compensation. Compensation for Councilmen is hereby set and from time to time shall be changed, in accordance with the schedule applicable to the

City of Cypress set forth in the provisions of the Government Code relating to salaries of

councilmen in general law cities. Such compensation may be increased or decreased

by an affirmative vote of a majority of the voters voting on the proposition at any election. [Repealed November 8, 1977]

Section 402. Compensation. Compensation for Councilmen is hereby set, and from time to time shall be changed, in accordance with the schedule set forth in the

Government Code establishing salaries of Councilmen in general law cities, as the same may from time to time be amended. Such compensation may be increased or decreased by an affirmative vote of a majority of the voters voting on the Proposition at any election. [Amended November 8, 1977]

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

(a) A vacancy shall exist on the Council, and shall be declared by the Council, if a Councilman resigns, is legally removed, dies, or forfeits his office.

(b) A Councilman shall forfeit his office if he (1) lacks at any time while holding office any qualification for election prescribed by this Charter or by law, (2) violates any provision of this Charter, (3) is convicted of a crime involving moral turpitude, (4) without

consent of the Council is absent from all regular Council meetings for a period of sixty

consecutive days and the first regular meeting thereafter, said period to be computed

from the last regular Council meeting he attends. A declaration by the Council of a

vacancy resulting from forfeiture of office shall be subject to judicial review, provided

that within two weeks after such declaration an appropriate action, or proceeding, for

review is filed in a court having jurisdiction of the action or proceeding. During the pendency of any such action or proceeding, anyone appointed by the Council to fill such

vacancy shall have all the rights, duties, and powers of a Councilman, and shall continue in such office as provided herein unless and until said court rules the declaration of the Council invalid and such ruling has become final. [Repealed November 8, 1977]

(b) A Councilman shall forfeit his office if he (1) lacks at any time while holding office any qualification for election prescribed by this Charter or by law, (2) violates any

provision of this Charter, (3) is convicted of a designated crime as specified in the

4

Constitution and laws of the State, (4) without consent of the Council is absent from all

regular Council meetings for a period of sixty consecutive days and the first regular

meeting thereafter, said period to be completed from the last regular Council meeting he

attends. A declaration by the Council of a vacancy resulting from forfeiture of office shall

be subject to judicial review, provided that within two weeks after such declaration an appropriate action, or proceeding, for review is filed in a court having jurisdiction of the action or proceeding. During the pendency of any such action or proceeding, anyone appointed by the Council to fill such vacancy shall have all the rights, duties, and powers of a Councilman, and shall continue in such office as provided herein unless and until said court rules the declaration of the Council invalid and such ruling has become final. [Amended November 8, 1977]

(c) Any vacancy on the Council shall be filled by a majority vote of the remaining Councilmen within thirty days after the vacancy occurs. If more than one vacancy exists, successive appointments shall be made, and each appointee shall participate in any succeeding appointment. If the Council fails, for any reason, to fill such vacancy within said thirty-day period, it shall forthwith call an election for the earliest possible date to fill such vacancy. A person appointed by the Council to fill a vacancy shall hold office until the next general municipal election and until his successor qualifies. A Councilman elected to fill a vacancy shall hold office for the remainder of the unexpired term.

Section 404. Mayor – Mayor Pro Tempore. By the affirmative votes of not less than three Councilmen, the Council shall elect one of its members as Mayor, and one of

its members as Mayor Pro Tempore, upon the following occasions:

(a) In even numbered years, at the regular Council meeting held for the purpose of canvassing the results of the general municipal election; and

(b) In odd numbered years, at the second regular Council meeting held during the month of March; or

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

The Mayor shall preside at Council meetings. He shall be the chief official of the City for all ceremonial purposes. He shall perform such other duties consistent with his

office as may be prescribed by the Council. The Mayor Pro Tempore shall perform the duties of the Mayor during his absence or disability.

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

[Repealed

November 2, 1982]

Section 404. Mayor -- Mayor Pro Tempore. By the affirmative votes of not less

than three Councilmen, the Council shall elect one of its members as Mayor and one of its members as Mayor Pro Tempore, upon the following occasions:

5

(a) In even-numbered years, at the Council meeting held for the purpose of canvassing the results of the general municipal election; and

(b) In odd-numbered years, at the first regular Council meeting held at least one year after the Council meeting held for the purpose of canvassing the results of the last

general municipal election; and

(c) At such other times as a majority of the Council shall so order. The Mayor shall preside at Council meetings. He shall be the chief official of the City for all ceremonial purposes. He shall perform such other duties consistent with his office as

may be prescribed by the Council. The Mayor Pro Tempore shall perform the duties of

the Mayor during his absence or disability.

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

[Amended

November 2, 1982]

Section 405. Powers Vested in the Council. All powers of the City shall be vested in the Council except as otherwise provided in this Charter.

Section 406. Prohibitions.

(a) No Councilman shall hold any other City office or City employment, and no former Councilman shall hold any compensated City office or City employment until two

years after leaving the office of Councilman.

(b) Neither the Council nor any of its members shall interfere with the execution by the City Manager of his powers and duties, or order, directly or indirectly, the appointment by the City Manager or by any of the departmental officers in the administrative service of the City, of any person to an office or employment or his removal therefrom. Except for the purpose of inquiry, the Council and its members shall

deal with the administrative service under the City Manager solely through the City

Manager and neither the Council nor any member thereof shall give orders to any

subordinates of the City Manager, either publicly or privately.

Section 407. Regular Meeting of the Council. The Council shall hold regular meetings at least once each month at such times as it shall fix by ordinance or resolution. At any time a regular meeting falls on a holiday, such meeting shall be held

on the next business day.

Section 408. Special Meetings. Special meetings may be called at any time in the manner prescribed by the general laws of the State.

Section 409. Adjourned Meetings. Any regular, adjourned regular, special, or adjourned special meeting may be adjourned to a time and place specified in the order of adjournment. Any adjourned regular meeting is a regular meeting for all purposes.

6

Section 410. Quorum. Subject to other provisions of this Charter, three Councilmen shall constitute a quorum to do business, but a lesser number may adjourn from time to time or compel the attendance of other Councilmen in such a manner and under such penalties as the Council may have provided. Except as otherwise provided herein, all Council action shall be by majority vote of those members present and voting.

Section 411. Open Meetings. Ralph M. Brown Act. All meetings of the Council shall be open to the public, provided the Council may adjourn to an executive session as provided by law. The provisions of the Ralph M. Brown Act, commencing with Section 54950 of the Government Code, shall apply to all meetings of the Council.

Section 412. Place of Meetings. All Council meetings shall be held in the Council Chamber of the City Hall, or in a place to which any meeting may be adjourned. If, by reason of fire, flood, or other emergency, it shall be unsafe to meet in the Council Chamber, the meetings may be held for the duration of the emergency at a place designated by the Mayor, or if he should fail to act, by three members of the Council.

[Repealed November 8, 1977]

Section 412. Place of Meetings. All regular Council meetings shall be held in the Council Chamber of the City Hall, or in a place to which any meeting may be adjourned.

If, by reason of fire, flood, or other emergency, it shall be unsafe to meet in the Council Chamber, the meetings may be held for the duration of the emergency at a place designated by the Mayor, or if he should fail to act, by three members of the Council.

[Amended November 8, 1977]

Section 413. Proceedings. The Council shall cause the City Clerk to keep a correct record of all its proceedings. The Council may establish rules for the conduct of its proceedings. It may evict any member or other person for disorderly conduct at any of its meetings. Each member of the Council shall have the power to administer oaths

and affirmations in any proceeding pending before the Council. The Council shall have the power to compel the attendance of witnesses, to examine them under oath, and to compel the production of evidence before it. Subpoenas shall be issued in the name of the City, signed by the Mayor, and attested by the City Clerk. Disobedience of such subpoenas, or the refusal to testify, shall constitute a misdemeanor; the Mayor shall report such disobedience to a judge of a court of competent jurisdiction for further proceedings.

Upon adoption of any ordinance, resolution, or order for payment of money, or upon the demand of any member, the City Clerk shall call the roll and shall cause the ayes and noes taken on the question to be entered in the minutes of the meeting.

[Repealed November 8, 1977]

Section 413. Proceedings. The Council shall cause the City Clerk to keep a correct record of all its proceedings. The Council may establish rules for the conduct of its proceedings. It may evict any member or other person for disorderly conduct at any of its meetings. Each member of the Council shall have the power to administer oaths

7

and affirmations in any proceeding pending before the Council. The Council shall have the power to compel the attendance of witnesses, to examine them under oath, and to compel the production of evidence before it. Subpoenas shall be issued in the name of the City, signed by the Mayor, and attested by the City Clerk. Disobedience of such subpoenas, or the refusal to testify, shall constitute a misdemeanor; the Mayor shall report such disobedience to a judge of a court of competent jurisdiction for further proceedings.

Upon enactment of any ordinance or of any resolution or order for payment of money, or upon the demand of any member, the City Clerk shall call the roll and shall cause the ayes and noes taken on the question to be entered in the minutes of the meeting. [Amended November 8, 1977]

Section 414. Citizen Participation. Subject to the rules governing the conduct of Council meetings, any citizen, personally or through counsel, shall have the right to

present grievances at any regular meeting of the Council or offer suggestions for the betterment of municipal affairs.

Section 415. Adoption of Ordinances and Resolutions. With the exception of ordinances which take effect upon adoption, referred to in this Article, no ordinance shall be adopted by the Council on the day of its introduction, nor within five days thereafter. At the time of its introduction an ordinance shall become a part of the proceedings of such meeting in the custody of the City Clerk. At the time of adoption of an ordinance or resolution it shall be read in full, unless after the reading of the title thereof the further reading thereof is waived by unanimous consent of the Councilmen present. In the event that any ordinance is altered after its introduction, it shall not be finally adopted except at a meeting held not less than five days after the date upon which such ordinance was altered. Correction of a typographical or clerical error shall not constitute an alteration within the meaning of the foregoing sentence. Unless otherwise required by this Charter, the affirmative votes of at least three Councilmen shall be required for the enactment of any ordinance or resolution, or for the making or approving of any order for the payment of money.

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

Any ordinance declared by the Council to be necessary as an emergency measure for preserving the public peace, health, or safety and containing a statement of the reasons for its urgency, may be introduced and adopted at one and the same meeting if it is passed by at least four affirmative votes. [Repealed November 8, 1977]

Section 415. Adoption of Ordinances and Resolutions. With the exception of ordinances which take effect upon adoption, referred to in this Article, no ordinance shall be adopted by the Council on the day of its introduction, nor within five days thereafter. At the time of its introduction, an ordinance shall become a part of the proceedings of such meeting in the custody of the City Clerk. Ordinances and resolutions need not be read in full prior to enactment, and may be enacted by title only, unless a Councilman requests a full reading thereof. In the event that any ordinance is altered after its introduction, it shall not be finally adopted except at a meeting held not

less than five days after the date upon which such ordinance was altered.

Correction of

a typographical or clerical error shall not constitute an alteration within the meaning of

the foregoing sentence.

Unless otherwise required by this Charter, the affirmative votes of at least three Councilmen shall be required for the enactment of any ordinance or of any resolution or

order for the payment of money.

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

Any ordinance declared by the Council to be necessary as an emergency measure for preserving the public peace, health, or safety, and containing a statement

of the reasons for its urgency, may be introduced and adopted at one and the same

meeting if it is passed by at least four affirmative votes. [Amended November 8, 1977]

Section 416. Ordinances. Publication. The City Clerk shall cause each ordinance to be published at least once in the official newspaper within fifteen days after its adoption; provided, however, that when the publication of an ordinance would not other

wise be required by the general laws of the State, the Clerk shall post the ordinance in

at least three public places in the City in lieu of such publication.

Section 417. Adoption of Codes by Reference. Detailed regulations, pertaining to any subject, when arranged as a comprehensive code may be adopted by reference

by the passage of an ordinance for such purpose. Such code need not be published in

the manner required for the enactment of ordinances. Copies of any adopted code of

regulations shall be made available for purchase at a reasonable price.

Section 418. The Cypress City Code. The Code of the City of Cypress may be amended, repealed, or added to in whole or in part by ordinance. Said Code may be

rearranged and renumbered and thereupon adopted by reference in the same manner

as set forth in Section 417, above.

Section 419. Ordinances. When Effective. An ordinance shall become effective on the thirty-first day after its adoption, or at any later date specified therein, except the

following, which shall take effect upon adoption:

(a) An ordinance calling or otherwise relating to an election.

(b) An ordinance declaring the amount of money necessary to be raised by

taxation, fixing the rate of taxation, levying the annual tax upon property, or levying any other tax.

9

(c) An emergency ordinance adopted in the manner provided for in this Chapter.

(d) Any ordinance adopted after January 1, 1998 relating to the Council's planning agency powers shall take effect when authorized by the affirmative votes of a

majority of the voters voting at an election pursuant to Section 800 and 801.

[Amended

November 3, 1998]

Section 420. Publishing of Legal Notices. Prior to the beginning of each fiscal year, the Council shall solicit bids and contract for the publication of all legal notices or

other matter required to be published in a newspaper of general circulation, during the

ensuing fiscal year. If there is only one newspaper of general circulation printed and

published in the City, then the Council shall have the power to contract with such newspaper for the publishing of such legal notices and other matter without soliciting

bids therefor. The newspaper with which the Council so contracts shall be deemed to be

the official newspaper.

If there is no newspaper of general circulation in the City, or if such a newspaper will not contract with the City at rates which do not exceed those charged private persons, and the Council has not designated an official newspaper, then such notices

and other matter, and notices required to be published in the official newspaper may be

published by posting copies thereof at three or more public places in the City as designated by the Council.

No defect or irregularity in proceedings taken under this section, or failure to designate an official newspaper, shall invalidate any publication where the same is

otherwise in conformity with this Charter or law.

ARTICLE V

CITY CLERK

Section 500. City Clerk. There shall be a City Clerk who shall be appointed by, and serve at the pleasure of the Council.

Section 501. Powers and Duties. The City Clerk shall:

(a) Attend all meetings of the Council and be responsible for the recording and maintaining of a full and true record of all of the proceedings of the Council in books that

shall bear appropriate titles and be devoted to such purpose.

(b) Maintain separate books, in which shall be recorded respectively all

ordinances and resolutions, with the certificate of the Clerk annexed to each document stating that said document is the original or a correct copy, and with respect to an ordinance, stating that said ordinance has been published or posted in accordance with this Charter; all of said books shall be properly indexed and open to public inspection when not in actual use.

10

(c) Maintain separate books, in which a record shall be made of all written contracts and official bonds.

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

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

(f) Conduct all City elections.

(g) Perform such other duties as may be prescribed by the Council.

ARTICLE VI

CITY MANAGER

Section 600. City Manager. Selection and Qualifications. There shall be a City Manager who shall be the chief administrative officer of the City. The Council shall

appoint the person who it believes to be best qualified on the basis of his executive and

administrative qualifications, with special reference to his experience in, and his knowledge of, accepted practice in respect to the duties of the office as set forth in this

Charter.

The City Manager shall engage in no other business or occupation except as may be permitted by the affirmative vote of four members of the Council. He shall establish his residence within the City within ninety days after his appointment, unless

such period is extended by the Council, and thereafter maintain his residence within the

City during his tenure of office. [Repealed November 5, 2002]

The affirmative vote of a majority of the members of the Council shall be required to remove the City Manager from office, provided the City Manager shall not be removed by the Council within 90 days after a councilmanic election. The Council may

by ordinance adopt procedures for the removal of the City Manager from office.

Section 601. City Manager. Powers and Duties. The City Manager shall be responsible to the Council for the proper administration of all affairs of the City.

Without

limiting the foregoing general grant of powers, responsibilities and duties, the City Manager, subject to the provisions of this Charter and any regulations adopted pursuant

thereto, shall:

(a) Appoint and remove administrative officers, except those appointed by the Council, and when he deems it necessary for the good of the service suspend or remove any employee.

(b) Direct and supervise the administration of all departments, offices, and agencies of the City.

11

(c) Prepare and submit the annual budget and capital program to the Council, and be responsible for administration of the annual budget and capital program after its adoption.

(d) Prepare and submit to the Council as of the end of the fiscal year a comprehensive report on the finances and administrative activities of the City for the preceding year.

(e) Make such other reports as the Council may require concerning the operations of city departments, offices, and agencies subject to his direction and supervision.

(f) Keep the Council advised of the financial condition and future needs of the City and make such recommendations as may seem to him desirable.

(g) Prepare rules and regulations governing the contracting for, purchasing, storing, distribution, and disposal of, all supplies, materials, and equipment required by

any office, department, or agency of the City government and recommend them to the

Council for adoption.

(h) See that all laws, provisions of this Charter, and acts of the Council, subject to enforcement by him or by officers subject to his direction and supervision, are faithfully executed.

(i) Perform such other duties as may be prescribed by the Council.

Section 602. Manager Pro Tempore. The City Manager shall appoint, subject to the approval of the Council, one of the other officers of the City to serve as Manager Pro

Tempore during any temporary absence or disability of the City Manager. During such

absence or disability, the Council may revoke such designation at any time and appoint

another officer of the City to serve until the Manager shall return or his disability shall

cease.

ARTICLE VII

OFFICERS AND EMPLOYEES

Section 700. Administrative Departments.

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

offices, and agencies except that no function assigned by this Charter to a particular department, office, or agency may be discontinued or, unless this Charter specifically so provides, assigned to any other.

(b) Except as otherwise provided by this Charter, all departments, offices, and agencies under the direction and supervision of the City Manager shall be administered

12

by an officer appointed by and subject to the direction and supervision of the Manager.

With the consent of the Council, the Manager may serve as the departmental administrator of one or more such departments, offices, or agencies or may appoint one

person as the departmental administrator of two or more of them.

(c) The Council may provide for the number, titles, qualifications, powers, duties, and compensation of all officers and employees.

(d) Appointments and promotions of City officers and employees shall be made solely on the basis of merit and fitness demonstrated by examination or other evidence of competence.

Section 701. City Attorney. Powers and Duties. There shall be a City Attorney who shall be appointed and subject to removal by a majority vote of the entire Council.

Under the administrative direction of the City Manager, he shall serve as chief legal

adviser to the Council, the City Manager, and all City departments, offices, and agencies; he shall represent the City in all legal proceedings and shall perform such

other duties as may be prescribed by the Council.

Section 702. Director of Finance. There shall be a Director of Finance who shall:

(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, and supply data for the capital program as requested by the City Manager.

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

(d) Supervise and be responsible for the disbursement of all moneys and have control of all expenditures to insure that budget appropriations are not exceeded; audit

all purchase orders before issuance; audit and approve before payment, all bills, invoices, payrolls, demands or charges against the City government and, with the advice of the City Attorney, when necessary, determine the regularity, legality, and

correctness of such claims, demands, or charges.

(e) Supervise the collection, receipt, and the deposit of all moneys payable to the

City in a depository designated by the Council or by the City Manager, if the Council has not acted, and in compliance with all applicable laws.

(f) Submit a complete financial statement and report at the end of each fiscal year.

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

13

(h) Perform such other duties as may be prescribed by the Council.

Section 703. Treasurer. There shall be a Treasurer who shall be appointed and may be removed by the Council. The Treasurer shall perform those duties required by law, assigned by the Director of Finance, and those provided by ordinance or resolution.

Section 704. Planning Director *Director of Community Development*. There shall be a Director of Planning *Community Development* who shall:

(a) Advise the City Manager on any matter affecting the physical development of the City.

(b) Formulate and recommend to the City Manager modifications of the City's general plan.

(c) Review and make recommendations regarding proposed Council action implementing the general plan.

(d) Participate in the preparation and revision of the Capital Program.

(e) Advise the City Planning Commission *or City Planning Agency* in the exercise of its responsibilities and in connection therewith provide necessary staff assistance.

(f) Perform such other duties as may be prescribed by the Council.

[Amended November 2, 2004].

Section 705. Departmental Administrators. Appointive Powers. Each departmental administrator shall have the power to appoint, supervise, suspend or remove such assistants, deputies, subordinates, and employees as are provided for by the Council for his department, subject to approval of the City Manager and subject to the civil service provisions of the City and the rules and regulations promulgated thereunder.

Section 706. Personal Financial Interest. Except as permitted by the Government Code, any City officer or employee who has a financial interest in any contract with the City or in the sale of any land, materials, supplies, or services to the City or to a contractor supplying the City shall make known that interest and shall refrain from voting upon or otherwise participating in or influencing the making of such sale or

the making or performance of such contract. Any City officer or employee who willfully conceals such a financial interest or willfully violates the requirements of this section shall be guilty of malfeasance in office or position and shall forfeit his office or position.

Violation of this section with the knowledge, express or implied, of the person or corporation contracting with or making a sale to the City shall render the contract or sale voidable by the City.

14

Section 707. Administering Oath. Each departmental administrator and such of his deputies as he may designate shall have the power to administer oaths and affirmations in connection with any official business pertaining to his department.

Section 708. Official Bonds. The Council shall fix by ordinance or resolution the amounts and terms of the official bonds of all officers or employees who are required by

ordinance or resolution to give such bonds. All bonds shall be executed by a responsible corporate surety, shall be approved as to form by the City Attorney, and

shall be filed with the City Clerk. Premiums on official bonds shall be paid by the City.

There shall be no personal liability upon, or any right to recover against, a superior officer, or his bond, for any wrongful act or omission of his subordinate, unless

such superior officer was a party to, or conspired in, such wrongful act or omission.

ARTICLE VIII

BOARDS AND COMMISSIONS

Section 800. In General. Subject to the limitations imposed herein, the boards and commissions heretofore established by the Council shall continue to exist and

exercise the powers and perform the duties conferred upon them; provided, however,

that the Council may by ordinance abolish any and all of said boards and commissions

and may alter the structure, membership, powers and duties thereof.

In addition, the Council may create by ordinance such boards or commissions as in its judgment are required and may grant to them such powers and duties as are not

inconsistent with the provisions of this Charter, except however, any ordinance or resolution of the Council which delegates any of the Council's planning agency powers,

or which establishes a planning commission, administrative body or hearing officer(s),

or any other board or commission to perform the functions of a planning agency, shall

not take effect until authorized by the affirmative votes of a majority of the voters of the

City voting at an election. Further, any ordinance or resolution adopted after January 1,

1998 which delegates any of the Council's planning agency powers or establishes any

planning commission, administrative body or hearing officer(s), or other board or commission to perform the functions of a planning agency shall be suspended subject

to voter approval. [Amended November 3, 1998]

Section 801. Appropriations. The Council shall include in its annual budget such appropriations of funds as the Council shall determine to be sufficient for the efficient

and proper functioning of boards and commissions, except, however, in no case may

any appropriation of City funds be made for any planning commission, administrative

body, hearing officer(s), or board or commission formed under Section 800, or any

community advisory board to perform the functions of a planning agency, unless a full

fiscal analysis of costs, including estimated hourly costs for existing City officers or

employees, and for new officers or employees, to administer such an entity, is provided

to the voters at the election specified in Section 800. In the case of an entity approved

by the voters pursuant to Section 800, the total aggregate appropriation in subsequent

15

fiscal years may not exceed the cost analysis provided to the voters, except the appropriation may be increased at the annual rate of inflation as determined by the

consumer price index. [Amended November 3, 1998]

Section 802. Appointments. Terms. The number of members of boards and commissions shall be specified by the Council. Except as otherwise provided by ordinance, each member of each board or commission shall be appointed for a term of

four years and shall serve until his successor qualifies. All such appointments shall be

made, and appointees shall be subject to removal, by motion of the Council adopted by

at least three affirmative votes. In the event an incumbent is removed or otherwise

vacates his office, his successor shall be appointed for the unexpired term of said office.

[Repealed November 8, 1977]

Section 802. Appointments. Terms. The number of members of boards and commissions shall be specified by the Council. Except as otherwise provided by ordinance, each member of each board or commission shall be appointed for a term of

four years and shall serve until his successor qualifies. All such appointments shall be

made and appointees shall be subject to removal of the Council adopted by at least

three affirmative votes. In the event an incumbent is removed or otherwise vacates his

office, his successor shall be appointed for a full four-year term. [Amended November 8,

1977] [Repealed November 5, 2002]

Section 802. Appointments. Terms. The number of members of boards and commissions shall be specified by the Council. Except as otherwise provided by ordinance, each member of each board or commission shall be appointed for a terms of

four years and shall serve until his successor qualifies. All such appointments shall be

made and appointees shall be subject to removal of the Council adopted by at least

three affirmative votes. In the event an incumbent is removed or otherwise vacates his

office, his successor shall be appointed for the unexpired term of said office.

[Amended

November 5, 2002]

Section 803. Existing Membership. The members of the boards and commissions holding office when this Charter takes effect shall continue to hold office

thereafter until their respective terms of office shall expire and until their successors are

appointed and qualify.

Section 804. Meetings. Chairmen. As soon as practicable, following the first day of July of every year, each of such boards and commissions shall organize by electing

one of its members as presiding officer, and another as chairman pro tempore, to serve

at the pleasure of such board or commission. Each board or commission shall hold

regular meetings as the Council may require, and such special meetings as otherwise

may be necessary. The provisions of Section 411 hereof, relating to the Ralph M. Brown

Act, shall apply to all meetings of said boards and commissions and, subject to the provisions of said Act, all meetings shall be open to the public.

16

The City Manager may designate a City employee for the recording of minutes for each of such boards and commissions, who shall keep a record of its proceedings and transactions. Each board or commission may prescribe its own procedures and rules of operation which shall be kept on file in the office of the City Clerk where they shall be available for public inspection. Subject to any regulations and procedures established by the Council, each board or commission shall have the power to compel the attendance of witnesses, to examine them under oath, to compel the production of evidence before it, and to administer oaths and affirmations. Disobedience of any subpoena, or refusal to testify shall be a misdemeanor and such conduct shall be reported to the Mayor and procedures may be taken pursuant to Section 143, hereof.

[Repealed November 8, 1977]

Section 804. Meetings. Chairman. Each board or commission shall hold regular meetings as the Council may require, and such special meetings as otherwise may be necessary. The provisions of Section 411, hereof, relating to the Ralph M. Brown Act, shall apply to all meetings of said board and commissions and, subject to the provisions of said Act, all meetings shall be open to the public.

The City Manager may designate a City employee for the recording of minutes for each of such boards and commissions, who shall keep a record of its proceedings and transactions. Each board or commission may prescribe its own procedures and rules of operation, which shall be kept on file in the office of the City Clerk where they shall be available for public inspection. Subject to any regulations and procedures established by the Council, each board or commission shall have the power to compel the attendance of witnesses, to examine them under oath, to compel the production of evidence before it, and to administer oaths and affirmations. Disobedience of any subpoena, or refusal to testify shall be a misdemeanor and such conduct shall be

reported to the Mayor and procedures may be taken pursuant to Section 413, hereof.

[Amended November 8, 1977]

Section 805. Compensation. Vacancies. The members of boards and commissions shall receive such compensation as may be specified by the Council and shall also receive reimbursement for necessary traveling and other expenses incurred on official duty when such expenditures have received authorization by the Council.

Any vacancy in any board or commission, from whatever cause arising, shall be filled by appointment by the Council. Any appointment to fill such vacancy shall be for the unexpired portion of such term.

If a member of a board or commission is absent from three consecutive regular meetings of such board or commission, unless by permission of such board or commission expressed in its official minutes, is convicted of a crime involving moral turpitude, ceases to be a resident of the City, his office shall become vacant and shall

be so declared by the Council. [Repealed November 8, 1977]

17

Section 805. Compensation. Vacancies. The members of boards and commissions shall receive such compensation as may be specified by the Council and shall also receive reimbursement for necessary traveling and other expenses incurred on official duty when such expenditures have received authorization by the Council.

Any vacancy in any board or commission, from whatever cause arising, shall be filled by appointment by the Council. Any appointment to fill such vacancy shall be for

four years. [Amended November 8, 1977] [Repealed November 5, 2002]

Section 805. Compensation. Vacancies. The members of boards and commissions shall receive such compensation as may be specified by the Council and shall also receive reimbursement for necessary traveling and other expenses incurred on official duty when such expenditures have received authorization by the Council.

Any vacancy in any board or commission, from whatever cause arising, shall be filled by appointment by the Council. Any appointment to fill such vacancy shall be for

the unexpired term of said office. [Amended November 5, 2002]

ARTICLE IX ELECTIONS

Section 900. General Municipal Elections. General municipal elections for the election of officers and for such other purposes as the Council may prescribe shall be held in the City on the day designated by the Legislature for general municipal elections in general law cities.

Section 901. Special Municipal Elections. Other municipal elections shall be known as special municipal elections and may be called from time to time by the Council. [Repealed November 8, 1977]

Section 901. Special Municipal Elections. Other municipal elections shall be known as special municipal elections and may be called from time to time by the Council on whatever dates the Council deems appropriate regardless of any election dates established by state law. [Amended November 8, 1977]

Section 902. Procedure for Holding Elections. Unless otherwise provided by ordinance hereafter enacted, all elections shall be held in accordance with the provisions of the Elections Code of the State of California for the holding of municipal elections, so far as the same are not in conflict with this Charter.

Section 903. Initiative, Referendum and Recall. There are hereby reserved to the voters of the City the power of the initiative and referendum, and of the recall of municipal elective officers. The provisions of the Elections Code of the State of California governing the initiative and referendum, and the recall of municipal officers shall apply so far as the same are not in conflict with this Charter.

18

ARTICLE X

FISCAL ADMINISTRATION

Section 1000. Fiscal Year. The fiscal year of the City government shall begin on the first day of July of each year and end on the thirtieth day of June of the following year. The Council may by ordinance change the fiscal year.

Section 1001. Submission of Budget and Budget Message. On or before the thirty-first day of May of each year, or at such other time as the Council may prescribe, the Manager shall submit to the Council a budget for the ensuing fiscal year and an accompanying message.

The Manager's message shall explain the budget both in fiscal terms and in terms of the work programs. It shall outline the proposed financial policies of the City for the ensuing fiscal year, describe the important features of the budget, indicate any major changes from the current year in financial policies, expenditures, and revenues

together with the reasons for such changes, summarize the City's debt position, and include such other material as the Manager deems desirable.

Section 1002. Budget. The budget shall provide a complete financial plan of all City funds and activities for the ensuing fiscal year and, except as required by law or

this Charter, 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.

Section 1003. Capital Program. As used in this section a capital improvement shall mean an improvement with an estimated cost in excess of \$10,000 and a probable

life in excess of ten years, or such other improvement as may be specified by the Council.

(a) The Manager shall prepare and submit to the Council a five-year capital program at least one month prior to the final date for submission of the budget or such

other time as the Council may prescribe.

(b) The capital program shall include:

1. A clear general summary of its contents;
2. A list of all capital improvements which are proposed to be undertaken during the five fiscal years next ensuing, with appropriate supporting information as to the necessity for such improvements;
3. Cost estimate, method of financing and recommended time schedules for each such improvement; and

19

4. 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.

Section 1004. Council Action on Budget. The Council shall consider the proposed budget and make any revision thereof that it may deem advisable, and on or

before July 1 it shall adopt the budget. Adoption of the budget shall constitute appropriations of the amounts specified therein as expenditures from the funds indicated. If it fails to adopt the budget by said date, the amounts appropriated for current operation for the current fiscal year shall be deemed adopted for the ensuing

fiscal year on a month-to-month basis, with all items in it prorated accordingly, until such

time as the Council adopts a budget for the ensuing fiscal year. [Repealed November

8, 1977]

Section 1004. Council Action of Budget. The Council shall consider the proposed budget and make any revision thereof that it may deem advisable; and on or

before July 1, or such other date as it shall designate, it shall adopt the budget.

Adoption of the budget shall constitute appropriations of the amounts specified therein

as expenditures from the funds indicated. If it fails to adopt the budget by said date, the

amounts appropriated for current operation for the current fiscal year shall be deemed

adopted for the ensuing fiscal year on a month-to-month basis, with all items in it prorated accordingly, until such time as the Council adopts a budget for the ensuing

fiscal year. [Amended November 8, 1977]

Section 1005. Council Action on Capital Program. The Council by resolution shall adopt the capital program with or without amendment on or before the first day of

July of each year, or at such other time as the Council may designate.

Section 1006. Public Records. Copies of the budget and the capital program as adopted shall be public records and shall be made available to the public at suitable

places in the City.

Section 1007. Amendments After Adoption.

(a) If during the fiscal year the Manager certifies that there are available for appropriation revenues in excess of those estimated in the budget, the Council by

resolution may make supplemental appropriations for the year up to the amount of such excess.

(b) If at any time during the fiscal year it appears probable to the Manager that the revenues available will be insufficient to meet the amount appropriated, he shall

report to the Council without delay, indicating the estimated amount of the deficit, any

remedial action taken by him and his recommendations as to any other steps to be

20

taken. The Council shall then take such further action as it deems necessary to prevent

or minimize any deficit and for that purpose, it may by resolution reduce one or more

appropriations.

(c) At any time during the fiscal year, the Manager may transfer part or all of any unencumbered appropriation balance among programs within a department, office, or

agency and, upon written request by the Manager, the Council may by resolution transfer part or all of any unencumbered appropriation balance from one department, office, or agency to another.

(d) No appropriation for debt service may be reduced or transferred, and no appropriation may be reduced below any amount required by law to be appropriated or

by more than the amount of the unencumbered balance thereof. The supplemental

appropriations and reduction or transfer of appropriations authorized by this section may

be made effective immediately upon adoption.

Section 1008. Lapse of Appropriations. Every appropriation, except an appropriation for a capital expenditure, shall lapse at the close of the fiscal year to the

extent that it has not been expended or encumbered. An appropriation for a capital

expenditure shall continue in force until the purpose for which it was made has been

accomplished or abandoned; the purpose of any such appropriation shall be deemed

abandoned if three years pass without any disbursement from or encumbrance of the appropriation.

Section 1009. Tax Limits.

(a) The Council shall not levy a property tax, for municipal purposes, in excess of One Dollar annually on each One Hundred Dollars of the assessed value of taxable

property in the City, except as otherwise provided in this section, unless authorized by

the affirmative votes of a majority of the voters voting on a proposition to increase such

levy at any election at which the question of such additional levy for municipal purposes

is submitted to the voters. The number of years that such additional levy is to be made

shall be specified in such proposition.

(b) There shall be levied and collected at the time and in the same manner as other property taxes for municipal purposes are levied and collected, as additional taxes

not subject to the aforesaid tax limit, if no other provision for payment thereof is made:

1. A tax sufficient to meet all liabilities of the City for principal and interest of all bonds or judgments due and unpaid, or to become due during the ensuing

fiscal year, which constitute general obligations of the City; and

2. A tax sufficient to meet all obligations of the City to the Public Employees Retirement System or other retirement system approved by the Council, for

21

the retirement of City employees, due and unpaid or to become due during the ensuing fiscal year.

Section 1010. Tax Procedure. The procedure for the assessment, levy, and collection of taxes upon property, taxable for municipal purposes, may be prescribed by

ordinance of the Council; and in the absence of such an ordinance, the procedure

applicable thereto shall be that prescribed by the general laws of the State.

Section 1011. Bonded Debt Limit. The City shall not incur an indebtedness evidenced by general obligation bonds which shall in the aggregate exceed the sum of

fifteen percent of the total assessed value, for purposes of City taxation, of all taxable

real and personal property within the City.

No bonded indebtedness which shall constitute a general obligation of the City may be created unless authorized by the affirmative votes of two-thirds of the voters

voting on such proposition at any election at which the question is submitted to the

voters and unless in compliance with the provisions of the State Constitution and of this

Charter; provided, however, that if the State Constitution and/or general laws allow a

general law city to incur a bonded indebtedness constituting a general obligation thereof

without having first obtained the approval of two-thirds of the voters voting on such a

proposition, then the City shall be authorized to incur such a bonded indebtedness in

the manner prescribed by the State Constitution and/or general laws.

Section 1012. Contracts on Public Works. Every project involving an expenditure of more than Three Thousand Five Hundred Dollars (or such other amount as may be

prescribed by ordinance) for the construction, improvement, repair or maintenance of

public works shall be let by the Council by contract to the lowest responsible bidder after

notice by publication in the official newspaper by one or more insertions, the first of

which shall be at least ten days before the time for opening bids.

Projects for the maintenance or repair of public works are excepted from the

requirements of this paragraph if the Council determines that such work can be performed more economically by a City department than by contracting for the doing of such work.

The 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 four affirmative

votes of the Council may proceed to have said work done, without further observance of

the provisions of this section.

22

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

at least four affirmative votes of the Council and containing a declaration of the facts

constituting such urgency. [Amended November 2, 2004].

Section 1012. Contracts on Public Works. *Unless subject to an exception set forth in another subparagraph of Section 1012*, every project involving an expenditure of

more than Three Thousand Five Hundred Dollars (or such other amount as may be

prescribed by ordinance) for the construction, improvement, repair or maintenance of

public works shall be let by the Council by contract to the lowest responsible bidder after

notice by publication in the official newspaper by one or more insertions, the first of

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work in question may be performed better or more economically by the City with its own employees and after the adoption of a resolution to this effect by at least four affirmative votes of the Council may proceed to have said work done, without further observance of the provisions of this section.

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

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

At its election, the Council may authorize the use of a design-build construction procurement process for capital improvement projects.

For capital improvement project maintenance contracts, the Council may award the contract to the most qualified bidder instead of to the lowest responsible bidder.

[Amended November 2, 2004].

23

Section 1013. Presentation and Audit of Demands. Any demand against the City must be in writing and may be in the form of a bill, invoice, payroll, or formal demand.

Each such demand shall be presented to the Director of Finance who shall examine the same. If the amount thereof is legally due and there remains on his books an unexhausted balance of an appropriation against which the same may be charged, he shall approve such demand and draw his warrant on the Treasurer therefore, payable out of the proper fund.

The Director of Finance shall transmit such demand, with his approval or rejection thereof endorsed thereon, and warrant, if any, to the City Manager. The City Manager shall cause the same to be transmitted to the Council which may then approve

or disapprove payment thereof. [Repealed November 8, 1977]

Section 1013. Presentation and Audit of Demands. Any demand against the City must be in writing and may be in the form of a bill, invoice, payroll, or formal demand.

Each such demand shall be presented to the Director of Finance, or such other official as the Council may designate, who shall examine the same. If the amount thereof is

legally due and there remains on his books an unexhausted balance of an appropriation against which the same may be charged, he shall approve such demand and draw his warrant on the Treasurer therefor, payable out of the proper fund. The Director of Finance, or other designated official, shall transmit such demand, with his approval or rejection thereof endorsed thereon, and warrant, if any, to the City Manager. The City Manager shall cause the same to be transmitted to the Council, which may then approve or disapprove payment thereof. [Amended November 8, 1977]

Section 1014. Registering Warrants. Warrants on the Treasurer which are not paid for lack of funds shall be registered. All registered warrants shall be paid in the order of their registration when funds therefor are available and shall bear interest from the date of registration at such rate as shall be fixed by the Council by resolution.

Section 1015. Claims Against the City. The Council by ordinance may provide for conditions precedent to the commencement of any action or proceeding to bringing suit against the City, its officers, and employees, except as the subject is preempted by State law.

Section 1016. Independent Audit. The City Council shall employ at the beginning of each fiscal year, a certified public accountant who shall, at such time or times as may be specified by the City Council, and at such other times as he shall determine, examine the books, records, inventories and reports of all officers and employees who receive, handle, or disburse public funds and all such other officers, employees or departments as the City Council may direct. As soon as practicable after the end of the fiscal year, a final certified audit and report shall be submitted by such accountant to the

City Council, one copy thereof to be distributed to each member, one to the City Manager, Director of Finance, Treasurer, and City Attorney, respectively, and three

24

additional copies to be placed on file in the office of the City Clerk where they shall be available for inspection by the general public. [Repealed November 8, 1977]

Section 1016. Independent Audit. The City Council shall employ, at the beginning of each fiscal year, a certified public accountant who shall, at such time or

times as may be specified by the City Council, and at such other times as he shall determine, examine the books, records, inventories, and reports of all officers and employees who receive, handle, or disburse public funds and all such other officers, employees or departments as the City Council may direct. As soon as practicable after the end of the fiscal year, a final certified audit and report shall be submitted by such accountant to the City Council, one copy thereof to be distributed to each member, one each to the City Manager and such other officials as the Council may designate, and three additional copies to be placed on file in the office of the City Clerk, where they shall be available for inspection by the general public. [Amended November 8, 1977]

ARTICLE XI FRANCHISES

Section 1100. Granting of Franchises. The Council may grant a franchise to any person, partnership, corporation, or other legal entity capable of exercising the privilege conferred, whether operating under an existing franchise or not, and may prescribe the terms, conditions, and limitations of such grant, including the compensation to be paid to the City therefor. The Council may prescribe by ordinance or resolution the method or procedure for granting franchises, together with additional terms and conditions for making such grants. In the absence of such provision, the method provided by the general laws of the State shall apply.

Section 1101. Term of Franchise. No franchise shall be granted for a longer period than twenty-five years, unless there be reserved to the City the right to take over at any time the works, plant, and property constructed under the grant at their physical valuation and without compensation for franchise or good will.

Section 1102. Eminent Domain. No franchise or grant of a franchise shall in any way or to any extent impair or affect the right of the City to acquire the property of the possessor thereof by purchase or condemnation, and nothing therein contained shall be

construed to contract away or to modify or abridge, either for a term or in perpetuity, the City's right of eminent domain with respect to the property of the possessor of any franchise. Every franchise granted by the City is granted upon the condition, whether expressed in the grant or not, that such franchise shall not be given any value before any court or other public authority in any proceeding of any character in excess of any amount actually paid by the grantee to the City at the time of the grant.

Section 1103. Procedure for Granting Franchises. Before granting any franchise, the City Council shall adopt a resolution declaring its intention to grant same and stating the name of the proposed grantee, the character of the proposed franchise, and the terms and conditions upon which it is proposed to be granted. Such resolution shall fix 25 and set forth the day, hour, and place when and where any person having an interest in or objecting to the granting of such franchise may appear before the Council and be heard thereon. Said resolution shall be published at least once, not less than ten days prior to said hearing, in the official newspaper. After hearing all persons desiring to be heard, the Council may by ordinance deny or grant the franchise on the terms and conditions specified in the resolution, subject to the referendum of the people. No ordinance granting a franchise shall be adopted as an emergency ordinance.

ARTICLE XII

MISCELLANEOUS

Section 1200. Definitions. Unless the provision or the context otherwise requires, as used in this Charter:

- (a) "Shall" is mandatory, and "may" is permissive.
- (b) "City" is the City of Cypress, and "department", "board", "commission", "agency", "officer", "employee" is a department, board, commission, agency, officer, or employee, as the case may be, of the City of Cypress.
- (c) "City Code" is the Code of the City of Cypress.
- (d) "Council" is the City Council of the City.
- (e) "Councilman" is a member of the Council.
- (f) "Departmental administrator" is the person in charge of a City department.
- (g) "Government Code" is the California Government Code as it exists upon adoption of this Charter, or is thereafter amended.

(h) "Law" includes ordinance.

(i) "Officer" is a person holding an elected office, a member of a board or commission, the City Manager, and a departmental administrator or a person acting in his place.

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

(k) "Voter" is a legally registered voter.

(l) The masculine, feminine, and neuter genders shall be interchangeable, as shall be the singular and plural.

Section 1201. Violations. A violation of this Charter or of any ordinance of the City shall constitute a misdemeanor and may be prosecuted in the name of the People

of the State of California or may be redressed by civil action filed by the City. The
26

maximum fine or penalty for any violation of a City ordinance shall be the sum of Five

Hundred Dollars, or a term of imprisonment for a period not exceeding six months, or

both such fine and imprisonment.

Section 1202. 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 not be affected thereby.

HUNTINGTON BEACH:

City Charter

City of Huntington Beach

Incorporated February 17, 1909

City of Huntington Beach City Charter Page 1 of 20
12/6/10

CITY OF HUNTINGTON BEACH CITY CHARTER

Incorporated, February 17, 1909

(Election February 9, 1909; 94 votes cast for incorporation and 25 votes against)

CHARTER AMENDMENTS

Effective Dates

Charter Election Certified - Res. 773 Results 5/3/37.....	5/17/37
Amendments.....	2/2/40
Amendments.....	1/29/47
Amendments.....	1/27/49
Amendments.....	5/9/49
Revised.....	5/1/50
New Charter.....	2/10/66
Amendments.....	1/18/71
Amendments.....	6/5/75
Amendments.....	12/10/76
Amendments.....	7/17/78
Amendments..(Consolidation November).....	12/9/82
Amendments.....	12/7/84
Amendments.....	12/7/90
Amendments.....	4/22/02
Revised.....(Certified by the Secretary of State 1/6/11).....	12/6/10

City of Huntington Beach City Charter Page 2 of 20
12/6/10

CITY CHARTER

TABLE OF CONTENTS

ARTICLE I. INCORPORATION AND POWERS OF THE CITY

- Section 100. Name
- Section 101. Seal
- Section 102. Boundaries
- Section 103. Powers of City
- Section 104. Construction
- Section 105. Intergovernmental Relations

ARTICLE II. FORM OF GOVERNMENT

- Section 200. Council-Manager Form of Government

ARTICLE III. ELECTIVE OFFICES

- Section 300. City Council, Attorney, Clerk and Treasurer. Terms

Section 301. Powers Vested in City Council
Section 302. Compensation
Section 303. Meetings and Location
Section 304. Quorums, Proceedings and Rules of Order
Section 305. Presiding Officer
Section 306. Mayor Pro Tempore
Section 307. Non-interference with Administration
Section 308. Official Bonds
Section 309. City Attorney. Powers and Duties
Section 310. City Clerk. Powers and Duties
Section 311. City Treasurer. Powers and Duties
Section 312. Vacancies, Forfeitures and Replacement
Section 313. Conflict of Interest, Nepotism

ARTICLE IV. APPOINTIVE OFFICES AND PERSONNEL

Section 400. City Manager. Composition, Term, Eligibility, Removal
Section 401. Powers and Duties
Section 402. Acting City Manager
Section 403. Personnel
Section 404. Retirement System
Section 405. Boards, Commissions and Committees

ARTICLE V. ORDINANCES AND RESOLUTIONS

Section 500. Regular Ordinances. Enactment, Adoption, Publication, Amendment, When Effective and Codification
Section 501. Emergency Ordinances
Section 502. Resolutions
Section 503. Publishing of Legal Notices

City of Huntington Beach City Charter Page 3 of 20
12/6/10

ARTICLE VI. FISCAL ADMINISTRATION

Section 600. Fiscal Year
Section 601. Annual Budget, Preparation by the City Manager
Section 602. Annual Budget. Submission to the City Council
Section 603. Annual Budget. Public Hearing
Section 604. Annual Budget. Further Consideration and Adoption
Section 605. Annual Budget Appropriations
Section 606. Determination of City Tax Rate
Section 607. Tax Limits
Section 608. Vote Required for Tax Measures
Section 609. Real Estate Transfer Tax
Section 610. Bonded Debt Limit
Section 611. Revenue Bonds
Section 612. Public Utilities and Parks and Beaches
Section 613. Execution of Contracts
Section 614. Contracts on Public Works
Section 615. Granting of Franchises
Section 616. Independent Audit
Section 617. Infrastructure Fund

ARTICLE VII. ELECTIONS

Section 700. General Municipal Elections
Section 701. Special Municipal Elections
Section 702. Procedure for Holding Elections

Section 703. Initiative, Referendum and Recall

Section 704. Nomination Papers

ARTICLE VIII. MISCELLANEOUS

Section 800. Transition

Section 801. Definitions

Section 802. Violations

Section 803. Property Rights Protection Measure

Section 804. Charter Review

City of Huntington Beach City Charter Page 4 of 20

12/6/10

CHARTER

We, the people of the City of Huntington Beach, State of California believe fiscal responsibility and the prudent stewardship of public funds is essential for confidence in government, that ethics and integrity are the foundation of public trust and that just governance is built upon these values. Through the enactment of this Charter as the fundamental law of the City of Huntington Beach under the Constitution of the State of California, we do hereby exercise the privilege of retaining for ourselves, the benefits of local government, by enacting the laws, rules, regulations and procedures set forth herein pertaining to the governance and operation of our City.

It is incumbent upon those who govern and make decisions for and on behalf of the City of Huntington Beach to legally, as well as morally, abide by the provisions of this Charter, in its strictest sense, to assure the continued success and well-being of our fair City.

ARTICLE I

INCORPORATION AND POWERS OF THE CITY

Section 100. NAME. The municipal corporation now existing and known as the City of Huntington

Beach shall remain and continue to exist as a municipal corporation under its present name of "City of Huntington Beach."

Section 101. SEAL. The City shall have an official seal which may be changed from time to time by ordinance. The present official seal shall continue to be the official seal of the City until changed in the manner stated.

Section 102. BOUNDARIES. The boundaries of the City shall continue as now established until changed in the manner authorized by law.

Section 103. POWERS OF CITY. The City shall have the power to make and enforce all laws and regulations in respect to municipal affairs, subject only to such restrictions and limitations as may be provided in this Charter or in the Constitution of the State of California.

Section 104. CONSTRUCTION. The general grant of power to the City under this Charter shall be

construed broadly in favor of the City. The specific provisions enumerated in this Charter are intended to be and shall be interpreted as limitations upon the general grant of power and shall be construed narrowly.

If any provisions 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 not be affected thereby.

Section 105. INTERGOVERNMENTAL RELATIONS. The City may exercise any of its powers or perform any of its functions and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with any one or more states or civil divisions or agencies thereof, or the United States or any agency thereof.

ARTICLE II FORM OF GOVERNMENT

Section 200. COUNCIL-MANAGER FORM OF GOVERNMENT. The municipal government

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

City of Huntington Beach City Charter Page 5 of 20

12/6/10

ARTICLE III ELECTIVE OFFICES

Section 300. CITY COUNCIL, ATTORNEY, CLERK AND TREASURER. TERMS. The elective

officers of the City shall consist of a City Council of seven members, a City Clerk, a City Treasurer and a

City Attorney, all to be elected from the City at large at the times and in the manner provided in this

Charter and who shall serve for terms of four years and until their respective successors qualify. Subject

to the provisions of this Charter, the members of the City Council in office at the time this Charter takes

effect shall continue in office until the expiration of their respective terms and until their successors are

elected and qualified. Four members of the City Council shall be elected at the general municipal election

held in 1966, and each fourth year thereafter. Three members of the City Council shall be elected at the

general municipal election held in 1968, and each fourth year thereafter. No person shall be elected as a

member of the City Council for more than two consecutive terms and no person who has been a member

for more than two years of a term to which some other person was elected a member shall be elected to

the City Council more than one further consecutive term. Subject to the provisions of this Charter, the

City Clerk, City Treasurer and City Attorney in office at the time this Charter takes effect shall continue

in office until the expiration of their respective terms and the qualification of their successors. A City Clerk and City Treasurer shall be elected at the general municipal election held in 1968, and each fourth year thereafter. A City Attorney shall be elected in 1966, and each fourth year thereafter. The term of each member of the City Council, the City Clerk, the City Treasurer and the City Attorney shall commence on the first Monday following the certification of the election. Ties in voting among candidates for office shall be settled by the casting of lots. If no candidate meets the qualifications for office of the City Clerk, City Treasurer, or City Attorney, the City Council shall fill that position by appointment until the next municipal general election in which a qualified candidate is elected.

Section 301. POWERS VESTED IN CITY COUNCIL. All powers of the City shall be vested in the City Council except as otherwise provided in this Charter.

Section 302. COMPENSATION. The members of the City Council including the Mayor shall receive as compensation for their services as such a monthly salary in the sum of One Hundred Seventy-five Dollars per month. In addition, each member of the City Council shall receive reimbursement on order of the City Council for Council authorized traveling and other expenses when on official duty upon submission of itemized expense accounts therefor. In addition, members shall receive such reasonable and adequate amounts as may be established by ordinance, which amounts shall be deemed to be reimbursement to them of other routine and ordinary expenses, losses and costs imposed upon them by virtue of their serving as City Councilpersons.

Section 303. MEETINGS AND LOCATION.

(a) **Regular Meetings.** The City Council shall hold regular meetings at least twice each month at such time as it shall fix by ordinance or resolution and may adjourn or re-adjourn any regular meeting to a date and hour 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. If the hour to which a meeting is adjourned is not stated in the order of adjournment, such meeting shall be held at the hour for holding regular meetings. If at any time any regular meeting falls on a holiday such regular meeting shall be held on the next business day.

(b) **Special Meetings.** A special meeting may be called at any time by the Mayor, or by a majority of the members of the City Council, by written notice to each member of the City Council and to each local newspaper of general circulation, radio or television station requesting notice in writing. Such

12/6/10

notice must be delivered personally or by mail at least twenty-four hours before the time of such meeting as specified in the notice.

The call and notice shall specify the time and place of the special meeting and the business to be transacted. No other business shall be considered at such meeting. If any person entitled to such written

notice files a written waiver of notice with the City Clerk, it may be dispensed with. This notice requirement shall be considered fulfilled as to any person who is actually present at the meeting at the

time it convenes. In the event of an emergency affecting the public peace, health or safety, a special

meeting may be called as provided in this section with less than twenty-four hours written notice by the

Mayor Pro Tem in the Mayor's absence or by any member of the City Council in the absence of both the

Mayor and Mayor Pro Tem provided that the nature of the emergency is set forth in the minutes of the meeting.

(c) **Place of Meetings.** All regular meetings shall be held in the Council Chambers of the City or in such place within the City to which any such meeting may be adjourned. If, by reason of fire, flood or other emergency, it shall be unsafe to meet in the place designated, the meetings may be held for

the duration of the emergency at such place within the City as is designated by the Mayor, or, if he should

fail to act, by a majority of the members of the City Council.

(d) **Open Meetings.** All regular and special meetings of the City Council shall be open and public, and all persons shall be permitted to attend such meetings, except that the provisions of this

section shall not apply to executive sessions. Subject to the rules governing the conduct of City Council

meetings, no person shall be denied the right to be heard by the City Council.

(e) **Dissemination of Information.** The City Council shall adopt rules to ensure thorough and timely dissemination of information via current technology by resolution.

Section 304. QUORUMS, PROCEEDINGS AND RULES OF ORDER.

(a) **Quorum.** A majority of the members of the City Council shall constitute a quorum to do business but a lesser number may adjourn from time to time. In the absence of all the members of the City

Council from any regular meeting or adjourned regular meeting, the City Clerk may declare the same

adjourned to a stated day and hour. The City Clerk shall cause written notice of a meeting adjourned by

less than a quorum or by the City Clerk to be delivered personally or by mail to each Council member at

least twenty-four hours before the time to which the meeting is adjourned, or such notice may be dispensed with in the same manner as specified in this Charter for dispensing with notice of special

meetings of the City Council.

(b) **Proceedings.** The City Council shall judge the qualification of its members as set forth

by the Charter. It shall judge all election returns. Each member of the City Council shall have the power to administer oaths and affirmations in any investigation or proceeding pending before the City Council.

The City Council shall have the power and authority to compel the attendance of witnesses, to examine them under oath and to compel the production of evidence before it. Subpoenas shall be issued in the name of the City and be attested by the City Clerk. They shall be served and complied with in the same manner as subpoenas in civil actions. Disobedience of such subpoenas, or the refusal to testify (upon other than constitutional grounds), shall constitute a misdemeanor, and shall be punishable in the same manner as violations of this Charter are punishable. The City Council shall have control of all legal business and proceedings and all property of the legal department, and may employ other attorneys to take charge of or may contract for any prosecution, litigation or other legal matter or business.

(c) **Rules of Order.** The City Council shall establish rules for the conduct of its proceedings and evict or prosecute any member or other person for disorderly conduct at any of its meetings. Upon

adoption of any ordinance, resolution, or order for payment of money, or upon the demand of any member, the City Clerk shall call the roll and shall cause the ayes and noes taken on the question to be entered in the minutes of the meeting.

City of Huntington Beach City Charter Page 7 of 20
12/6/10

to be entered in the minutes of the meeting.

Section 305. PRESIDING OFFICER. At the Council meeting at which any Council member is installed

following any general or special municipal election, and at any time when there is a vacancy in the office

of Mayor, the City Council shall meet and shall elect one of its members as its presiding officer, who

shall have the title of Mayor. The Mayor may make and second motions and shall have a voice and vote

in all its proceedings. The Mayor shall be the official head of the City for all ceremonial purposes; shall

have the primary but not the exclusive responsibility for interpreting the policies, programs and needs of

the City government to the people, and as occasion requires, may inform the people of any major change

in policy or program; and shall perform such other duties consistent with the office as may be prescribed

by this Charter or as may be imposed by the City Council. The Mayor shall serve in such capacity at the

pleasure of the City Council.

Section 306. MAYOR PRO TEMPORE. The City Council shall also designate one of its members as

Mayor Pro Tempore, who shall serve in such capacity at the pleasure of the City Council. The Mayor Pro

Tempore shall perform the duties of the Mayor during the Mayor's absence or disability or at the Mayor's request.

Section 307. NON-INTERFERENCE WITH ADMINISTRATION. Except as otherwise provided in this Charter, no member of the City Council shall order, directly or indirectly, the appointment by the City Manager, or by any of the department heads in administrative service of the City, of any person to any office or employment, or removal therefrom. Except for the purpose of investigation and inquiry, the members of the City Council shall deal with the administrative service under the jurisdiction of the City Manager solely through the City Manager, and no member of the City Council shall give orders to any subordinate of the City Manager, either publicly or privately. No elected department head or staff of the Office of the elected department head shall be a member of the management negotiation team for the purposes of negotiations of memorandums of understanding with the employee bargaining units.

Section 308. OFFICIAL BONDS. The City Council shall fix by ordinance or resolution the amounts and terms of the official bonds of all officials or employees who are required by this Charter or by ordinance to give such bonds. All bonds shall be executed by responsible corporate surety, shall be approved as to form by the City Attorney, and shall be filed with the City Clerk. Premiums on official bonds shall be paid by the City. A blanket bond may be used if it provides the same protection as the required separate bond would provide. In all cases wherein an employee of the City is required to furnish a faithful performance bond, there shall be no personal liability upon, or any right to recover against, the employee's superior officer or other officer or employee or the bond of the latter, unless such superior officer, or other officer or employee is a party to the act or omission, or has conspired in the wrongful act directly or indirectly causing the loss.

Section 309. CITY ATTORNEY. POWERS AND DUTIES. To become and remain eligible for City Attorney the person elected or appointed shall have graduated from a law school accredited by the American Bar Association, be an attorney at law, duly licensed as such under the laws of the State of California, shall have been engaged in the practice of law in this State for at least five years prior to their election or appointment. The City Attorney shall have the power and may be required to:

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

(b) Prosecute on behalf of the people any or all criminal cases arising from violation of the provisions of this Charter or of City ordinances and such state misdemeanors as the City has the power to prosecute, unless otherwise provided by the City Council.

(c) Represent and appear for the City in any or all actions or proceedings in which the City is concerned or is a party, and represent and appear for any City officer or employee, or former City officer

or employee, in any or all civil actions or proceedings in which such officer or employee is concerned or

is a party for any act arising out of their employment or by reason of their official capacity.

(d) Attend all regular meetings of the City Council, unless excused, and give their advice or opinion orally or in writing whenever requested to do so by the City Council or by any of the boards or officers of the City.

(e) Approve in writing the form of all contracts made by and all bonds and insurance given to the City.

(f) Prepare any and all proposed ordinances and City Council resolutions and amendments thereto.

(g) Devote such time to the duties of their office and at such place as may be specified by the City Council.

(h) Perform such legal functions and duties incident to the execution of the foregoing powers as may be necessary.

(i) Surrender to their successor all books, papers, files, and documents pertaining to the City's affairs.

(j) Assist and cooperate with the City Manager consistent with Section 403 of the City Charter.

(k) Provide advice related to compliance with the City Charter to all elected and appointed officials of the City.

Section 310. CITY CLERK. POWERS AND DUTIES. To become and remain eligible for City Clerk,

the person elected or appointed shall have a Bachelor's Degree in business, public administration, or a

related field, and hold a certification as a Municipal Clerk or obtain such certification within the first three

years in office. The City Clerk shall have the power and shall be required to:

(a) Attend all meetings of the City Council, unless excused, and be responsible for the recording and maintaining of a full and true record of all of the proceedings of the City Council in records

that shall bear appropriate titles and be devoted to such purpose.

(b) Maintain separate records, in which shall be recorded respectively all ordinances and resolutions, with the certificate of the Clerk annexed to each thereof stating the same to be the original or

a correct copy, and as to an ordinance requiring publication, stating that the same has been published or

posted in accordance with this Charter.

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

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

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

12/6/10

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

(g) Be ex officio Assessor, unless the City Council, has availed itself, or does in the future avail itself, of the provisions of the general laws of the State relative to the assessment of property and the

collection of City taxes by county officers, or unless the City Council by ordinance provides otherwise.

(h) Have charge of all City elections.

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

(j) Assist and cooperate with the City Manager consistent with Section 403 of the City Charter.

The City Clerk may, subject to the approval of the City Council, appoint such deputy or deputies to assist

them or act for them, at such salaries or compensation as the Council may by ordinance or resolution

prescribe.

Section 311. CITY TREASURER. POWERS AND DUTIES. To become and remain eligible for City

Treasurer, the person elected or appointed shall have a minimum of five years of financial and/or treasury

experience, and have either:

A Master's Degree in accounting, finance, business, or public administration; or

A Bachelor's Degree in accounting, finance, business, or public administration with certification by the California Municipal Treasurer's Association, or their successor, within three years of election or

appointment.

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

(a) Receive on behalf of the City all taxes, assessments, license fees and other revenues of the City, or for the collection of which the City is responsible, and receive all taxes or other money

receivable by the City from the County, State or Federal governments, or from any court, or from any

office, department or agency of the City.

(b) Have and keep custody of all public funds belonging to or under control of the City or any office, department or agency of the City government and deposit or cause to be deposited all funds

coming into their hands in such depository as may be designated by resolution of the City Council, or, if

no such resolution be adopted, then in such depository designated in writing by the City Manager, and in

compliance with all of the provisions of the State Constitution and laws of the State governing the handling, depositing and securing of public funds.

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

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

Council.

(e) Perform such other duties consistent with this Charter as may be required by ordinance or

resolution of the City Council.
City of Huntington Beach City Charter Page 10 of 20
12/6/10

(f) Assist and cooperate with the City Manager consistent with Section 403 of the City Charter.

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

Section 312. VACANCIES, FORFEITURES AND REPLACEMENT.

(a) **Vacancies.** A vacancy in the City Council or in any other office designated as elective by this Charter, from whatever cause arising, shall be filled by appointment by the City Council.

(b) **Forfeiture.** If a member of the City Council is absent from all regular meetings of the City Council for a period of thirty consecutive days 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, the

office shall become vacant. If an elected City officer pleads guilty or no contest to or is convicted of a

felony or any crime of moral turpitude, or ceases to be an elector of the City, the office shall become

vacant. The City Council shall declare the existence of such vacancy. Any elective officer of the City who

shall accept or retain any other elective public office, except as provided in this Charter, shall be deemed

thereby to have vacated the office under the City Government.

(c) **Replacement.** In the event it shall fail to fill a vacancy by appointment within sixty days after such office shall become vacant, the City Council shall forthwith cause an election to be held to fill

such vacancy for the remainder of the unexpired term.

Section 313. CONFLICT OF INTEREST, NEPOTISM.

(a) **Conflict of Interest.** The City Council shall adopt or approve rules and regulations regulating conflicts of interest and promoting fair dealing in all City business.

(b) **Nepotism.** The City Council shall not appoint to a salaried position under the City government any person who is a relative by blood or marriage within the third degree of any one or more

of the members of such City Council, nor shall the City Manager or any department head or other officer

having appointive power appoint any relative of such person or of any Council member within such

degree to any such position.

This provision shall not affect the employment or promotional status of a person who has attained a

salaried position with the City prior to the existence of a situation contemplated by this provision; however, Council members or officers with appointive powers in such a situation shall disqualify themselves from all decisions affecting the employment and promotional status of such person.

ARTICLE IV

APPOINTIVE OFFICES AND PERSONNEL

Section 400. CITY MANAGER. COMPOSITION, TERM, ELIGIBILITY, REMOVAL.

(a) **Composition.** There shall be a City Manager who shall be the chief administrative officer of the City.

(b) **Term.** The City Manager shall be appointed by the affirmative vote of at least a majority of the members of the City Council and shall serve at the pleasure of the City Council; provided, however, that the person occupying the office shall not be removed from office except as herein provided.

City of Huntington Beach City Charter Page 11 of 20
12/6/10

(c) **Eligibility.** The City Manager shall be chosen on the basis of executive and administrative qualifications, with special reference to actual experience in and knowledge of accepted practice as regards the duties of the office as herein set forth. No person shall be eligible to be appointed City Manager or Acting City Manager while serving as a member of the City Council nor within one year following the termination of membership on the City Council.

(d) **Removal.** The City Manager shall not be removed from office during or within a period of ninety days next succeeding any municipal election at which a member of the City Council is elected.

At any other time the City Manager may be removed only at a regular meeting of the City Council and upon the affirmative vote of a majority of the members of the City Council. At least thirty days prior to the effective date of removal, the City Manager shall be furnished with a written notice stating the Council's intentions and, if requested by the City Manager, the reasons therefor. Within seven days after receipt of such notice, the City Manager may by written notification to the City Clerk request a public hearing before the City Council, in which event the Council shall fix a time for a public hearing which shall be held at its regular meeting place before the expiration of the thirty-day period above referred to.

The City Manager shall appear and be heard at such hearing. After furnishing the City Manager with written notice of the intended removal, the City Council may suspend the City Manager from duty, but his compensation shall continue until removal as herein provided. In removing the City Manager, the City Council shall use its uncontrolled discretion and its action shall be final and shall not depend upon any particular showing or degree of proof at the hearing, the purpose of which is to allow the City Council and the City Manager to present to each other and to the public all pertinent facts prior to the final action of removal.

Section 401. POWERS AND DUTIES. Except as otherwise provided in this Charter, the City Manager shall be responsible to the City Council for the proper administration of all affairs of the City. Without limiting this general grant of powers and responsibilities, the City Manager shall have the power and be required to:

(a) Appoint, promote, demote, suspend or remove department heads, officers and employees

of the City except elective officers and the Chief of Police. The Chief of Police shall not be appointed or removed until the City Manager shall first have reviewed such appointment or removal with the City Council and have received approval for such appointment or removal by a majority vote of the full City Council.

(b) Prepare the budget annually, submit it to the City Council, and be responsible for its administration upon adoption.

(c) Prepare and submit to the City Council as of the end of each fiscal year, a complete report on the finances of the City, and annually or more frequently, a current report of the principal administrative activities of the City.

(d) Keep the City Council advised of the financial condition and future needs of the City and make such recommendations as may seem desirable.

(e) Maintain a centralized purchasing system for all City offices, departments and agencies.

(f) Prepare, administer and enforce rules and regulations recommended to and adopted by the City Council governing the contracting for, purchase, inspection, storage, inventory, distribution and disposal of all supplies, materials and equipment required by any office, department or agency of the City government.

(g) Be responsible for the compliance by the City with the laws of the State pertaining to the City, the provisions of this Charter and the ordinances, franchises and rights of the City.

City of Huntington Beach City Charter Page 12 of 20
12/6/10

Subject to policy established by the City Council, exercise control of all administrative offices and departments of the City and of all appointive officers and employees, and prescribe such general rules and regulations as deemed necessary or proper for the general conduct of the administrative offices and departments of the City under their jurisdiction.

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

Section 402. ACTING CITY MANAGER. During any temporary absence or disability of the City Manager, the City Manager shall appoint one of the other officers or department heads of the City to serve as Acting City Manager. In the event the City Manager fails to make such appointment, such appointment may be made by the City Council.

Section 403. PERSONNEL. In addition to the City Council, a City Clerk, a City Treasurer, a City Attorney and City Manager, the officers and employees of the City shall consist of such other officers, assistants, deputies and employees as the City Council may provide by ordinance or resolution. The City Council shall establish such reasonable compensation and fringe benefits as are appropriate by ordinance or resolution for such offices, officials and employees except as herein provided.

The City Council shall maintain by ordinance a comprehensive personnel system for the City. The City Manager and any officers designated as elective by the Charter shall be exempt. The system shall consist of the establishment of minimum standards of employment and qualifications for the various classes of employment and procedures to be followed in advancement, demotion, suspension and discharge of employees included within the system, as the City Council shall determine to be for the best interest of the public service. The ordinance shall designate the appointive officers and employees who shall be included within the system. By subsequent ordinances the City Council may amend the system or the list of appointive officers and employees included within the system. The system shall comply with all other provisions of this Charter.

It shall be the duty of all department heads, whether appointed or elected, to assist and cooperate with the City Manager in administering the affairs of the City in the most efficient, fiscally responsible, and harmonious manner consistent with the duties as prescribed by law, City Charter, or by ordinance.

Section 404. RETIREMENT SYSTEM. The City shall participate in a retirement system.

Section 405. BOARDS, COMMISSIONS AND COMMITTEES. The City Council shall establish such boards, commissions and committees as are deemed necessary for the orderly functioning of the City. All such boards, commissions and committees shall report directly to the City Council.

ARTICLE V

ORDINANCES AND RESOLUTIONS

Section 500. REGULAR ORDINANCES. ENACTMENT, ADOPTION, PUBLICATION, AMENDMENT, WHEN EFFECTIVE AND CODIFICATION.

(a) **Enactment.** In addition to such other acts of the City Council as are required by this Charter to be taken by ordinance, every act of the City Council establishing a fine or other penalty, or granting a franchise, shall be by ordinance. The enacting clause of all ordinances shall be substantially as follows: "The City Council of the City of Huntington Beach does ordain as follows:" No order for the payment of money shall be adopted or made at other than a regular or adjourned regular meeting. Upon introduction, an ordinance shall be read by title only. Unless a higher vote is required by other provisions of this Charter, the affirmative vote of at least four of the City Council shall be required for the enactment of any ordinance or for the making or approving of any order for the payment of money. All ordinances shall be signed by the Mayor and attested by the City Clerk.

(b) **Adoption.** A regular ordinance shall be adopted only at a regular or adjourned regular meeting held no less than five days after its introduction. In the event that any ordinance is altered after its introduction, it shall be finally adopted only at a regular or adjourned regular meeting held no less than five days after the date it was so altered. The correction of typographical or clerical errors shall not constitute the making of an alteration within the meaning of the foregoing sentence.

(c) **Publication.** The City Clerk shall cause each ordinance to be posted in three places designated by the City Council within the City and to be published by title with a brief summary at least once within fifteen days after its adoption in a daily, semiweekly or weekly newspaper, published in the County or the City and circulated in the City, which is selected by the City Council for that purpose.

Current technology shall be used to ensure the widest possible dissemination.

(d) **Amendment.** The amendment of any section or subsection of an ordinance may be accomplished solely by the re-enactment of such section or subsection at length, as amended.

(e) **When Effective.** Every ordinance shall become effective thirty days from and after the date of its adoption, except the following, which shall take effect upon adoption:

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

(f) **Codification.** Detailed regulations pertaining to any subject and comprehensive codifications of valid ordinances may be adopted by reference, with the same effect as an ordinance, in the manner set forth herein; however, such regulations and codifications need not be published in the manner required for other ordinances, but not less than three copies thereof shall be filed for use and examination by the public in the office of the City Clerk prior to adoption. Ordinances codified shall be repealed as of the effective date of the codification. Amendments to the code shall be enacted by ordinance.

Section 501. EMERGENCY ORDINANCES. Any ordinance declared by the City Council to be necessary as an emergency measure for the immediate preservation of the public peace, health, or safety, and containing a statement of the reasons for its urgency, may be adopted in the manner provided in Section 500 except that such emergency ordinance may be introduced, enacted and adopted at one and the same regular or special meeting and shall take effect immediately upon adoption if passed by at least five affirmative votes. An emergency ordinance shall expire automatically after 120 days.

Section 502. RESOLUTIONS. The City Council may act by resolution or minute order in all actions not required by this Charter to be taken by ordinance.

Section 503. PUBLISHING OF LEGAL NOTICES. The City Council shall cause to be published all legal notices and other matters required to be published by law in a daily, semiweekly or weekly newspaper published in the County or the City and circulated in the City which is selected by the City Council for that purpose and using current technology. No defect or irregularity in proceedings taken under this section shall invalidate any publication where it is otherwise in conformity with this Charter or law or ordinance.

City of Huntington Beach City Charter Page 14 of 20
12/6/10

ARTICLE VI FISCAL ADMINISTRATION

Section 600. FISCAL YEAR. The fiscal year of the City shall be as set forth by resolution of the City Council.

Section 601. ANNUAL BUDGET, PREPARATION BY THE CITY MANAGER. At such date as the City Manager shall determine, each board or commission and each department head shall furnish to the City Manager, personally, or through the Director of Finance, estimates of the department's, board's or commission's revenue and expenditures for the ensuing fiscal year, detailed in such manner as may be prescribed by the City Manager. In preparing the proposed budget, the City Manager shall review the estimates, hold conferences thereon with the respective department heads, boards or commissions as necessary, and may revise the estimates as may be deemed advisable.

Section 602. ANNUAL BUDGET. SUBMISSION TO THE CITY COUNCIL. The City Manager shall submit the proposed budget to the City Council at least thirty days prior to the beginning of each fiscal year. After reviewing the proposed budget and making such revisions as it may deem advisable, the City Council shall hold a public hearing thereon at least fifteen days prior to the beginning of each fiscal year and shall cause to be published a notice thereof not less than ten days prior to said hearing. Copies of the proposed budget shall be available for inspection by the public in the office of the City Clerk at least ten days prior to said hearing.

Section 603. ANNUAL BUDGET. PUBLIC HEARING. At the time so advertised or at any time to which such public hearing shall from time to time be adjourned, the City Council shall hold a public hearing on the proposed budget, at which interested persons desiring to be heard shall be given such opportunity.

Section 604. ANNUAL BUDGET. FURTHER CONSIDERATION AND ADOPTION. At the conclusion of the public hearing the City Council shall further consider the proposed budget and make any revisions thereof that it may deem advisable and on or before the last day of the fiscal year it shall adopt the budget with revisions, if any, by the affirmative vote of at least a majority of the total members of the Council. Upon final adoption, the budget shall be in effect for the ensuing fiscal year. Copies thereof, certified by the City Clerk, shall be filed with the City Manager, Director of Finance, City Treasurer and the person retained by the City Council to perform the post audit function, and a further copy shall be placed, and shall remain on file in the office of the City Clerk where it shall be available for public inspection. The budget so certified shall be reproduced and copies made available for the use of the public and of departments, offices and agencies of the City.

Section 605. ANNUAL BUDGET APPROPRIATIONS. From the effective date of the budget, the several amounts stated therein as proposed expenditures shall be and become appropriated to the several departments, offices and agencies for the respective objects and purposes therein named; provided, however, that the City Manager may transfer funds 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 shall not have been expended or lawfully encumbered. At any public meeting after the adoption of the budget, the City Council may amend or supplement the budget by motion adopted by the affirmative vote of at least a majority of the total members of the City Council.

Section 606. DETERMINATION OF CITY TAX RATE. The City Council shall prescribe by ordinance for the assessment, levy and collection of taxes upon property which is taxable for municipal purposes. If the City Council fails to fix the rate and levy taxes on or before August 31 in any year, the rate for the next preceding fiscal year shall thereupon be automatically adopted and a tax at such rate shall be deemed to have been levied on all taxable property in the City for the current fiscal year.

City of Huntington Beach City Charter Page 15 of 20
12/6/10

Section 607. TAX LIMITS.

(a) The City Council shall not levy a property tax for municipal purposes in excess of One Dollar annually on each One Hundred Dollars of the assessed value of taxable property in the City, except as otherwise provided in this section, unless authorized by the affirmative vote of a majority of the

electors voting on a proposition to increase such levy at any election at which the question of such additional levy for municipal purposes is submitted to the electors. The number of years that such additional levy is to be made shall be specified in such proposition.

(b) There shall be levied and collected at the same time and in the same manner as other property taxes for municipal purposes are levied and collected, as additional taxes not subject to the above limitation, if no other provision for payment thereof is made:

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

2. A tax sufficient to meet all obligations of the City for the retirement system in which the City participates, due and unpaid or to become due during the ensuing fiscal year.

(c) Special levies, in addition to the above and not subject to the above limitation, may be made annually, based on City Council approved estimates, for the following specific purposes, but not to

exceed the following respective limits for those purposes for which limits are herein set forth, to wit:

parcs and recreation and human services not to exceed \$0.20 per One Hundred Dollars; Libraries not to

exceed \$0.15 per One Hundred Dollars; promotional interests and cultural affairs not to exceed \$0.07 per

One Hundred Dollars; and civil defense and disaster preparedness not to exceed \$0.03 per One Hundred

Dollars. The proceeds of any special levy shall be used for no other purpose than that specified.

Section 608. VOTE REQUIRED FOR TAX MEASURES. No tax, property tax, or other measure

whose principal purpose is the raising of revenue, or any increase in the amount thereof, shall be levied,

enacted or established except by ordinance adopted by the affirmative vote of at least five (5) members of

the City Council; provided, however, that any tax levied or collected pursuant to Section 607(b) of this

Charter shall be exempt from the minimum voting requirement of this section.

This section shall not apply to any license, permit, or any other fee or charge whose principal purpose is

to pay or reimburse the City for the cost of performing any regulatory function of the City under its police

power in connection with the City's duty to preserve or maintain the public peace, health, safety and

welfare.

This section shall not apply to any user or service fee or charge provided such fee or charge is directly

related to such use or service, is charged to the user or person receiving such service, and is to pay or

reimburse the City for the costs of providing such use or service.

This section shall not apply to any fee or charge relating to any franchise or proprietary function of the

City.

Section 609. REAL ESTATE TRANSFER TAX. The City Council shall not levy a tax on the transfer or conveyance of any interest in real property unless authorized by the affirmative vote of a majority of the electors voting on a proposition submitted to the electors to authorize such tax at a general or special election.

City of Huntington Beach City Charter Page 16 of 20
12/6/10

Section 610. BONDED DEBT LIMIT. The City shall not incur an indebtedness evidenced by general obligation bonds which shall in the aggregate exceed the sum of 12 percent of the total assessed valuation, for purposes of City taxation, of all the real and personal property within the City. No bonded indebtedness which shall constitute a general obligation of the City may be created unless authorized by the affirmative vote of the majority required by law of the electors voting on such proposition at any election at which the question is submitted to the electors.

Section 611. REVENUE BONDS. Bonds which are payable only out of such revenues, other than taxes, as may be specified in such bonds, may be issued when the City Council by ordinance shall have established a procedure for the issuance of such bonds. Such bonds, payable only out of revenues, shall

not constitute an indebtedness or general obligation of the City. No such bonds payable out of revenues shall be issued without the assent of the majority of the voters voting upon the proposition for issuing the same at an election at which such proposition shall have been duly submitted to the registered voters of the City.

It shall be competent for the City to make contracts and covenants for the benefit of the holders of any such bonds payable only from revenues and which shall not constitute a general obligation of the City for the establishment of a fund or funds, for the maintaining of adequate rates or charges, for restrictions

upon further indebtedness payable out of the same fund or revenues, for restrictions upon transfer out of such fund, and other appropriate covenants. Money placed in any such special fund for the payment of

principal and/or interest on any issue of such bonds or to assure the application thereof to a specific

purpose shall not be expended for any other purpose whatever except for the purpose for which such special funds were established and shall be deemed segregated from all other funds of the City and

reserved exclusively for the purpose for which such special fund was established until the purpose of its establishment shall have been fully accomplished.

Section 612. PUBLIC UTILITIES AND PARKS AND BEACHES.

(a) No public utility or park or beach or portion thereof now or hereafter owned or operated

by the City shall be sold, leased, exchanged or otherwise transferred or disposed of unless authorized by the affirmative votes of at least a majority of the total membership of the City Council and by the affirmative vote of at least a majority of the electors voting on such proposition at a general or special election at which such proposition is submitted.

(b) No golf course, driving range, road, building over three thousand square feet in floor area nor structure costing more than \$161,000.00 may be built on or in any park or beach or portion thereof now or hereafter owned or operated by the City unless authorized by the affirmative votes of at least a majority of the total membership of the City Council and by the affirmative vote of at least a majority of the electors voting on such proposition at a general or special election at which such proposition is submitted after the appropriate environmental assessment, conceptual cost estimate, and reasonable project description has been completed and widely disseminated to the public. Effective January 1, 2011, and each year thereafter, the maximum cost will be adjusted by the Consumer Price Index for the Los Angeles-Riverside-Orange County area.

(c) Section 612(a) and 612(b) shall not apply;

- (1) to libraries or piers;
 - (2) to any lease, franchise, concession agreement or other contract where;
 - the contract is to perform an act or provide a service in a public park or beach
- AND
- such act was being performed or service provided at the same location prior to January 1, 1989 AND

City of Huntington Beach City Charter Page 17 of 20
12/6/10

- the proposed lease, franchise, concession agreement or other contract would not increase the amount of parkland or beach dedicated to or used by the party performing such act or providing such service.
- (3) to above ground public works utility structures under 3,000 square feet;
- (4) to underground public works utility structures if park or beach use is not impeded;
- (5) to any public works construction, maintenance or repair mandated by state or federal law that does not negatively impact recreational opportunities; or
- (6) to renewable energy projects that do not negatively impact recreational opportunities.

(d) If any section, subsection, part, subpart, paragraph, clause or phrase of this amendment, or any amendment or revision of this amendment, is for any reason held to be invalid or unconstitutional, the remaining sections, subsections, parts, subparts, paragraphs, clauses or phrases shall not be affected but shall remain in full force and effect.

Section 613. EXECUTION OF CONTRACTS. Except as hereinafter provided, the City shall be bound by a contract only if it is made in writing, approved by the City Council and signed on behalf of the City

by the Mayor and City Clerk or by a City officer designated by the City Council and only upon the

direction of the City Council. Exceptions to this procedure are as follows:

(a) By ordinance or resolution the City Council may authorize the City Manager or other officer 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 City Council, and may impose a monetary limit upon such authority.

(b) By ordinance or resolution, the City Council may provide a method for the sale or exchange of personal property not needed in the City service or not fit for the purpose for which intended,

and for the conveyance of title thereto.

(c) Contracts for the sale of the 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 head of

the department or City Manager upon forms approved by the City Manager and at rates fixed by the City Council.

Section 614. CONTRACTS ON PUBLIC WORKS. Except as hereinafter expressly provided, every

contract involving an expenditure as set forth by ordinance of the City Council for the construction or improvement (excluding maintenance and repair) of public buildings, works, streets, drains, sewers, utilities, parks and playgrounds, and each separate purchase of materials or supplies for the same, where

the expenditure required for such purchase shall exceed the amount set by ordinance, shall be let to the

lowest responsible bidder after notice by publication in accordance with Section 503 by two or more

insertions, the first of which shall be at least ten days before the time for opening bids.

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

After

rejecting bids, or if no bids are received, or without advertising for bids if the total amount of the contract

or project is below the amount set by ordinance, the City Council may declare and determine that in its

opinion, the work in question may be performed better or more economically by the City with its own

employees, or that the materials or supplies may be purchased at lower price in the open market, and after

the adoption of a resolution to this effect by the affirmative vote of a majority of the total members of the

City of Huntington Beach City Charter Page 18 of 20

12/6/10

City Council, it may proceed to have said work done or such materials or supplies purchased in the

manner stated without further observance of the provisions of this section.

All public works contracts exceeding the amount set by ordinance may be let and purchases exceeding the

amount set by ordinance may be made without advertising for bids if such work or the purchase of such materials or supplies shall be deemed by the City Council to be of urgent necessity for the preservation of life, health, or property and shall be authorized by at least five affirmative votes of the City Council.

Projects for the extension, replacement or expansion of the transmission or distribution system of any existing public utility operated by the City or for the purchase of supplies or equipment for any such project or any such utility may be excepted from the requirements of this section by the affirmative vote of a majority of the total members of the City Council.

Section 615. GRANTING OF FRANCHISES. The City Council shall by ordinance regulate the granting of franchises for the City.

Section 616. INDEPENDENT AUDIT. The City Council shall provide for an independent annual audit of all City accounts and may provide for such more frequent audits as it deems necessary. Such audits shall be made by a certified public accountant or firm of such accountants who have no personal interest,

direct or indirect, in the fiscal affairs of the City government or any of its officers. The Council may, without requiring competitive bids, designate such accountant or firm annually provided that the designation for any particular fiscal year shall be made no later than thirty days after the beginning of such fiscal year. As soon as practicable after the end of the fiscal year, a final audit and report shall be submitted by such accountant to the City Council, one copy thereof to be distributed to each member.

Additional copies of the audit shall be placed on file in the office of the City Clerk where they shall be available for inspection by the general public, and a copy of the financial statement as of the close of the fiscal year shall be published in the official newspaper.

Section 617. INFRASTRUCTURE FUND.

(a) All revenue raised by vote of the electors or imposed by vote of the City Council on or after March 5, 2002, by a measure which states that the revenue to be raised is for the purpose of infrastructure, as said term is defined in this paragraph, shall be placed in a separate fund entitled "Infrastructure Fund."

The term "Infrastructure" shall mean long-lived capital assets that normally are stationary in nature and normally can be preserved for significantly greater number of years. They include storm drains, storm water pump stations, alleys, streets, highways, curbs and gutters, sidewalks, bridges, street trees, landscaped medians, parks, beach facilities, playgrounds, traffic signals, streetlights, block walls along arterial highways, and all public buildings and public ways. Interest earned on monies in the Infrastructure Fund shall accrue to that account. Monies in said Fund shall be utilized only for direct costs

relating to infrastructure improvements or maintenance, including construction, design, engineering, project management, inspection, contract administration and property acquisition. Monies in said Fund

shall not be transferred, loaned or otherwise encumbered for any other purpose.

(b) Revenues placed in the Infrastructure Fund shall not supplant existing infrastructure funding. The average percentage of general fund revenues utilized for infrastructure improvements and maintenance, for the five- (5) year period of 1996 to 2001, is and was 14.95%. Expenditures for infrastructure improvements and maintenance, subsequent to 2001, shall not be reduced below 15% of

general fund revenues based on a five- (5) year rolling average.

(c) The City Council shall by ordinance establish a Citizens Infrastructure Advisory Board to conduct an annual review and performance audit of the Infrastructure Fund and report its findings to the

City Council prior to adoption of the following fiscal-year budget.

City of Huntington Beach City Charter Page 19 of 20

12/6/10

ARTICLE VII

ELECTIONS

Section 700. GENERAL MUNICIPAL ELECTIONS. General municipal elections shall be held in the

city on the first Tuesday after the first Monday in November in each even-numbered year.

Section 701. SPECIAL MUNICIPAL ELECTIONS. All other municipal elections that may be held by

authority of this Charter, or of any law, shall be known as special municipal elections.

Section 702. PROCEDURE FOR HOLDING ELECTIONS. All elections shall be held in accordance

with the provisions of the Elections Code of the State of California, as the same now exists or hereafter

may be amended, for the holding of municipal elections, so far as the same are not in conflict with this

Charter.

Section 703. INITIATIVE, REFERENDUM AND RECALL. There are hereby reserved to the electors

of the City the powers of the initiative and referendum and of the recall of municipal elective officers.

The provisions of the Elections Code of the State of California, as the same now exists or hereafter may

be amended, governing the initiative and referendum and the recall of municipal officers, shall apply to

the use thereof in the City so far as such provisions of the Elections Code are not in conflict with the

provisions of this Charter.

Section 704. NOMINATION PAPERS. Nomination papers for candidates for elective municipal office

must be signed by not less than twenty nor more than thirty electors of the City.

ARTICLE VIII

MISCELLANEOUS

Section 800. TRANSITION. Elective officers and elective officers whose offices are made appointive of

the City shall continue to hold such offices until the completion of their current terms and the election or appointment and qualification of their respective successors under this Charter. All boards, commissions and committees presently in existence shall continue to act in accordance with their original grant of authority until such time as the City Council adopts appropriate ordinances pertaining to their activities or for one year, whichever occurs first. 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 herewith, are hereby continued in force until the same shall have been duly repealed, amended, changed or superseded by proper authority.

Section 801. DEFINITIONS. Unless the provisions or the context otherwise requires, as used in this Charter:

- (a) "Shall" is mandatory, and "may" is permissive.
- (b) "City" is the City of Huntington Beach 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 Huntington Beach.
- (c) "County" is the County of Orange.
- (d) "State" is the State of California.
- (e) The masculine includes the feminine and the feminine includes the masculine.
- (f) The singular includes the plural and the plural the singular.

City of Huntington Beach City Charter Page 20 of 20

12/6/10

- (g) "Person" includes firm and corporation.

Section 802. VIOLATIONS. The violation of any provision of this Charter shall be a misdemeanor.

Section 803. PROPERTY RIGHTS PROTECTION MEASURE.

- (a) The City shall not enact or enforce any measure which mandates the price or other consideration payable to the owner in connection with the sale, lease, rent, exchange or other transfer by the owner of real property. Any such measure is hereby repealed.
- (b) The word "mandates" as used in subsection (a) includes any measure taken by ordinance, resolution, administrative regulation or other action of the City to establish, continue, implement or enforce any control or system of controls on the price or other terms on which real property in the city may be offered, sold, leased, rented, exchanged or otherwise transferred by its owner. The words "real property" as used in subsection (a) refer to any parcel of land or site, either improved or unimproved, on which a dwelling unit or residential accommodation is or may be situated for use as a home, residence or sleeping place.
- (c) This Section 803 shall not apply to:
 - (1) any real property which contains serious health, safety, fire or building code violations, excluding those caused by disasters, for which a civil or criminal citation has been issued by the City and remains unabated for six months or longer;

(2) any real property owned by a public entity, and real property where the owner has agreed by contract with the public entity, including the City and any of its related agencies, to accept a financial contribution or other tangible benefit including without limitation, assistance under the Community Redevelopment Law;

(3) any planning or zoning power of the City as relates to the use, occupancy or improvement of real property and to any real property which the City or any of its related agencies may acquire by eminent domain, purchase, grant or donation;

(4) any power of the City to require a business license for the sale or rental of real property, whether for regulation or general revenue purposes;

(5) any dwelling unit or accommodation in any hotel, motel or other facility when the transient occupancy of that dwelling unit or accommodation is subject to a transient occupancy tax; or

(6) to impair the obligation of any contract entered into prior to the enactment of this Section 803 or otherwise required by State law.

Section 804. CHARTER REVIEW. The City Council shall determine if there is a need to convene a citizen's Charter Review Commission to conduct a review of the City Charter no less frequently than every ten years.

IRVINE:

City Charter

We, the People of the City of Irvine, State of California, do ordain and establish this Charter as the organic law of the City of Irvine under the Constitution of the State of California.

ARTICLE I. INCORPORATION AND SUCCESSION

Section 100. Name and boundaries.

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

Section 101. Rights and liabilities of the City.

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

Section 102. Ordinances, codes and other regulations.

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

Section 103. Officers and employees.

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

Section 104. Pending actions and proceedings.

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

ARTICLE II. POWERS OF CITY

Section 200. Powers.

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

power, duty or procedure shall not be held to be exclusive of, or any limitation or restriction upon, this general grant of power.

Section 201. Intergovernmental relations.

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

ARTICLE III. FORM OF GOVERNMENT

Section 300. Form of government.

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

ARTICLE IV. THE CITY COUNCIL

Section 400. Mayor and City Council.

The City Council, hereinafter termed "Council," shall consist of a Mayor and four (4) Council members elected to office from the City at large in the manner provided in this Charter. The Mayor shall serve a term of two (2) years. No Mayor shall serve for more than two (2) consecutive full terms in office. Other than as set forth herein, eligibility for office, compensation, vacancies and the filling of vacancies shall be the same for the office of Mayor as provided for the office of Council member by this Charter. The Mayor, in addition to serving as the presiding officer of the Council, shall have all of the rights, powers and duties of a Council member and shall be a member of the Council.

The term of office for a Council member shall be four (4) years. Alternatively, and successively, two (2) four-year terms shall be filled at one general municipal election and two (2) four-year terms at the next such election, consistent with the sequence of terms of Council members existing on the effective date hereof [June 7, 1988]. No Council member shall serve for more than two (2) consecutive full terms in office.

If at any general municipal election, one (1) or more Council member, whose term of office will not expire as of the election, and who would be required to vacate the office of Council member if elected to the office of Mayor, files as a candidate for the office of Mayor, the following procedure will be used to fill the contingent vacancy in the office of Council member that would arise if the sitting Council member were elected Mayor: To the extent legally possible, the ballot for the office of Council member, the official election materials and voter information pamphlet shall notify the voters that they may cast ballots for not more than three (3) candidates for the office of Council member; that at least two (2) Council offices shall be filled by election; and that if a Council member whose term of office will not expire as of the election is elected to the office of Mayor, the vacancy in the office of that Council member shall be filled by the candidate for Council member receiving the third highest number of votes at the same municipal election.

The term of the Mayor and a Council member shall commence at the next regularly scheduled meeting of the Council following certification of the election results by the election official or such earlier other date as may be established by ordinance of the City Council, and he or she shall serve until his or her successor qualifies. Any ties in voting and any determination with respect to

which Council member is to fill which office shall be settled by the casting of lots. No person shall hold both the office of Mayor and Council member.

The Mayor and each Council member in the office at the time this Charter amendment takes effect [December 16, 1991] shall continue in office until the end of the term for which he or she was elected or appointed, unless elected to the office of Mayor, and until his or her successor qualifies subject to the right of the people to recall a Council member from office as provided herein.

As used herein the term "qualifies" shall mean, in addition to the provisions of the general law, having taken the oath of office following the election and his or her term of office shall have commenced.

(Amend. of 9-8-78; Amend. of 6-3-86; Amend. of 6-7-88; Amend. of 3-1-88, § 1; Amend. of 11-5-91)

Editor's note--The amendment of § 400 adopted Sept. 8, 1978, was approved at an election held Nov. 7, 1978. It was filed with the secretary of state by chapter 6 of 1979. A further amendment was approved at an election held June 3, 1986. It was filed with the secretary of state Jan. 2, 1987, as Charter chapter 4, further amendment was adopted at an initiative referendum held Nov. 3, 1987, and filed with the secretary of state Feb. 16, 1988, as Charter chapter 1. The section was further amended at an election held June 7, 1988, and filed with the secretary of state July 15, 1988, as Charter chapter 12. The section was further amended at an election held Nov. 5, 1991, and filed by the secretary of state and became effective Dec. 16, 1991, as Charter chapter 25.

Section 401. Eligibility.

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

Section 402. Compensation.

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

Section 403. Vacancies, forfeiture of office. Filling of vacancies.

(a) A vacancy shall exist on the Council, and shall be declared by the Council, upon the occurrence of any of the events enumerated in the provisions of the Government Code pertaining to vacancies in public offices.

(b) A declaration by the Council of a vacancy resulting from forfeiture of office shall be subject to judicial review, provided that within two weeks after such declaration an appropriate action, or proceeding for review is filed in a court having jurisdiction of the action or proceeding. During the pendency of any such action or proceeding, anyone appointed by the Council or elected by the people to fill such vacancy shall have all the rights, duties, and powers of a Council member and shall continue in such office as provided herein unless and until said court rules the declaration of the Council invalid and such ruling has become final.

(c) The method of filling vacancies on the City Council shall be as prescribed by ordinance of the City Council.

Section 404. Powers vested in the Council.

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

Section 405. Council organization, meetings and rules of order.

Officers of the Council (other than the elected Mayor), the time, place and the method of calling meetings, the rules of order for the conduct of proceedings by the City Council and the order of succession in the event of a vacancy in the office of Mayor shall be as established by ordinance of the City Council.

(Amend. of 3-1-88,§ 2)

Editor's note--An amendment to§ 405 was approved at an initiative referendum held Nov. 3, 1987; filed with the secretary of state Feb. 16, 1988, as Charter chapter 1; and was adopted by the council Mar. 1, 1988.

Section 406. Citizen participation.

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

Section 407. Adoption of ordinances and resolutions.

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

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

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

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

Section 408. Ordinances. Posting.

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

Section 409. Adoption of Codes by Reference.

Detailed regulations pertaining to any subject, when arranged as a comprehensive code, may be adopted by reference by the passage of an ordinance for such purpose. Such code need not be posted or published in the manner required for the enactment of ordinances. Any or all

ordinances of the City may be compiled, consolidated, revised, indexed, including such restatement and substantive change as is necessary in the interest of clarity, and arranged as a comprehensive ordinance code. Such ordinance code may be adopted by reference as provided herein. Copies of any adopted code of regulations shall be made available for purchase at a reasonable price.

Section 410. Ordinances. When Effective.

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

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

ARTICLE V. CITY MANAGER

Section 500. City Manager. Selection and qualifications.

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

Section 501. City Manager. Appointment, removal, powers and duties.

The appointment, removal, powers and duties of the City Manager shall be as established by ordinance of the City Council.

ARTICLE VI. CITY CLERK

Section 600. City Clerk.

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

Section 601. Powers and duties.

The City Clerk or a duly authorized representative shall:

- (a) Attend all meetings of the Council and be responsible for the recording and maintaining of a full and true record of all of the proceedings of the Council in books that shall bear appropriate titles and be devoted to such purpose.
- (b) Maintain separate books, in which shall be recorded respectively all ordinances and resolutions, with the certificate of the Clerk annexed to each document stating that said document is the original or a correct copy, and with respect to an ordinance, stating that said ordinance has been posted or published in accordance with this Charter. All of said books shall be properly indexed and open to public inspection.
- (c) Maintain separate books in which a record shall be made of all written contracts and official bonds.
- (d) Be the custodian of the seal of the City.

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

(f) Conduct all City elections.

(g) Perform such other duties as may be prescribed by the Council.

ARTICLE VII. OFFICERS AND EMPLOYEES

Section 700. Administrative departments.

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

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

(c) The Council may provide for the number, titles, and compensation of all officers and employees.

Section 701. City Attorney. Powers and duties.

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

Section 702. Treasurer.

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

Section 703. Departmental administrators. Appointive powers.

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

Section 704. Administering oaths.

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

Section 705. Official bonds.

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

Attorney, and shall be filed with the City Clerk. Premiums on official bonds shall be paid by the City.

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

ARTICLE VIII. COMMISSIONS, COMMITTEES AND AGENCIES

Section 800. In general.

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

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

Section 801. Appropriations.

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

Section 802. The appointment, removal, terms of office and procedural rules.

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

Section 803. Existing membership.

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

Section 804. Compensation. Vacancies.

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

ARTICLE IX. ELECTIONS

Section 900. General municipal elections.

Commencing with the general municipal election in 1992, general municipal elections for the election of officers and for such other purposes as the Council may prescribe shall be held in the City on the first Tuesday after the first Monday in November of even-numbered years, except as otherwise provided by ordinance of the City Council.

(Amend. of 9-8-78; Amend. of 11-6-90)

Editor's note--The amendment to§ 900 adopted Sept. 8, 1978, was approved at an election held Nov. 7, 1978. It was filed with the secretary of state as Charter chapter 6 of 1979. The

amendment approved at an election held Nov. 6, 1990, was filed with the secretary of state as Charter chapter 6 of 1990. It was subsequently adopted by council action on Apr. 9, 1991.

Section 901. Special municipal elections.

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

Section 902. Procedure for holding elections.

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

Section 903. Initiative, referendum and recall.

There are hereby reserved to the voters of the City the power of the initiative and referendum and of the recall of municipal elective officers. The provisions of the Elections Code governing the initiative and referendum and the recall of municipal officers shall apply so far as the same are not in conflict with this Charter.

ARTICLE X. FISCAL ADMINISTRATION

Section 1000. Fiscal year.

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

Section 1001. Submission of budget and budget message.

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

Section 1002. General tax limits.

The Council shall not levy a property tax for general municipal purposes in excess of the maximum rate applicable to the City on the effective date of this Charter; provided, however, that a tax in excess of such rate may be levied if authorized for general law cities by the general laws of the State or if authorized by the affirmative votes of a majority of the voters voting on a proposition to increase such levy. The number of years that such additional levy is to be made shall be specified in such proposition. Nothing herein contained shall preclude the Council from establishing separate taxing areas within the City for the levy of property taxes, nor preclude the levy of a tax in excess of such maximum rate if authorized by the general laws of the State or if authorized by the affirmative votes of a majority of the voters within the area voting on a proposition to increase such levy.

Section 1003. Tax procedure.

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

Section 1004. Contracts on public works.

Every project involving an expenditure of more than Four Thousand Dollars (or such other amount as may be prescribed by ordinance) for the construction of public works shall be let by the Council by contract to the lowest responsible bidder after notice by publication in the official newspaper by one or more insertions, the first of which shall be at least ten days before the time

for opening bids. The Council may reject any and all bids presented and may 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 four affirmative votes, may proceed to have said work done without further observance of the provisions of this section.

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

Section 1005. Presentation and audit of demands.

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

The Director of Finance shall transmit such demand, with his or her approval or rejection thereof endorsed thereon, and warrant, if any, to the City Manager. The City Manager shall cause the same to be transmitted to the Council which may then approve or disapprove payment thereof.

Section 1006. Registering warrants.

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

Section 1007. Claims against the City.

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

Section 1008. Independent audit.

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

ARTICLE XI. FRANCHISES

Section 1100. Granting of franchises.

The Council may grant a franchise to any person, partnership, corporation, or other legal entity capable of exercising the privilege conferred, whether operating under an existing franchise or not, and may prescribe the terms, conditions, and limitations of such grant, including the

compensation to be paid to the City therefor. The Council may prescribe by ordinance or resolution the method or procedure for granting franchises, together with additional terms and conditions for making such grants. In the absence of such provision the method provided by the general laws of the State shall apply.

Section 1101. Term of franchise.

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

Section 1102. Eminent domain.

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

Section 1103. Procedure for granting franchises.

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

ARTICLE XII. MISCELLANEOUS

Section 1200. Definitions.

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

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

Section 1201. Violations.

A violation of this Charter or of any ordinance of the City shall constitute a misdemeanor and may be prosecuted in the name of the People of the State of California or may be redressed by civil

action filed by the City. The maximum fine or penalty for any violation of a City ordinance shall be the same as established by the general laws for a misdemeanor.

Section 1202. 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 not be affected thereby.

LOS ALAMITOS:

Los Alamitos Municipal Code (Los Alamitos, California)
<http://qcode.us/codes/losalamitos/>[12/06/2011 8:39:03 AM]

Los Alamitos Municipal Code

Los Alamitos, California

Current through Ordinance 11-05
and the July 2011 code supplement.

For more recent amendments to
this code, refer to the [CodeAlert](#)
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[Municipal Code Table of Contents](#)

[Search](#)

[Ordinance List](#)

[Statutory References](#)

[CodeAlert - Recently Passed](#)

[Ordinances](#)

Links:

[Los Alamitos, California - Home
Page](#)

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Article II. Succession.

Sec. 200. Rights and Liabilities.

The City of Los Alamitos shall remain vested with, and continue to have, hold and enjoy, all property, rights of property and rights of action of every nature and description now pertaining to this municipality, and is hereby declared to be the successor of the same. It shall be subject to all the obligations, debts, contracts and liabilities that now exist against this municipality.

Sec. 201. Ordinances.

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

Sec. 202. Continuance of Contracts and Public Improvements.

All contracts entered into by the City, or for its benefit prior to the effective date of this Charter, shall continue in full force and effect. Public improvements for which proceedings have been instituted under laws existing at the time this Charter takes effect, at the discretion of the City Council, may be carried to completion as nearly as

practicable in accordance with the provisions of such existing laws or may be continued or perfected under this Charter.

Sec. 203. Pending Actions and Proceedings.

No action or proceeding, civil or criminal, pending at the time when this Charter takes effect, brought by or against the City or any officer, office, department or agency thereof, shall be affected or abated by the adoption of this Charter or by anything here in contained, but all such actions or proceedings may be continued notwithstanding that 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, but in that event the same may be prosecuted or defended by the head of the office, department or agency to which such functions, powers and duties have been assigned or transferred by or under this Charter.

Sec. 204. Present Officers and Employees.

Each person who, at the time this Charter takes effect, holds an office of the City shall continue to hold the same office under this Charter for the term for which he/she was
Los Alamitos Municipal Code (Los Alamitos, California)
[http://qcode.us/codes/losalamitos/\[12/06/2011 8:39:03 AM\]](http://qcode.us/codes/losalamitos/[12/06/2011 8:39:03 AM])
elected or appointed and until his/her successor is elected or appointed, and is qualified under this Charter. All employees of the City at the time this Charter takes effect shall continue to perform the duties of their respective employment subject to this Charter and ordinances, resolutions, orders, rules and regulations now existing or hereafter enacted. The rates of compensation of all officers and employees of the City in effect at the time this Charter takes effect shall remain in effect until lawfully changed.

Sec. 205. Emergency Powers.

Notwithstanding any general or special provision of this Charter, the Council, in order to insure 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 may become unavailable for carrying on the powers and duties of such offices, and

(b) To adopt such other measures as may be necessary and proper for insuring the continuity of City operations, including, but not limited to the financing thereof. In the exercise of the powers herein conferred, the City Council, in all respects, shall conform to the requirements of this Charter; except, that at such times they may make purchases and enter into contracts without calling for bids or giving notice therefore, to the extent the emergency requires such action.

Sec. 206. Effective Date of Charter.

This Charter shall take effect upon its approval by the Legislature.

NEWPORT BEACH:

F-14 1

AUTHORITY TO CONTRACT FOR SERVICES

I. PURPOSE AND LIMITATION

The purpose of this policy is to set out the City's policy establishing authority for committing City funds for Service Contracts. This policy applies to all contracts for services, whether entered into through standard or emergency procedures, including but not limited to professional services, audit services, public works project services, public property maintenance and repair services, and maintenance, custodial and repair services for all City facilities.

II. GENERAL AUTHORITY TO ENTER INTO CONTRACTS FOR SERVICES

Provisions of the Charter govern the methods through which the City may be bound by contracts. Under the Charter, all contracting authority, with the exception of services rendered by a person in the employ of the City at a regular salary, rest with the City Council. The Charter states that the City shall not be bound by any contract or amendment thereto, unless the same shall be made in writing, approved by the City Council and signed on behalf of the City by the Mayor and City Clerk or by such other officer or officers as shall be designated by the City Council (Charter § 421). The City Attorney shall approve the form of all contracts made by or amendment thereto and all bonds given to the City, endorsing his or her approval thereon in writing (Charter § 602(e)). The City Council may, however, by ordinance or resolution 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 City Council, and may impose a monetary limit upon such authority.

III. DELEGATION OF AUTHORITY TO ENTER INTO AND AMEND CONTRACTS

The City Council hereby delegates its authority to contract for services to the City Manager and through him or her to Department Directors, and to the City Attorney as set out below. All formalities required under the provisions of the Charter shall be applied to these contracts. As such, the City Attorney shall review, approve and sign all such contract documents prior to contract award and execution and the City Clerk shall sign all such contracts attesting to their being entered into by the City.

Additionally, the City Manager shall adopt and enforce administrative procedures that assure all contracts are: (1) entered into at a reasonable, fair and competitive price to the City; (2) all necessary formalities are followed and the requirements of federal, state, and local laws, including Council policies, are met; (3) best accounting practices are followed; and (4) the contracting process of the City is open and transparent, and provides accountability. F-14 2

A. Authority to Enter Contracts

The authority to enter into original contracts is delegated as set out below.

1. The City Manager.

The City Manager is authorized to award and sign contracts for services without prior Council approval in an amount not in excess of \$120,000 provided that the services and funds were approved by the City Council as part of the annual Department budget or are available in an applicant deposit account. This authority shall not be delegated below the Assistant City Manager level.

2. Department Directors.

Department Directors are authorized to award and sign contracts for services without prior City Manager or Council approval in an amount not in excess of \$75,000 provided that the services and funds were approved by the City Council as part of the annual Department budget or are available in an applicant deposit account. This authority may not be delegated below the Department Director level.

3. City Attorney.

The City Attorney is authorized to award and sign contracts for all services for outside counsel and experts related directly to and necessary for prosecution and defense of pending litigation as defined in the Brown Act, and for services for outside counsel and experts necessary to address other pending or potential legal claims or legal issues so long as funds for outside counsel, experts and related legal services were approved by the City Council as part of the approved annual budget. The City Attorney shall keep Council informed regarding any such expense that exceeds \$120,000 on not less than a quarterly basis and shall seek budget updates, if needed, within a timely fashion.

B. Authority to Amend Contracts

If circumstances arise that were not reasonably foreseeable by the parties at the time of contracting which make extra work necessary for the proper completion of the service originally contracted for, a contract amendment and corresponding increase in total contract amount may be necessary. Under those circumstances, the City Manager and Department Directors are authorized to amend a contract as set out below. For purposes of this policy, "total contract amount" shall be defined as the total consideration paid over the term of the agreement, including any previous amendments to the contract. "Original contract amount" shall be defined as either the amount of compensation agreed upon when the contract was first entered into or the amount of compensation last approved by the City Council, whichever is greater.

1. City Manager.

The City Manager may sign and award a contract amendment on a contract approved by the Council if the total cost of services will not exceed 125% of the original contract amount, or increase the original contract by more than \$120,000, whichever amount is lesser. Otherwise the City Manager may sign and award a contract amendment so long as the total contract amount as amended does not exceed \$120,000.

2. Department Directors.

The Department Director overseeing the contract may sign the contract amendment if that amendment will not cause the total contract amount to exceed \$75,000.

3. Amendments in Cases of Possible Work Stoppage or Undesirable Delay.

In certain situations, the City Manager and the Department Director in charge of the contract may determine that an amendment is needed that will cause the total contract amount to exceed the City Manager's amendment signing authority, and that the timing is such that a work stoppage or other undesirable consequence will result if approval of the change is delayed until the next City Council meeting. In those situations, the City Manager may approve an amendment that increases the total contract amount up to 150% of the original contract. However, the City Manager will notify all City Council Members individually if this situation develops, and if any individual Council Member objects to the increase, a special meeting of the City Council will be called to address the issue.

4. Amendments Necessary to Address Emergency Situations

In the event of emergency work that requires an amendment to an existing contract, the emergency contracting policy outlined below may be followed.

IV. TYPES OF SERVICES CONTRACTS AND HOW TO AWARD THEM

It is recognized that by their nature, service contracts cannot always be awarded as a result of a competitive bid process. However, competitive proposals should be obtained whenever possible before resorting to negotiated awards.

A. Professional Services Consultant Selection

Professional consultant services differ from other services in that they are of a professional nature, and due to the ethical codes of some of the professions involved, as well as the nature of the services provided, do not readily fall within the competitive bidding process. Professional consultants should be individually selected through a qualifications-based selection process for a specific project or service on the basis of demonstrated competence and qualifications for the types of services to be performed and with the objective of selecting the most qualified consultant at a fair, reasonable and F-14 4

verifiably appropriate cost. The procedures for achieving this goal shall be adopted and applied by the City Manager in the Administrative Procedures Manual. This policy shall include, but not be limited to, services in the following fields: Engineering (civil, mechanical, electrical, structural, traffic, geotechnical, etc.)

Building plan review and grading plan review and/or inspection services

Architecture

Landscape Architecture

Construction Project Management Firms

Environmental

Planning

Economic Analysis

Property Appraisals

Land Surveying

Financial Services

Data Processing Services

Legal Services not otherwise authorized in Section A(3) of this Policy

B. General Services Agreements

General Services Agreements are not strictly professional in nature, but arise where operations, repair and maintenance services, or other services of a non-professional nature, are provided to the City. Agreements that typically fall into this category are for repair and maintenance of roadways, landscape maintenance, repair and maintenance of City facilities, and other such non-professional services.

The City shall select general services contractors through a request for proposal process that is implemented in order to determine the most qualified proposer and obtain the most competitive price. Both qualifications and pricing shall be considered when awarding such contracts.

C. Capital Improvement Program F-14 5

Contracts for public works shall be awarded consistent with the provisions of Charter Section 1110 and Article 15.75 of the Newport Beach Municipal Code as updated and amended from time to time. Under the terms of City Charter Section 1110, contracts for public works that exceed \$120,000 in total expenditures must be awarded by the City Council through the conducting of a formal bidding process. At its option, the City Council may direct that such contracts be signed by the Mayor, the City Manager or the Public Works Director.

D. Independent Instructional and Recreation Contractors

Where contractors are paid for services from fees collected for the services provided, Department Directors are authorized to award and sign contracts with independent contractors for instructional, educational, cultural, or recreational purposes where the fees paid by the City are based upon either a percentage of fees collected by the City for a program or on a flat rate basis for tasks performed by the contractor. Contracts with such independent contractors may be up to two (2) years in duration.

Should fees paid to any contractor exceed \$75,000 during the term of the contract, the Department Director shall provide written notice to the City Manager identifying the program, independent contractor and anticipated total fees to be paid. The City Manager shall give written notice to the City Council should fees paid exceed \$120,000.

E. On-Call and Emergency Contracts for Services

Under limited circumstances the use of formal contracting procedures to procure services is not an effective or an efficient use of City resources. The following contracting procedures are authorized for entering into on-call agreements for services as needed and for procuring services in times of emergency.

1. On-Call Agreements.

The City Manager and Department Directors are authorized to enter into on-call agreements for obtaining services on an as needed basis, including, but not limited to, professional services and repair and maintenance services, that are needed from time to time where the size of the job does not warrant the expense of entering into individual agreements for each service. On-call agreements must be within the authority of the individual entering into the agreement on behalf of the City and they cannot extend longer than two (2) years. Funds shall be encumbered on a per project basis as opposed to a contract basis. Selection of consultants and contractors for award of on-call agreements shall be consistent with the award procedures for the type of contract being awarded as set out above. Procedures for entering into on-call agreements shall be prescribed by the City Manager in the Administrative Procedure Manual.

If a contract for services is necessary under the provisions of Newport Beach Municipal Code Section 2.20.020, the City Emergency Procedures shall be followed. If a contract for services is entered into in times of urgent necessity under the authority of Newport Beach City Charter Section 1110, and the contract amount exceeds the F-14 6

signing authority of the relevant Department Director or City Manager as authorized in this Policy, then that contract shall be brought to the City Council at its next regularly scheduled meeting for review.

Whenever possible, the City shall enter Emergency On-Call Agreements with contractors or consultants who can be relied upon to assist the City in advance of any actual emergency. Emergency On-Call Agreements shall be submitted to Council for approval after being reviewed and approved by the Office of the City Attorney. After the Emergency On-Call Agreement is approved, services provided on an emergency basis under an Emergency On-Call Agreement may be retained by oral commitment of the City Manager (or, in the case of an emergency described by Municipal Code Section 2.20.020, the Director or Assistant Director of Emergency Services), to be memorialized in a Letter Agreement between the parties as soon as possible thereafter.

When a written contract has been entered into in order to address an emergency, a copy of the written contract shall be provided to the City Clerk as soon as possible.

V. GENERAL PROCEDURES

A. Contract Retention

The City Clerk shall retain all original executed service contracts in accordance with the City's current adopted Records Retention Schedule. Contracts shall be posted into the City's electronic document data base in order to maintain transparency in contracting.

B. Insurance

All contracts shall be accompanied by proof of the appropriate level of insurance at the time of execution. The insurance level required shall be in accordance with the City's published Schedule of Insurance (or as otherwise approved by the City's Risk Manager).

C. Reporting

At least once in 2011 and 2012, the City Manager shall report to the Council the summary of all contracts entered into by the City Manager and Department Directors. The summary shall include the vendor, the department responsible that will oversee the contract, the purpose of the contract, and the contract amount.

F-14

FUTURE AMENDMENTS TO POLICY

Any future changes in the provisions of this Policy shall be made by resolution of the City Council.

Adopted - January 24, 1994

Amended - April 13, 2004

Amended by Resolution No. 2006-35 - May 9, 2006

Amended by Resolution No. 2011-15 - January 25, 2011

PLACENTIA:

Amendment dates:

April 11, 1972; April 13, 1976; April 11, 1978; April 8, 1980; April 13, 1982; November 5, 1985;
November 8, 1988; November 11, 2002

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

Filed June 29, 1965

with the Secretary of State

CHARTER

Article I—Name of City

Section 100 Name.

Article II—Boundaries

Section 200 Boundaries.

Article III—Succession

Section 300 Rights and liabilities.

Section 301 Ordinances continued in effect.

Section 302 Rights of officers and employees preserved.

Section 303 Continuance of present officers and employees.

Section 304 Continuance of contracts and public improvements.

Section 305 Pending actions and Proceedings.

Section 306 Effective date of charter.

Article IV—Powers of City

Section 400 Powers of city.

Section 401 Procedures.

Article V—Form of Government

Section 500 Form of government.

Article VI—City Council

Section 600 Number and term.

Section 601 Eligibility.

Section 602 Compensation.

Section 603 Vacancies.

Section 604 Presiding officer.

Section 605 Powers vested in the city council.

Section 606 Power to tax.

Section 607 Bonded debt limit.

Section 608 Contracts on public works.

Section 609 Publishing of legal notices.

Section 610 Legislative-Administrative relationships.

Section 611 Regular meetings.

Section 612 Special meetings.

Section 613 Place of meetings.

Section 614 Quorum proceedings.

Section 615 Adoption of ordinances and resolutions.

Section 616 Ordinance enactments.

Section 617 Ordinance publication.

Section 618 Codification of ordinances.

Section 619 Ordinance when effective.

Section 620 Ordinance. Violation. Penalty.

Article VII — Other Elected Officers

Section 700 Number and term.

Section 701 Eligibility.

Section 702 Compensation.

Section 703 Vacancies.

Section 704 City Clerk. Powers and duties.

Section 705 City Treasurer. Powers and duties.

Article VIII — Appointive Officers

Section 800 Appointing authorities.

Section 801 City administrator. Appointment.

Section 802 City administrator. Powers and duties.

Section 803 City administrator. Council table.

Section 804 City administrator pro tempore.

Section 805 Assistant city administrator.

Section 806 City attorney. Powers and duties.

Article IX — Appointive Boards and Commissions

Section 900 In general.

Section 901 Appropriations.

Section 902 Appointment. Term.

Section 903 Meetings. Chairman.

Section 904 Oaths. Affirmations.

Section 905 Planning commission.

Section 906 Planning commission. Powers and duties.

Article X — General Provisions Relating to Officers and Employees

Section 1000 Official bonds.

Section 1001 Oath of office.

Section 1002 Illegal contract, financial interest.

Section 1003 Administering oaths.

Section 1004 Department heads. Appointment powers. City Charter of the City of Placentia Page ii

Section 1100 General municipal elections.
Section 1101 Special municipal elections.
Section 1102 Procedure for holding elections.
Section 1103 Initiative, referendum and recall.

Article XII—Fiscal Administration

Section 1200 Fiscal year.
Section 1201 Tax system.
Section 1202 Annual budget preparation.
Section 1203 Budget. Submission to city council.
Section 1204 Budget. Public hearing.
Section 1205 Budget. Further consideration and adoption.
Section 1206 Budget appropriations.
Section 1207 Centralized purchasing.
Section 1208 Competitive bidding.
Section 1209 Cash basis fund.
Section 1210 Capital outlay fund.
Section 1211 Claims and demands. Presentation and payment.
Section 1212 Petty cash funds.
Section 1213 Actions against city.
Section 1214 Independent audit.
Section 1215 Revenue bonds.

Article XIII—Franchises

Section 1300 Granting of franchises.
Section 1301 Resolution of intention, notice and public hearing.
Section 1302 Term of franchise.
Section 1303 Grant to be in lieu of all other franchises.
Section 1304 Eminent domain.
Section 1305 Duties of grantee.

Article XIV—Miscellaneous

Section 1400 Definitions.
Section 1401 Violations.
Section 1402 Validity.

Article I—Name of City

Section 100. Name.

The municipal corporation now existing and known as the “CITY OF PLACENTIA” shall remain and continue to exist as a municipal corporation under the name of “City of Placentia.”

Article II—Boundaries

Section 200. Boundaries.

The territory of the City shall be that contained within its present boundaries as now established, with the power and authority to change the same in the manner provided by State law.

Article III—Succession

Section 300. Rights and liabilities.

The City of Placentia shall continue to own, possess, control, and in every way succeed to and become the owner of rights and of property of every kind and nature by said existing municipal corporation owned, possessed or controlled and shall be subject to all the debts, obligations, liabilities and duties of said existing corporation.

Section 301. Ordinances continued in effect.

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

Section 302. Rights of officers and employees preserved.

Nothing in this Charter contained, except as specifically provided, shall affect or impair the employment, 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. 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 employments 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, and, as to offices which are changed, abolished or superseded by this Charter, until the election or appointment and qualification of their respective successors under this Charter.

Section 304. Continuance of contracts and public improvements.

All contracts entered into by the City, or for its benefit, prior to the taking effect of this Charter, and then in effect shall continue in full force and effect. Public improvements for which proceedings have been instituted under laws or other provisions existing at the time this Charter takes effect, in the discretion of the City Council, may be carried to completion as nearly as practicable in accordance with the provisions of such existing laws and other provisions or may be continued or perfected hereunder.

Section 305. Pending actions and proceedings.

No action or proceeding, civil or criminal, pending at the time when this Charter takes effect, brought by or against the City or any office, department or agency thereof, shall be affected or abated by the adoption of this Charter or by anything herein contained; but all such actions or proceedings may be continued notwithstanding that functions, powers and duties of any officer, office, department or agency party thereto, by or under this Charter, may be assigned or transferred to another officer, office, department or agency, but in that event, the same may be prosecuted or defended by the head of the office, department or agency to which such functions, powers and duties have been assigned or transferred by or under this Charter.

Section 306. Effective date of charter.

This Charter shall take effect upon its approval by the State Legislature. The members of the City Council, the City Clerk, and the City Treasurer, in office at the time of the approval of this Charter by the State Legislature, shall continue to hold office and to discharge the duties thereof until the election and qualification of their successors, respectively, under this Charter.

Article IV—Powers of City

Section 400. Powers of city.

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

The enumeration in this Charter of any particular power shall not be held to be exclusive of, or any limitation upon, this general grant of power.

Section 401. Procedures.

The City shall have the power and may act pursuant to procedure established by any law of the State, unless a different procedure is required by this Charter. City Charter of the City of Placentia Page 3

Article V—Form of Government

Section 500. Form of government.

The municipal government provided by this Charter shall be known as the “Council-Administrator” form of government.

Article VI—City Council

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. The term of office for members of the City Council shall be four years, or in the case of an appointment or election to an unexpired term of office, the term of office shall be equal to the unexpired term of office, and until their respective successors qualify. No person shall serve more than three consecutive terms of office as a member of the City Council, including any portion of an unexpired term of office to which such person has been appointed or elected. The term limit provisions of this section shall apply prospectively only and shall apply only to terms of office commencing on or after the date this amendment to the City Charter was approved by the City’s electorate.

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 year. 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 a successor is elected and qualified. Any ties in voting shall be settled by the casting of lots. (Amended by the electorate of the city at an election held on November 5, 2002: amended by the electorate of the city at an election held November 5, 1985)

Section 601. Eligibility.

No person shall be eligible to hold office as a member of the City Council unless he shall be a qualified elector at the time of his nomination, and shall have been a resident of the City for at least that minimum period provided for under State law for General law cities next preceding the date of his election or appointment. (Amended by the electorate of the city at the election held April 3, 1976: amended by Assembly Concurrent Resolution No. 96 Paragraph 1, ratified by the qualified electors of the city at a general municipal election held April 11, 1972)

Section 602. Compensation.

The Mayor and Members of the City Council shall receive one hundred fifty dollars (\$150.00) per month, as compensation for their services, and shall receive reimbursement for necessary travel and expenses when on official duty on order of the City Council. (Amended by the electorate of the city at an election held April 8, 1980) City Charter of the City of

Section 603. Vacancies.

A vacancy in the City Council from whatever cause arising shall be filled by appointment by the City Council, such appointee to hold office until the first Tuesday following the next general municipal election and until his successor is elected and qualified. At the next general municipal election following any vacancy, a Councilman shall be elected to serve for the remainder of any unexpired term. As used in this paragraph, the next general municipal election shall mean the next such election at which it is possible under the law to place the matter on the ballot and elect a successor.

If a member of the City Council absents himself from all regular meetings of the City Council for a period of sixty days consecutively from and after the last regular City Council meeting attended by such member unless by permission of the City Council expressed in its official minutes, or is convicted of a crime involving moral turpitude, or ceases to be an elector of the City, his office shall become vacant and shall be so declared by the City Council. In the event the City Council shall fail to fill a vacancy by appointment within thirty days after such office shall have become vacant, it shall forthwith cause an election to be held to fill such vacancy.

In the event that a majority of the City Council offices are vacated, from whatever cause arising, the member or members of the Planning Commission with the longest continuous service on said commission shall automatically succeed to an office on the City Council until three of the said offices have been filled and the procedure hereinabove set forth for filling vacancies by appointment can be followed. Longest continuous service shall be computed, for purposes of this section, from the date and sequence of appointment to the Planning Commission.

Section 604. Presiding officer.

(a) MAYOR. At the meeting at which the City Council approves the certification of election results following any general or special municipal election at which members of the City Council are elected, and at any time when there is a vacancy in the office of Mayor, the City Council shall meet and shall elect one of its members as its presiding officer, who shall have the Title of Mayor. The Mayor shall have a voice and vote in all City Council proceedings. The Mayor shall be the official head of the City for all purposes including ceremonial. The Mayor shall perform such other duties as may be prescribed by this Charter or as may be imposed by the City Council consistent with the office. The Mayor shall serve in such capacity at the pleasure of the City Council.

(b) MAYOR PRO TEMPORE. The City Council shall also designate one of its members as Mayor Pro Tempore who shall serve in such capacity at the pleasure of the City Council. The Mayor Pro Tempore shall perform the duties of the Mayor during any absence or disability of the Mayor. (Amended by the electorate of the city at an election held on November 5, 2002)

Section 605. Powers vested in the city council.

All powers of the City shall be vested in the City Council, subject to the provisions of this Charter and to the Constitution of the State of California. City Charter of the City of Placentia
Page 5

Section 606. Power to tax.

The City Council shall be empowered to levy a property tax on the assessed value of taxable property in the City for all municipal purposes.

Section 607. Bonded debt limit.

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

No bonded indebtedness which shall constitute a general obligation of the City may be created unless authorized by the affirmative votes of two-thirds of the electors voting on such proposition at any election at which the question is submitted to the electors and unless in full compliance with the provisions of the State Constitution and of this Charter.

Section 608. Contracts on public works.

Every contract involving an expenditure of more than Twenty-Five Thousand (\$25,000.00) Dollars for the construction or improvement (excluding maintenance and repair) of public buildings, works, streets, drains, sewers, utilities, parks and playgrounds, and each separate purchase of materials or supplies for the same, where the expenditure required for such purchase shall exceed the sum of Twenty-Five Thousand (\$25,000.00) Dollars shall be let either 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 days before the time of opening bids, or by best value processes, including but not limited to use of design-build and construction manager at risk approaches, adopted by the City Council by ordinance in cases where the City Council finds such processes will reduce project cost, expedite project completion, or provide unique design features.

The City Council may reject any and all bids presented and may re-advertise in its discretion. After rejecting bids, or if no bids are received, the City Council may declare and determine that, in its opinion, the work in question may be performed better or more economically by the City with its own employees, or that the materials or supplies may be purchased at a lower price in the open market, and after the adoption of a resolution to this effect by a majority vote of the entire membership of the City Council, it may proceed to have said work done or such material or supplies purchased in the manner stated, without further observance of the provisions of this section.

When the City Council deems, by four affirmative votes, there is urgent necessity for the preservation of life, health or property, purchase of such materials or supplies and contracts for the construction or improvement of public buildings, works, streets, drains, sewers, utilities, parks and playgrounds may be let without advertising for bids. The City shall not be bound by the California Public Contracts Code except as expressly provided in this Charter or as expressly required by the City Council by ordinance. (Amended by the electorate of the city at an election held on November 5, 2002; Amended by Assembly Concurrent Resolution No. 96 Paragraph 2, ratified by the qualified electors of the city at a general municipal election held April 11, 1972) City Charter of the City of Placentia Page 6

Section 609. Publishing of legal notices.

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

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

In the event there is no newspaper of general circulation in the City or if no such newspaper will accept the rates permitted herein, then all legal notices or other matter may be published by posting copies thereof in at least three public places in the City, one of which places shall be the City Hall.

No defect or irregularity in proceedings taken under this section, or failure to designate an official newspaper, shall invalidate any publication where the same is otherwise in conformity with this Charter or law or ordinance. (Amended by the electorate of the city at the election held April 11, 1978)

Section 610. Legislative-administrative relationship.

The City Council shall be responsible for the policy matters of the City government and the City Administrator for the administration thereof. The City Council shall give orders and instructions to the City Administrator by a majority vote of the City Council at a lawfully held meeting. No individual member of the City Council shall interfere with the execution by the City Administrator of his powers and duties, or order, directly or indirectly, or order or request, directly or indirectly, the appointment of any person to an office or employment, or his removal therefrom, by the City Administrator, or by any of the department heads in the administrative service of the City. Except for the purpose of inquiry, individual members of the City Council shall deal with the administrative service under the City Administrator solely through the City Administrator and shall not give orders, either public or privately, to any subordinates of the City Administrator.

Section 611. Regular meetings.

The City Council shall hold regular meetings at least twice each month, at such times and in such places as it shall fix by ordinance or resolution, and may adjourn or readjourn any regular meeting to a date and time certain, which shall be specified in the order of adjournment; and when so adjourned, each adjourned meeting shall be a regular meeting for all purposes. If at any time any regular meeting falls on a holiday, such regular meeting shall be held on the next business day. City Charter of the City of Placentia Page 7

Section 612. Special meetings.

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

Section 613. Place of meetings.

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

Section 614. Quorum. Proceedings.

A majority of the members of the City Council shall constitute a quorum to do business but a less number may adjourn from time to time. In the absence of all the members of the City Council from any regular meeting or adjourned regular meeting, the City Clerk may declare the same adjourned to a stated day and hour. The City Clerk shall cause written notice of a meeting adjourned by less than a quorum or by the City Clerk to be delivered personally or by mail to each councilman at least twenty-four hours before the adjourned meeting, or such notice may be dispensed with in the same manner as specified in this Charter for dispensing with notice of special meetings of the City Council. The City Council shall judge the qualifications of its members as set forth by the Charter. It shall judge all election returns. Each member of the City Council shall have the power to administer oaths and affirmations in any investigation or proceeding pending before the City Council.

The City Council may establish rules for the conduct of its proceedings and punish any member or other person for disorderly conduct at any meetings. It shall have the power and authority to compel the attendance of witnesses, to examine them under oath, and to compel the production of evidence before it.

Subpoenas may be issued in the name of the City and be attested by the City Clerk.

Disobedience of such subpoenas, or the refusal to testify (upon other than constitutional grounds), shall constitute a misdemeanor.

The City Council shall cause the City Clerk to keep a correct record of all its proceedings and at the demand of any member or upon the adoption of any ordinance, resolution, or order for the payment of money, the City Clerk shall call roll and shall cause the ayes and noes taken on any question, to be entered in the minutes of the meeting. Electro-mechanical displays may be City Charter of the City of Placentia Page 8

used to indicate voting in lieu of voice vote. (Amended by the electorate of the city at the election held April 11, 1978)

Section 615. Adoption of ordinances and resolutions.

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

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

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

EMERGENCY ORDINANCES. Any ordinance declared by the City Council to be necessary as an emergency measure for preserving the public peace, health or safety and containing a statement of the reasons for its urgency, may be introduced and adopted at one and the same meeting if passed by at least four affirmative votes. (Amended by the electorate of the city at an election held April 8, 1980)

Section 616. Ordinance enactments.

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

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

Section 617. Ordinance publication.

The City Clerk shall cause each ordinance to be published at least once in the official newspaper or pursuant to Section 609 of this Charter, within fifteen days after its adoption. The publication of ordinances, as required by this section, may be satisfied by the City Clerk publishing a summary of the ordinance and posting in the office of the City Clerk a certified copy of the full text of such ordinance along with the names of those Councilmembers voting for and against the ordinance, within fifteen (15) days after its adoption. (Amended by the electorate of the city at an election held April 8, 1980) City Charter of the City of Placentia

Section 618. Codification of ordinances.

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

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

Section 619. Ordinance when effective.

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

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

Section 620. Ordinance. Violation. Penalty.

Except as otherwise designated by an ordinance adopted by the City Council, a violation of any ordinance of the City shall constitute a misdemeanor which may be prosecuted in the name of the people of the State of California or may be redressed by civil action. The maximum fine for any violation of a City ordinance shall be the sum of One Thousand Dollars (\$1000.00), or a term of imprisonment for a period not exceeding one year, or both such fine and imprisonment. Any person either convicted of a violation of any ordinance of the City, or, in a civil action determined to have violated any ordinance of the City, shall also be liable, and shall reimburse the City, for all costs incurred by the City in the investigation of the violation and enforcement of the City's ordinances. (Amended by the electorate of the city in an election held November 5, 2002; Amended by the electorate of the city at the election held April 11, 1978)City Charter of the City of Placentia Page 10

Article VII—Other Elected Officers

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. (Amended by the electorate of the city at an election held November 5, 1985: amended by the electorate of the city at the election held April 13, 1982)

Section 701. Eligibility.

No person shall be eligible to hold the offices of the City Clerk or City Treasurer unless he be a qualified elector at the time of his nomination and shall have been a resident of the City for at least that minimum period provided for under State law for General law cities next preceding the date of his election or appointment. (Amended by the electorate of the city at the election held April 13, 1976: amended by Assembly Concurrent Resolution No. 96 Paragraph 3, ratified by the qualified electors of the city at a general municipal election held April 11, 1972)

Section 702. Compensation.

The City Clerk shall receive one hundred fifty dollars (\$150.00) per month for his services, and the City Treasurer shall receive fifty dollars (\$50.00) per month compensation for his services; provided that they shall receive reimbursement for necessary travel and other expenses when on official duty on order of the City Council. (Amended by the electorate of the city at the election held November 8, 1988: amended by the electorate of the city at an election held April 8, 1980)

Section 703. Vacancies.

A vacancy in the office of City Clerk or City Treasurer, from whatever cause arising, shall be filled by appointment by the City Council, such appointee to hold office until the first Tuesday following the next general municipal election and until his successor is elected and qualified. At the general municipal election following any vacancy, an officer shall be elected to serve for the remainder of the unexpired term. City Charter of the City of Placentia Page 11

If the City Clerk or the City Treasurer is convicted of a crime involving moral turpitude or ceases to be an elector of the City, his office shall become vacant and shall be so declared by the City Council.

In the event the City Council shall fail to fill a vacancy by appointment within thirty days after such office shall have become vacant, it shall forthwith cause an election to be held to fill such vacancy.

Section 704. City Clerk. Powers and Duties.

The City Clerk shall have power and be required to:

- (a) Attend all meetings of the City Council, unless excused, and record and maintain a full and true record of all of the proceedings of the City Council in books which shall bear appropriate titles and be devoted to such purposes. Such books shall have a general index sufficiently comprehensive to enable a person readily to ascertain matters contained therein;
- (b) Maintain ordinance and resolution books into which shall be recorded all City ordinances and resolutions with the certificate of the Clerk annexed to each thereof stating the same to be the original or a correct copy, giving the number of said ordinance or resolution and, as to an ordinance or resolution requiring publication, stating that the same has been published or posted in accordance with this Charter or other applicable law;
- (c) Be the custodian of the seal of the City; and
- (d) Administer oaths or affirmations, take affidavits and depositions pertaining to the affairs and business of the City, and certify copies of official records.

Section 705. City Treasurer. Powers and Duties.

The City Treasurer shall be the custodian of all public funds belonging to or under control of the City, or of any office, department or agency thereof.

Article VIII—Appointive Officers

Section 800. Appointing authorities.

The City Council shall appoint and remove the City Administrator. A resolution adopted by three affirmative votes at a regular meeting of the City Council shall be required to either appoint or remove the City Administrator.

The City Administrator shall appoint and remove all other non-elected City officers; provided that the City Council shall be empowered to employ or contract for the professional services of the City Attorney, the City Auditor, the City Health Officer and other services as needed, and provided, further, that no appointment shall be made by the City Administrator unless the City Council has provided by ordinance for the establishment of the office or department to be directed by the appointee. City Charter of the City of Placentia Page 12

An elected official, during his term of office, shall neither hold any other position with the City nor be assigned duties in addition to those set forth for his elected office by this Charter, for which position or duties full or partial compensation is paid by the City.

No official, officer or employee appointed by the City Council shall be removed from his office or position with the City during the ninety (90) day period immediately subsequent to any municipal election of persons to the City Council. (Amended by the electorate of the city at the election held April 11, 1978)

Section 801. City Administrator. Appointment.

The City Administrator shall be chosen on the basis of his executive and administrative qualifications. He shall be paid a salary commensurate with his responsibilities as chief administrative officer of the City. No City Councilman shall receive such appointment during the term for which he shall have been elected, nor within two years after expiration of his term.

Section 802. City Administrator. Powers and Duties.

The City Administrator shall be the chief executive officer and the head of the administrative branch of the City government. He shall be responsible to the City Council for the proper administration of all affairs of the City, except as otherwise provided in this Charter, and he shall have power and be required to:

- (a) Appoint and remove, subject to the provisions of this Charter, all department heads of the City except as otherwise provided by this Charter, and pass upon and approve all proposed appointments and removals of subordinate employees by department heads;
- (b) Prepare the budget annually and submit it to the City Council and be responsible for its administration after adoption;
- (c) Prepare and submit to the City Council as of the end of the fiscal year a complete report on the finances and administrative activities of the City for the preceding year;
- (d) Keep the City Council advised of the financial condition and future needs of the City and make such other recommendations as may seem to him desirable;
- (e) Exercise control of all administrative offices and departments of the City and of all appointive offices and employees except those directly appointed by the City Council; and
- (f) Perform such other duties as may be prescribed by this Charter or required of him by the City Council; not inconsistent with this Charter.

Section 803. City Administrator. Council table.

The City Administrator shall be accorded a seat at the City Council table and shall be entitled to participate in the discussions of the City Council, but shall not have a vote. City Charter of the City of Placentia Page 13

Section 804. City Administrator. Pro Tempore.

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

Section 805. Assistant City Administrator.

In the event that the City Council provides for the appointment of an Assistant City Administrator, he shall be appointed by, and be under the supervision and direction of, the City Administrator.

Section 806. City Attorney. Powers and duties.

The City Attorney shall be licensed to practice law in the State of California and shall have the power and be required to:

- (a) Represent and advise the City Council and all City officers in all matters of law pertaining to their offices;
- (b) Represent and appear for the City and any City officer or employee or former City officer or employee, in any or all actions and proceedings in which the City or any such officer or employee, in or by reason of his official capacity, is concerned or is a party, but the City Council shall have control of all legal business and proceedings and may employ other attorneys to take charge of any litigation or matter or to assist the City Attorney therein;
- (c) Attend all meetings of the City Council, unless excused, and give his advice or opinion in writing whenever requested to do so by the City Council, or by any of the boards or officers of the City;
- (d) Approve the form of all bonds given to and all contracts made by the City, endorsing his approval thereon in writing;
- (e) Prepare any and all proposed ordinances or resolutions for the City, and amendments thereto;
- (f) Prosecute on behalf of the people all criminal cases for violation of this Charter and of City ordinances, and misdemeanor offenses arising upon violation of the laws of the State unless otherwise provided by the City Council; and
- (g) On vacating the office, surrender to his successor all books, papers, files and documents pertaining to the City's affairs.

Article IX—Appointive Boards and Commissions

Section 900. In general.

In addition to the Commissions specified herein the City Council may create by ordinance such advisory Boards or Commissions as in its judgment are required, and may grant to them such powers and duties as are consistent with the provisions of this Charter. (Amended by the electorate of the city at the election held April 11, 1978)

Section 901. Appropriations.

The City Council shall include in its annual budget sufficient appropriations of funds for the efficient and proper functioning of such boards and commissions.

Section 902. Appointment. Term.

The members of such Boards or Commissions shall be appointed by the City Council. They shall be subject to removal by motion of the City Council adopted by at least three affirmative votes. The members thereof shall serve for a term of four years, unless a lesser term is provided by a resolution adopted by the City Council, and until their respective successors are appointed and qualified. The members first appointed to such Boards and Commissions shall so classify themselves by lot that the term of one of each of their number shall expire each succeeding July 1st. Where the total number of the members of a Board or Commission to be appointed exceeds four, and is less than eight, no more than two terms of office shall expire in any one year, and the classification by lot shall provide for the pairing of terms to such an extent as is necessary in order that the terms of at least one and not more than two shall expire in each succeeding year. Where the total number of members of a Board or Commission to be appointed exceeds eight, no more than three terms of office shall expire in any one year, and the classification by lot shall provide for the matching of terms to such an extent as is necessary in order that the terms of at least two and not more than three shall expire in each succeeding year. Any appointment to fill an unexpired term shall be for such unexpired period. The members of such Boards or Commissions shall be residents of the City. (Amended by the electorate of the city at an election held November 5, 2002; Amended by the electorate of the city at the election held April 11, 1978; amended by Assembly Concurrent Resolution No. 96 Paragraph 4, ratified by the qualified electors of the city at a general municipal election held April 11, 1972)

Section 903. Meetings. Chairman.

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

Each board or commission shall hold a regular meeting at least once each month, except that a board or commission created by ordinance may be otherwise governed by the ordinance creating same.

The City Administrator shall designate a City employee to act as secretary for each of such boards and commissions, who shall keep a record of its proceedings and transactions. Each City Charter of the City of Placentia Page 15

board or commission may prescribe its own rules and regulations which shall be consistent with this Charter or with the ordinance creating it and copies of which shall be kept on file in the office of the City Clerk where they shall be available for public inspection. (Amended by the electorate of the city at the election held April 11, 1978)

Section 904. Oaths. Affirmations.

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

Section 905. Planning Commission.

There shall be a Planning Commission appointed by the City Council, which shall consist of seven members from the qualified electors of the City, none of whom shall hold any paid office or employment in the City government.

Section 906. Planning Commission. Powers and duties.

The Planning Commission shall have the power and be required to:

- (a) After a public hearing thereon, recommend to the City Council the adoption, amendment or repeal of the General Plan, or any part thereof for the physical development of the City;
- (b) Exercise such control over land subdivisions as is granted to it by the governing body of the City and by the laws of the State of California;
- (c) Make recommendations concerning proposed public works and for the clearance and rebuilding of blighted or substandard areas within the City; and
- (d) Exercise such functions with respect to zoning as may be prescribed by ordinance not inconsistent with this Charter.

Article X—General Provisions Relating to Officers and Employees

Section 1000. Official bonds.

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

In all cases wherein an employee of the City is required to furnish a faithful performance bond, there shall be no personal liability upon, or any right to recover against, his superior officer or other officer or employee, or the bond of the latter, unless such superior officer, or other officer or employee is a party to, or has conspired in, the wrongful act causing directly or indirectly such loss. City Charter of the City of Placentia Page 16

Section 1001. Oath of office.

Each member of the City Council, of every board and commission, and each officer provided for in this Charter before entering upon the discharge of the duties of his office, shall take, subscribe to and file with the City Clerk the following oath or affirmation:

“I do solemnly swear (or affirm, as the case may be) that I will support the Constitution of the United States and the Constitution of the State of California, and that I will faithfully discharge the duties of the office of (here inserting name of office) according to the best of my ability.”

Section 1002. Illegal contract, financial interest.

No member of the City Council shall be financially interested, as that term is defined at Government Code Section 87103 as it is presently worded or may hereafter be amended, in any contract, sale or transaction to which the City is a party and neither shall any Board or Commission member or City official or employee be financially interested in any contract, sale or transaction to which the City is a party and which comes before said Board or Commission or official or employee, or department of the City with which he is connected, for official action. Any such contract or transaction in which there shall be such an interest shall become void at the election of the City, when so declared by resolution of the City Council. No City Councilman or member of any Board or Commission shall vote or participate in any contract or transaction in which he is directly or indirectly financially interested whether as an employee or stockholder of the corporation or otherwise. If an officer of the City, during the term of which he was elected or appointed shall vote or participate, or shall be financially interested as aforesaid upon conviction thereof, he shall forfeit his office. (Amended by the electorate of the city at the election held April 11, 1978: amended by Assembly Concurrent Resolution No. 96 Paragraph 5, ratified by the qualified electors of the city at a general municipal election held April 11, 1972)

Section 1003. Administering oaths.

Each department head and his deputies shall have the power to administer oaths and affirmations in connection with any official business pertaining to his department.

Section 1004. Department heads. Appointment powers.

Each department head shall have the power to appoint, suspend, and remove such deputies, assistants, subordinates and employees as are provided for by the City Council for his department upon the following conditions:

- (a) Subject to the provisions of this Charter and the rules and regulations promulgated hereunder; and
- (b) Subject to the prior approval of the City Administrator except for deputies, assistants, subordinates and employees of the City Council and the City Attorney. City Charter of the City of Placentia Page 17

Article XI—Elections

Section 1100. General municipal elections.

General municipal elections for the filling 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. (Amended by the electorate of the city at an election held November 5, 1985)

Section 1101. Special municipal elections.

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

Section 1102. Procedure for holding elections.

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

Section 1103. Initiative, referendum and recall.

The provisions of the Elections Code of the State of California as the same now exist or may hereafter be amended, governing the initiative, referendum and the recall of municipal officers, shall apply to use thereof in the City insofar as such provisions of the Elections Code are not in conflict with this Charter.

Article XII—Fiscal Administration

Section 1200. Fiscal year.

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

Section 1201. Tax system.

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

If the City Council fails to fix the rate and levy taxes on or before August 31, in any year, the rate for the next preceding fiscal year shall thereupon be automatically adopted and a tax at such rate shall be deemed to have been levied on all taxable property in the City for the current fiscal year. City Charter of the City of Placentia Page 18

Section 1202. Annual budget preparation.

At such date as he shall determine, the City Administrator, or an officer designated by him, shall obtain from each department head estimates of revenue and expenditures for his department, detailed in such manner as may be prescribed by the City Administrator. In preparing the proposed budget, the City Administrator shall review the estimates, shall hold conferences thereon with the department heads, respectively, and may revise the estimates as he may deem advisable.

Section 1203. Budget. Submission to city council.

At least thirty-five days prior to the beginning of each fiscal year, the City Administrator shall submit to the City Council the proposed budget as prepared by him. After reviewing same and making such revisions as it may deem advisable, the City Council shall determine the time for the holding of a public hearing thereon and shall cause to be published a notice thereof not less than ten days prior to said hearing, by at least one insertion in the official newspaper.

Copies of the proposed budget shall be available for inspection by the public in the office of the City Clerk at least ten days prior to said hearing.

Section 1204. Budget. Public hearing.

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

Section 1205. Budget. Further consideration and adoption.

After the conclusion of the public hearing, the City Council shall further consider the proposed budget and make any revision thereof that it may deem advisable, and on or before June 30 it shall adopt the budget with revisions, if any, by the affirmative votes of at least three members. Upon final adoption, the budget shall be in effect for the ensuing fiscal year. A copy thereof, certified to by the City Clerk, shall be placed, and shall remain on file, in the office of the City Clerk where it shall be available for inspection. The budget so certified shall be reproduced and copies made available for the use of all officers, departments and agencies of the City.

Section 1206. Budget appropriations.

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

At any meeting after the adoption of the budget, the City Council may amend or supplement the budget by motion adopted by the affirmative votes of at least three members so as to authorize the transfer of unused balances appropriated for one purpose to another purpose, or to appropriate available revenues not included in the budget.

Section 1207. Centralized purchasing.

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

Section 1208. Competitive bidding.

Subject to the provisions of Section 608, before making any purchase of, or contract for, supplies, materials or equipment, vendors shall be given ample opportunity for competitive bidding, under such rules and regulations and with such exceptions as the City Council may prescribe by ordinance.

Section 1209. Cash basis fund.

The City Council shall maintain a revolving fund, to be known as the “Cash Basis Fund,” for the purpose of placing the paying of the running expenses of the City on a cash basis. A sufficient reserve shall be built up in this fund from any available source with which to meet all lawful demands against the City for the first five months, or other necessary period, of the succeeding fiscal year prior to the receipt of ad valorem tax revenues. Transfers may be made by the City Council from such fund to any other fund or funds of such sum or sums as may be required for the purpose of placing such funds, as nearly as possible, on a cash basis. All moneys so transferred from the Cash Basis Fund shall be returned thereto before the end of the fiscal year.

Section 1210. Capital outlay fund.

A fund for capital outlays, generally, is hereby created, to be known as the “Capital Outlay Fund.” The City Council by ordinance may create a special fund or funds for a special capital outlay purpose. The City Council may transfer to any such fund any unencumbered surplus funds remaining on hand in the City at any time.

Once created, such fund shall remain inviolate for the purposes for which it was created; if, for capital outlays, generally, then for any such purposes and if for a special capital outlay, then for such purpose only, unless the assent of the voters is expressed to the use of such fund for some other purpose by majority vote of the electors voting in favor thereof at a general or special municipal election at which such proposition is submitted; provided that if the purpose for which a special capital outlay fund was created has been accomplished, the City Council may transfer any remaining surplus to the general capital outlay fund. City Charter of the City of Placentia Page 20

Section 1211. Claims and demands. Presentation and payment.

All demands against the City shall be in writing and may be in the form of a bill, invoice, payroll, or formal demand. Each such demand shall be presented to the duly appointed finance officer within one hundred days after the last item of the account or claim accrued, and he shall examine the same. If the amount thereof is legally due and there remains on his books an unexhausted balance of an appropriation against which the same may be charged, he shall approve such demand and pay same out of the proper fund. Otherwise, he shall reject it. Objections of the duly appointed finance officer may be overruled by the City Council and the demand ordered paid.

The duly appointed finance officer shall transmit such demand, with his approval or rejection thereof endorsed thereon to the City Administrator. If a demand is one for an item included within an approved budget appropriation, it shall require the approval of the City Administrator before payment; otherwise it shall require the approval of the City Council, following the adoption by it of an amendment to the budget authorizing such payment. Any person dissatisfied with the refusal of the City Administrator to approve a demand, in whole or in part, may present the same to the City Council which, after examining into the matter, may approve or reject the demand in whole or in part.

Checks shall be paid out of the fund designated if there be sufficient money in the fund for that purpose. A check not paid for lack of funds shall be registered, and all registered checks shall be paid in the order of their registration when funds therefor are available.

The duly appointed finance officer of the City shall cause checks to be drawn for payment of municipal or other bonds, payable out of other funds in the treasury upon presentation and surrender of the proper bonds or coupons, upon the approval of the City Treasurer.

Section 1212. Petty cash funds.

The City Council may provide for revolving petty cash funds to be paid to the City Administrator or department heads and used for payment in cash of expenditures provided for in the budgets, which cannot conveniently be paid otherwise. The City Administrator, or such department heads, shall account to the City Council and the duly appointed finance officer for all disbursements made therefrom when making demand for replenishment of the same and at such other times as the Council may require, and the amounts shall thereupon be charged against the proper appropriations.

Section 1213. Actions against City.

No suit shall be brought on any claim for money or damages against the City, or any board, commission or officer thereof, on any cause of action for which this Charter or the general law requires a claim to be presented, until a demand for the same has been presented as in this Charter provided and such claim and demand has been rejected in whole or in part. Any such claim shall fully comply with the requirements for the presentation and consideration of claims as set forth in the applicable sections of the general law of the State. City Charter of the City of Placentia Page 21

Every claim for money or damages against the City, or any board or commission thereof, shall be filed with the City Clerk, who shall thereupon present the same to the City Council, officer, board or commission authorized by this Charter to incur or pay the expenditure. In all cases, such claims shall be processed as required by the general law of the State.

Section 1214. Independent audit.

The City Council shall employ, at the beginning of each fiscal year, a certified public accountant who, from time to time, shall examine the books, records, inventories and reports of all officers and employees who receive, handle or disburse public funds, and of such other officers, employees or departments as the City Council may direct. At the end of the year, a final audit and report shall be submitted by such accountant to the City Council, one copy thereof to be distributed to each member, one to the City Administrator, one to the City Attorney, one to the City Treasurer, one to the duly appointed finance officer, and three additional copies to be placed on file in the office of the City Clerk where they may be available for inspection by the general public.

Section 1215. Revenue bonds.

The City shall have the power to issue revenue bonds for the purpose of financing the acquisition, construction, extension, improvement or repair of any municipal revenue producing facilities, but no such bonds shall be issued unless the same shall first be authorized by the affirmative vote of a majority of those electors voting on the question of incurring such indebtedness at any election at which such question is submitted to the electors of the City. The Council may issue and sell bonds so authorized, may fix the terms and conditions thereof, and may make, fix and establish such covenants, conditions, terms and provisions as it deems necessary or desirable to facilitate the issuance and sale of the bonds or for the protection and security of the holders thereof. Bonds issued pursuant to this section shall not be general obligations of the City but shall be payable, principal and interest, solely from revenues or other special funds specifically pledged to that purpose.

Article XIII—Franchises

Section 1300. Granting of franchises.

The City 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, ways, alleys 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 its transportation, communication, water, light, heat, power, refuse collection, storage, cable television, or any other public utility or service. The City Council may prescribe the terms and conditions of any such grant. It may also provide, by procedural ordinance, the method of procedure and additional terms and conditions for making such grants, subject to the provisions of this Charter. (Amended by the electorate of the city at an election held November 5, 2002) City Charter of the City of Placentia Page 22

Section 1301. Resolution of intention, notice and public hearing.

Before granting any franchise, the City Council shall pass a resolution declaring its intention to grant the same, stating the name of the proposed grantee, the character of the franchise, and the terms and conditions upon which it is proposed to be granted. Such resolution shall fix and set forth the day, hour, and place, when and where any persons having any interest therein or any objection to the granting thereof may appear before the City Council and be heard thereon. It shall direct the City Clerk to publish said resolution at least once within fifteen (15) days of the passage thereof in the official newspaper. The time fixed for such hearing shall not be less than twenty (20) nor more than sixty (60) days after the passage of said resolution.

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

Section 1302. Term of franchise.

Every franchise shall state the term for which it is granted, which may be indeterminate. An indeterminate franchise 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 situate within the territorial limits of the State, municipal or public corporation purchasing or condemning such property, or until the franchise shall be forfeited for noncompliance with the terms by the possessor thereof.

Section 1303. 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 franchise, with respect to such utility facilities within the limits of the City as they now or may hereafter exist. 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 franchise shall be granted.

Any franchise granted hereunder shall not become effective until written acceptance thereof shall have been filed by the grantee thereof with the City Clerk. Such acceptance shall constitute a continuing agreement of such grantee 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 shall likewise be deemed to be abandoned within the limits of such territory.

Section 1304. Eminent domain.

No franchise grant shall in any way or to any extent impair or affect the right of the City to acquire the property of the grantee thereof either by purchase or through the exercise of the City Charter of the City of Placentia Page 23

right of eminent domain, and nothing herein contained shall be construed to contract away or to modify or to abridge, either for a term or in perpetuity, the City's right of eminent domain with respect to any public utility. Every franchise grant shall reserve to the City the right to purchase the property of such utility either at an agreed price or at a price determined in a manner prescribed by law.

Section 1305. Duties of grantee.

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

- (a) Comply with all lawful ordinances, rules and regulations theretofore or thereafter adopted by the City Council in the exercise of its police power;
- (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 operation under such franchise;
- (d) Remove and relocate without expense to the City any facilities installed, used and maintained under the franchise if and when made necessary by any lawful change of grade, alignment or width of any public street, way, alley or place, including the construction of any subway or viaduct, or if the public peace, health, safety or welfare so demands; and
- (e) Pay to the City, during the life of the franchise, such compensation as the City Council may prescribe in the grant.

Article XIV—Miscellaneous

Section 1400. Definitions.

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

- (a) "Shall" is mandatory and "may" is permissive.
- (b) "City" is the City of Placentia 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 Placentia.
- (c) "County" is the County of Orange.
- (d) "State" is the State of California.

Section 1401. Violations.

The violation of any provision of this Charter shall be deemed a misdemeanor and be punishable upon conviction by a fine not exceeding One Thousand Dollars (\$1000.00), or by imprisonment for a term not exceeding one year, or by both such fine and imprisonment. Any person convicted of a violation of any provision of this Charter, or, in a civil action determined to have violated any provision of this Charter, shall also be liable, and shall reimburse the City, for all costs incurred by the City in the investigation of the violation and enforcement of the City Charter. (Amended by the electorate of the city at an election held November 5, 2002)

Section 1402. 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 not be affected thereby.

SANTA ANA:

DIVISION 1. - GENERALLY

- [Sec. 400. - Number, selection and terms of members.](#)
- [Sec. 401. - Qualifications of members.](#)
- [Sec. 401.05. - Code of ethics and conduct.](#)
- [Sec. 401.1. - Order of filling offices.](#)
- [Sec. 402. - Compensation of members.](#)
- [Sec. 403. - Vacancies.](#)
- [Sec. 404. - Presiding officer, mayor.](#)
- [Sec. 405. - Mayor pro tem.](#)
- [Sec. 406. - Council judge of elections and qualifications of members.](#)
- [Sec. 407. - Powers and duties as prescribed by law.](#)
- [Sec. 408. - Interference in administrative matters.](#)
- [Sec. 409. - Meetings.](#)
- [Sec. 410. - Quorum.](#)
- [Sec. 411. - Rules and procedures.](#)
- [Sec. 412. - Citizen participation.](#)

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 at 6:00 p.m. on the second Tuesday of December following certification of election results, and each shall serve except as otherwise provided for in this charter, until his or her successor is elected and qualified. Each office of councilmember shall be a separate office and, except for the mayor, one (1) of such offices shall be assigned to each of the wards of the City. Candidates for each office of councilmember other than the mayor shall be nominated from such ward by the electors of such ward and candidates for mayor shall be nominated by electors of the City, but all councilmembers shall be elected by the vote of the electors of the City at large.

(Ord. No. NS-1316, 8-24-76, approved at election 11-2-76; Ord. No. NS-1346, 1-25-77, approved at election 4-5-77; Ord. No. NS-1642, 8-2-82, approved at election 11-2-82; Ord. No. NS-1864, 8-19-86, approved at election 11-4-86; Ord. No. NS-1973, 8-15-88, approved at election 11-10-88; Ord. No. NS-2715, 7-3-06, approved at election 11-7-06)

Sec. 401. - Qualifications of members.

To be eligible to be elected to the office of councilmember, a person must be a qualified voter and a thirty (30) day resident of the ward from which the candidate is nominated at the time nomination papers are issued as provided for in the Elections Code of the State of California, except that the mayor need only be a registered voter and thirty (30) day resident of the city at such time. In the event any councilmember other than the mayor shall cease to be a resident of the ward from which the councilmember (or, in the case of an appointee, the councilmember's predecessor) was elected, or in the event the mayor

shall cease to be a resident of the city, the office shall immediately become vacant and shall be filled in the same manner as herein provided for other vacancies; provided, that where a councilmember ceases to be a resident of the ward from which the councilmember (or, in case of an appointee, the councilmember's predecessor) was elected solely because of a change in boundaries of any ward as in this charter provided, the councilmember shall not lose the office by reason of such change. If a member of the city council shall be convicted of a crime involving moral turpitude, the office shall immediately become vacant and be so declared by the city council.

A person who has served three (3) consecutive terms of four (4) years each shall be eligible for appointment, nomination for or election to the office of councilmember (regardless of wards represented by that person during such period) no sooner than for a term beginning eight (8) years after completion of that councilmember's third consecutive full term.

Short or partial terms shall not be considered in determining eligibility for appointment, nomination or election. For purposes of this Charter, short or partial terms shall only be those where the councilmember was elected or appointed to replace another councilmember who left office before the latter official's term expired. Any councilmember who assumed office at the beginning of a term and left office early for any reason whatsoever shall be deemed to have served a full term.

(Ord. No. NS-1521, 3-17-80, approved at election 6-3-80; Ord. No. NS-1864, 8-19-86, approved at election 11-4-86; Ord. No. NS-2715, 7-3-06, approved at election 11-07-06; Res. No. 2007-057-S1, 11-5-07, approved at election 2-5-08)

Sec. 401.05. - Code of ethics and conduct.

The City of Santa Ana shall adopt a Code of Ethics and Conduct for elected officials and members of appointed boards, commissions, and committees to assure public confidence in the integrity of local government elected and appointed officials. The City Council shall adopt the Code of Ethics and Conduct by ordinance or resolution within six months of the effective date of this Charter section.

(Res. No. 2007-057-S1, 11-5-07, approved at election 2-5-08)

Sec. 401.1. - Order of filling offices.

The offices of councilmember from wards one, three, and five shall be filled at the general municipal election held in 1988, and the offices of councilmember from wards two, four and six shall be filled at the general municipal election held in 1990. Thereafter, the offices of councilmember 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.

(Ord. No. NS-1316, 8-24-76, approved at election 11-2-76; Ord. No. NS-1346, 1-25-77, approved at election 4-5-77; Ord. No. NS-1642, 8-2-82, approved at election 11-2-82; Ord. No. NS-1864, 8-19-86, approved at election 11-4-86)

Sec. 402. - Compensation of members.

Each member of the City Council shall receive as compensation for his or her services as such a monthly salary in the sum of one hundred and twenty-five dollars (\$125.00). The member elected to fill the office of mayor shall receive the additional amount of seventy-five dollars (\$75.00) for each month said member shall fill the office of mayor. Further, each member of the City Council shall receive reimbursement for required travel and other expenses while on official business of the City as authorized and approved by the City Council.

Absence of a member of the City Council from all regular and special meetings of the City Council during any calendar month shall render him or her ineligible to receive the monthly salary for such a calendar month unless by permission of the City Council expressed in its official minutes.

(Ord. No. NS-1973, 8-15-88, approved at election 11-10-88)

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.

(Ord. No. NS-1346, 1-25-77, approved at election 4-5-77; Ord. No. NS-1864, 8-19-86, approved at election 11-4-86)

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.

(Ord. No. NS-1864, 8-19-86, approved at election 11-4-86)

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 until otherwise filled in accordance with section 403.

(Ord. No. NS-1864, 8-19-86, approved at election 11-4-86; Ord. No. NS-1973, 8-15-88, approved at election 11-10-88)

Sec. 406. - Council judge of elections and qualifications of members.

The City Council shall be the judge of the election and qualifications of its members as defined in section 401 of this charter and shall meet on the first regularly scheduled meeting after election returns are certified for any municipal election at which members of the City Council are elected, declare the results thereof, and install elected members, if any.

(Ord. No. NS-1973, 8-15-88, approved at election 11-10-88)

Sec. 407. - Powers and duties as prescribed by law.

All powers of the City and the determination of all matters of policy shall be vested in the City Council, subject to the provisions of this charter and to the Constitution of the State of California.

Sec. 408. - Interference in administrative matters.

Except for the purpose of inquiry, the City Council and its members shall deal with the administrative branch of the City government solely through the City Manager or his designated deputy, and neither the City Council nor any member thereof shall give orders to any subordinates of the City Manager, either publicly or privately. Neither the City Council nor any of its members shall direct or request the appointment of any person to, or his removal from, an office by the City Manager or by any of his subordinates, or in any manner take part in the appointment or removal of officers and employees in the administrative branch of the City government, except as specifically provided in this charter.

Sec. 409. - Meetings.

The council shall provide, by ordinance or resolution, not inconsistent with other provisions of this section, for the time, place, and manner of holding its meetings. Copies of such ordinances or resolutions shall be kept on file in the office of the Clerk of the Council where they shall be available for public inspection. To the extent that they are not inconsistent with other sections of this charter, the provisions of Chapter 9 of Part 1 of Division 2 of Title 5 of the Government Code, as they now exist or may hereafter be amended, insofar as they relate to the right of the public to attend meetings of council, the adjournment of regular or adjourned regular meetings, the calling of special

meetings, and the holding of executive sessions, shall govern meetings of the council. No business shall be considered at any special meeting other than such as is specified in the notice of such meeting.

(Ord. No. NS-1405, 3-13-78, approved at election 6-6-78)

Sec. 410. - Quorum.

A majority of the members of the City Council shall constitute a quorum to do business, but a lesser number may adjourn from time to time. Except as otherwise provided elsewhere in this charter or by law, no ordinance, resolution or motion shall be passed, adopted, or become effective unless it receives the affirmative vote of a majority of the full membership of the City Council. In the absence of all of the members of the City Council from any regular meeting, the Clerk of the Council may declare the same adjourned to a stated day and hour.

(Ord. No. NS-1405, 3-13-78, approved at election 6-6-78)

Sec. 411. - Rules and procedures.

The City Council shall establish rules for the conduct of its proceedings and to preserve order at its meetings. It shall, through the Clerk of the Council, maintain a record of its proceedings which shall be open to public inspection. Any member of the City Council may place items on the City Council agenda to be considered by the City Council.

The City Council may organize special committees of its members for the principal functions of the government of the City. It shall be the duty of each such committee to be informed of the business of the City government included within the assigned functions of the committee, and, as ordered by the City Council, to report to the City Council information or recommendations which shall enable the City Council properly to legislate.

Each member of the City Council shall have the power to administer oaths and affirmations in any investigation or proceeding pending before the City Council. The City Council shall have the power and authority on any investigation or proceeding pending before it to impel the attendance of witnesses, to examine them under oath, and to compel the production of evidence before it. Subpoenas may be issued in the name of the City and may be attested by the Clerk of the Council. Disobedience of such subpoenas, or the refusal to testify (upon other than constitutional grounds) shall constitute a misdemeanor, and shall be punishable in the same manner as violations of this charter are punishable.

(Ord. No. NS-2074, § 1, 8-6-90, approved at election 11-6-90)

Sec. 412. - Citizen participation.

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

SEAL BEACH:

OFFICIAL CHARTER

ADOPTED: February 4, 1964

AMENDED: March 28, 2006

Seal Beach Official Charter

i

CHARTER OF THE CITY OF SEAL BEACH

TABLE OF CONTENTS

ARTICLE I. INCORPORATION AND SUCCESSION.

Section 100. Name of the City	1
Section 101. Boundaries.....	1
Section 102. Rights and Liabilities.....	1
Section 103. Ordinances	1
Section 104. Continuance of Contracts and Public Improvements	1
Section 105. Pending Actions and Proceedings	1
Section 106. Continuance of Present Officers and Employees	2
Section 107. Emergency Powers.....	2
Section 108. Effective Date of Charter	2

ARTICLE II. POWERS OF THE CITY.

Section 200. General Powers.....	3
Section 201. Procedures	3

ARTICLE III. FORM OF GOVERNMENT.

Section 300. Council-Manager Form of Government	4
Section 301. Residency Requirements.....	4

ARTICLE IV. ELECTIVE OFFICERS.

Section 400. Elective Officers.....	5
Section 401. (Repealed 2002)	
Section 402. Compensation.....	5
Section 403. Vacancies	5
Section 404. City Council, Presiding Officer, Mayor	5
Section 405. Powers Vested in the City Council.....	6
Section 406. Interference in Administrative Service	6
Section 407. Meetings	6
Section 408. (Repealed 2002 - Superseded by Section 407)	
Section 409. Place of Meeting	6
Section 410. Quorum. Proceedings.....	6
Section 411. Citizen Participation	7
Section 412. Ordinances and Resolutions, Adoption.....	7

Seal Beach Official Charter

ii

Section 413. Ordinances, Enactment	8
--	---

Section 414. Ordinances, Publication.....	8
Section 415. Ordinances, Codification.....	8
Section 416. Ordinances, When Effective	8
Section 417. (Repealed 2002)	
Section 418. Publishing of Legal Notices.....	9
Section 419. Contracts. Restrictions.....	9
Section 420. Contracts. Execution.....	10
Section 421. Compensation of the City Clerk	10
Section 422. Members of the City Council.	
Consecutive Elective Terms	10

ARTICLE V. ELECTIONS.

Section 500. Municipal Elections	11
Section 501. General Municipal Elections	11
Section 502. Municipal Run-off Elections	11
Section 503. (Repealed 2006)	
Section 504. Special Municipal Elections	11
Section 505. Consolidation of Elections.....	11
Section 506. Holding Elections	12
Section 507. Law Governing Elections	12
Section 508. Voting for candidates for Elective Office at General Municipal Elections	12
Section 509. Number of Votes needed for Elective Office.....	12
Section 510. (Repealed 2006)	
Section 511. City Clerk. Duties	12
Section 512. Informality	13
Section 513. (Repealed 2006)	
Section 514. Measures, Initiatives, Referenda, and Recalls.....	13
Section 515. Councilmanic Districts	13

ARTICLE VI. CITY MANAGER.

Section 600. City Manager	14
Section 601. (Repealed 2002)	
Section 602. Eligibility.....	14
Section 603. Compensation and Bond	14
Section 604. Powers and Duties.....	14
Section 605. Financial Duties of the City Manager	16
Section 606. Meetings	17
Section 607. Removal	17
Section 608. Notification of Resignation	17
Section 609. Manager Pro Tempore.....	17

Seal Beach Official Charter

iii

ARTICLE VII. OFFICERS.

Section 700. Officers	18
Section 701. Administrative Departments.....	18
Section 702. City Clerk. Powers and Duties	18
Section 703. Treasurer and Finance Director	19
Section 704. City Attorney. Powers and Duties	20

Section 705. City Attorney. Deputies and Employees	20
Section 706. Administering Oaths	21
Section 707. Department Heads. Appointment Powers.....	21
Section 708. Illegal Contracts. Financial Interest.....	21
Section 709. Acceptance of Other Office.....	21
Section 710. Nepotism	21
Section 711. Official Bonds.....	21
ARTICLE VIII. APPOINTIVE BOARDS AND COMMISSIONS.	
Section 800. In General.....	22
Section 801. Appropriations.....	22
Section 802. Appointments. Terms.....	22
Section 803. Existing Boards.....	22
Section 804. Meetings. Chairpersons.....	22
Section 805. Compensation. Vacancies	23
ARTICLE IX. CIVIL SERVICE SYSTEM.	
Section 900. Civil Service System	24
Section 901. Exemptions.....	24
Section 902. Discrimination	25
ARTICLE X. FISCAL ADMINISTRATION.	
Section 1000. Fiscal Year.....	26
Section 1001. Annual/Bi-Annual Budget.	
Preparation by the City Manager	26
Section 1002. Budget. Submission to City Council.....	26
Section 1003. Budget. Public Hearing	26
Section 1004. Budget. Adoption	26
Section 1005. Budget. Appropriations	26
Section 1006. Centralized Purchasing.....	27
Section 1007. Tax Limits	27
Seal Beach Official Charter	
iv	
Section 1008. Tax Procedure	27
Section 1009. Bonded Debt Limit	27
Section 1010. Contracts on Public Works	28
Section 1010.5 Design-Build Contracts on Public Works	29
Section 1011. Presentation of Demands	29
Section 1012. Registering Warrants	30
Section 1013. Independent Audit.....	30
ARTICLE XI. FRANCHISES.	
Section 1100. Franchises to Operate	31
Section 1101. Authority to Grant Franchises	31
Section 1102. Franchise Terms, Conditions and Procedures.....	31
Section 1103. Method of Granting Franchise	31
Section 1104. Term of Franchise.....	32
Section 1105. Purchase or Condemnation by City	32
Section 1106. Compensation.....	32
Section 1107. Article Not Applicable to Certain Cases	32
Section 1108. Exercising Right Without Franchise	32

ARTICLE XII. BOARD OF EDUCATION.

Section 1200. State Law Governs33
Section 1201. Effect of Charter.....33

ARTICLE XIII. MISCELLANEOUS.

Section 1300. Definitions34
Section 1301. Purpose of Charter34
Section 1302. Violations34
Section 1303. Validity34

Amended:

- November 5, 1968
- November 7, 1972
- November 5, 1974
- March 30, 1976
- March 8, 1977
- November 7, 1978
- June 5, 1990
- March 5, 2002
- Seal Beach Official Charter

- 1 -

THE CHARTER OF THE CITY OF SEAL BEACH

ARTICLE I

INCORPORATION AND SUCCESSION

SECTION 100. *Name of the City.* The municipal corporation now existing and known as the City of Seal Beach shall remain and continue a body politic and corporate in name and in fact, by the name of the City of Seal Beach.

SECTION 101. *Boundaries.* The boundaries of the City of Seal Beach shall continue as now established until changed in the manner authorized by law.

SECTION 102. *Rights and Liabilities.* The City of Seal Beach shall remain vested with, and continue to have, hold, and enjoy, all property, rights of property and rights of action of every nature and description now pertaining to this municipality, and is hereby declared to be the successor of the same. It shall be subject to all the liabilities that now exist against this municipality.

SECTION 103. *Ordinances.* All lawful ordinances, resolutions, rules and regulations, or portions thereof, in force at the time this Charter takes effect and not in conflict with or inconsistent herewith, are hereby continued in force until the same have been duly repealed, amended, changed or superseded by proper authority.

SECTION 104. *Continuance of Contracts and Public Improvements.* All contracts entered into by the City, or for its benefit prior to the effective date of this Charter, shall continue in full force and effect. Public improvements for which proceedings have been instituted under laws existing at the time this Charter takes effect, in the discretion of the City Council, may be carried to completion as nearly as practicable in accordance with the provisions of such

existing laws or may be continued or perfected under this Charter.

SECTION 105. Pending Actions and Proceedings. No action or proceeding, civil or criminal, pending at the time when this Charter takes effect, brought by or against the City or any officer, office, department or agency thereof, shall be affected or abated by the adoption of this Charter or by anything herein contained, but all such actions or proceedings may be continued notwithstanding

Seal Beach Official Charter

- 2 -

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

SECTION 106. Continuance of Present Officers and Employees. The members of the City Council in office at the time of the approval of this Charter by the Legislature shall continue to hold office and discharge their duties for the balance of the term for which they were elected, or until their successors are elected and qualified. All appointive officials, officers and employees of the City now in the office or employed at the time of the approval of this Charter by the Legislature, shall continue to hold their office or employment until they are reappointed

or their successors are appointed in their place in accordance with the provisions of this Charter.

SECTION 107. Emergency Powers. Notwithstanding any general or special provisions of this Charter, the Council, in order to insure 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 may become unavailable for carrying on the powers and duties of such offices, and

b) To adopt such other measures as may be necessary and proper for insuring the continuity of City operations, including, but not limited to the financing thereof. In the exercise of the powers herein conferred, the City Council, in all respects, shall conform to the requirements of this Charter except that at such times they may make purchases and enter into contracts without calling for bids or giving therefore; to the extent the emergency requires such action.

SECTION 108. Effective Date of Charter. This Charter shall take effect upon its approval by the Legislature.

Seal Beach Official Charter

- 3 -

ARTICLE II

POWERS OF THE CITY

SECTION 200. *General Powers.* The City shall have the power to make and enforce all laws and regulations in respect to municipal affairs, subject only to such restrictions and limitations as may be provided in this Charter and in the Constitution of the State of California. It shall also have the power to exercise any and all rights, powers and privileges heretofore or hereafter established, granted or prescribed by any law of the State, by this Charter, or by other lawful authority, or which a municipal corporation might or could exercise under the Constitution of the State of California.

The enumeration in this Charter of any particular power shall not be held to be exclusive of or any limitation upon, this general grant of power.

SECTION 201. *Procedures.* The City shall have the power and may act pursuant to any procedure established by this Charter, or by ordinance.

Seal Beach Official Charter

- 4 -

ARTICLE III

FORM OF GOVERNMENT

SECTION 300. *Council-Manager Form of Government.* The municipal government provided by this Charter shall be known as the “Council-Manager” form of government.

SECTION 301. *Residency Requirements.* The Constitution and laws of the State of California shall govern residency requirements for Council members, the City Clerk and the City Manager. (Amended 2002)

Seal Beach Official Charter

- 5 -

ARTICLE IV

ELECTIVE OFFICERS

SECTION 400. *Elective Officers.* The elective officers of the City shall consist of a City Clerk elected from the City at large, and five (5) members of the City Council, one (1) elected from each of the five (5) Councilmanic Districts as prescribed in Article V. The terms of elective officers shall be four (4) years and until their respective successors qualify. The term of each elective officer shall commence on the twenty-first (21st) day following his/her election at the time of the completion of the canvass of the election returns. (Amended 1974, 1978, 2006)

SECTION 401. (Repealed 2002)

SECTION 402. *Compensation.* Compensation for the members of the City Council shall be established by ordinance in accordance with provisions of Sections 36516 and 36516.5 of the State of California Government Code as such provisions now exist or may thereafter be amended. Each member of the City Council shall receive reimbursement for Council authorized expenses in accordance with provisions of Section 36514.5 and 37201 through 37205 of the State of California Government Code. (Amended 1990)

SECTION 403. *Vacancies.* A vacancy in any elective office shall be filled in accordance with state law. (Amended 2006)

SECTION 404. *City Council. Presiding Officer, Mayor.*

a) Upon the completion of the canvass of the election returns of any municipal election at which any member or members of the City Council is or are elected, the City Council shall meet and shall elect one (1) of its members as its presiding officer, who shall have the title of Mayor. The Mayor shall have a voice and vote in all its proceedings. The Mayor shall be the official head of the City for all ceremonial purposes. The Mayor shall also act in a liaison capacity between the City Council and the City Manager, and in such capacity shall advise the City Manager on matters of Council Policy. The Mayor shall perform such other duties consistent with the office as may be prescribed by this Charter or as may be imposed by the City Council. The Mayor shall serve in such capacity at the pleasure of the City Council.

b) Mayor Pro Tempore. At the same time as a Mayor is selected, the City Council shall also designate one (1) of its members as Mayor Seal Beach Official Charter

- 6 -

Pro Tempore, who shall serve in such capacity at the pleasure of the City Council. The Mayor Pro Tempore shall perform the duties of the Mayor during the Mayor's absence or disability. (Amended 1974)

SECTION 405. Powers Vested in the City Council. All powers of the City shall be vested in the City Council except as otherwise provided in this Charter.

SECTION 406. Interference in Administrative Service. Neither the City Council nor any of its members shall interfere with the execution by the City Manager of his/her powers and duties; or order, directly or indirectly, the appointment by the City Manager or by any of the department heads in the administrative service of the City, of any person to an office or employment or removal therefrom. Except for the purpose of inquiry, the City Council and its members shall deal with the administrative service under the City Manager solely through the City Manager and neither the City Council nor any member thereof shall give orders to any subordinate of the City Manager, either publicly or privately.

SECTION 407. Meetings. The City Council shall hold regular meetings at least once each month in accordance with the Brown Act (California Government Code Section 54950 et seq.), as such statute now exists or may hereafter be amended, at such times, as it shall fix by ordinance or resolution. The City Council may adjourn or re-adjourn any meeting and may call special meetings, in accordance with the Brown Act. If at any time any regular meeting falls on a holiday, such regular meeting may be held thereafter prior to the next regular meeting. (Amended 2002)

SECTION 408. (Repealed 2002 – Superseded by Section 407)

SECTION 409. Place of Meeting. All meetings shall be held in such place, as the City Council shall fix by ordinance or resolution, or in such place to which any such meeting may be adjourned and shall be open to the public. If, by reason of fire, flood, or other emergency, it shall be unsafe to meet in the place designated, the meetings will be held for the duration of the emergency at such place as is

designated by the Mayor, or if he/she should fail to act, by three (3) members of the City Council.

SECTION 410. *Quorum. Proceedings.* A majority of the members of the City Council shall constitute a quorum to do business, but a less number may adjourn from time to time. In the absence of all of the members of the City Council from any regular meeting, the City Clerk may declare the same adjourned to a stated day and hour. Notice of a meeting adjourned by less than a quorum or by the Clerk shall be given by the Clerk or may be waived by consent in the same manner as specified in this Charter for the giving or waiving of notice of special meetings of the City Council, but need not specify the matters to be acted upon.

Seal Beach Official Charter

- 7 -

The City Council shall judge the qualifications of its members as set forth by the Charter. It shall judge all election returns. It may establish rules for the conduct of its proceedings and evict or prosecute any members or other person for disorderly conduct at any of its meetings.

Each member of the City Council shall have the power to administer oaths and affirmations in any investigation or proceedings pending before the City Council. The City Council shall have the power and authority to compel the attendance of witnesses, to examine them under oath, and to compel the production of evidence before it. Subpoenas shall be issued in the name of the City attested by the City Clerk. Disobedience of such subpoenas, or the refusal to testify (except as to privileged matters), shall constitute a misdemeanor, and shall be punishable in the same manner as violations of this Charter are punishable.

At the demand of any member or upon the adoption of any ordinance, resolution, or order for the payment of money, the City Clerk shall call the roll and shall cause the ayes and noes taken on such question to be entered upon the minutes of the meeting.

SECTION 411. *Citizen Participation.* No citizen shall be denied the right, personally or through counsel, to present grievances at any regular meeting of the Council, or offer suggestions for the betterment of municipal affairs subject always to the rules of the City Council governing the conduct of Council meetings.

SECTION 412. *Adoption of Ordinances and Resolutions.* With the sole exception of ordinances, which take effect upon adoption, referred to in this Article, no ordinance shall be adopted by the City Council on the day neither of its introduction, nor within five (5) days neither thereafter nor at any time other than at a regular or adjourned regular meeting. At the time of its introduction an ordinance shall become part of the proceedings of such meeting in the custody of the City Clerk. At the time of adoption of an ordinance or resolution, it shall be read in full, unless after the reading of the title thereof, the further reading thereof is waived by unanimous consent of the council members present. In the event that any ordinance is altered after its introduction, the same shall not be finally adopted except at a regular or adjourned regular meeting held not less than five (5) days after the date upon which such ordinance was so altered. The correction of typographical or clerical errors shall not constitute the making of an alteration within the meaning of the foregoing sentence.

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

Unless a different vote is required by other provisions of this Charter, the affirmative votes of at least three (3) members of the City Council shall be
Seal Beach Official Charter

- 8 -

required for the enactment of any ordinance, or for the making or approving of any order for the payment of money. All ordinances and resolutions shall be signed by the Mayor and attested by the City Clerk.

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

SECTION 413. Ordinances. Enactment. In addition to such other acts of the City Council as are required by this Charter to be by ordinance, every act of the City Council establishing a fine or other penalty, or granting a franchise, shall be by ordinance.

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

SECTION 414. Ordinances. Publication. The City Clerk shall cause each ordinance to be published at least once in the official newspaper, within fifteen (15) days after its adoption.

SECTION 415. Ordinances. 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 as a comprehensive ordinance code, and such code may be adopted by reference, with the same effect as an ordinance, by the passage of an ordinance for such purpose. Such code need not be published in the manner required for other ordinances, but not less than (3) three copies thereof shall be filed for use and examination by the public in the office of the City Clerk prior to the adoption thereof. Ordinances codified shall be repealed as of the effective date of the code. Such code may be subsequently revised, recompiled, recodified and indexed, including such restatement and substantive change as necessary in the interest of clarity, in the same manner as prescribed in this Section for the original adoption by reference of an ordinance code. Amendments to the code shall be enacted in the same manner as ordinances.

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

SECTION 416. Ordinances. When Effective. No ordinance shall become effective until thirty (30) days from and after the date of its adoption, except the following, which shall take effect upon adoption:

Seal Beach Official Charter

- 9 -

a) An ordinance calling or otherwise relating to an election.

- b) An improvement proceeding ordinance adopted under some law or procedural ordinance.
- c) An ordinance declaring the amount of money necessary to be raised by taxation, or fixing the rate of taxation, or levying the annual tax upon property.
- d) An emergency ordinance adopted in the manner provided for in this Article.

SECTION 417. (Repealed 2002)

SECTION 418. *Publishing of Legal Notices.* In the event that there is more than one (1) newspaper of general circulation published and circulated in the City, the City Council, annually, prior to the beginning of each fiscal year, shall publish a notice inviting bids and contract for the publication of all legal notices or other matter required to be published in a newspaper of general circulation in said City during the ensuing fiscal year. In the event there is only one (1) newspaper of general circulation published and circulated in the City, then the City Council shall have the power to contract with such newspaper for the printing and publishing of such legal notices or matter without being required to advertise for bids therefore. The newspaper with which any such contract is made shall be designated the official newspaper for the publication of such notices or other matter for the period of such contract.

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

In the event there is no newspaper of general circulation published and circulated in the City, then all legal notices or other matter may be published by posting copies thereof in at least three (3) public places in the City.

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

SECTION 419. *Contracts. Restrictions.* The City Council shall not have the power to make or authorize any contract or lease or extension thereof for a longer period than sixty-six (66) years unless said contract, lease or extension is approved by a majority of the qualified electors of the City voting on such question at any election. This Section shall not apply to any franchise granted pursuant to the provisions of this Charter, or to any contract for the furnishings, or acquisition of the products, commodity or services of any public utility.

Seal Beach Official Charter

- 10 -

SECTION 420. *Contracts. Execution.* The City shall not be bound by any contract, except as hereinafter provided, unless the same shall be made in writing, approved by the City Council and signed on behalf of the City by the Mayor and City Clerk or by such other officer or officers as shall be designated by the City Council. Any of said officers shall sign a contract on behalf of the City when directed to do so by the City Council.

By ordinance or resolution the City 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 City Council, and may impose a monetary limit upon such authority.

The City Council may by ordinance or resolution provide a method for the sale or exchange of personal property not needed in the City Service or not fit for the purpose for which intended and for the conveyance of title thereto.

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 head of the department or City Manager upon forms approved by the City Manager and at rates fixed by the City Council.

The provision of this Section shall not apply to the services rendered by any person in the employ of the City at a regular salary.

SECTION 421. *Compensation of the City Clerk.* The City Clerk shall receive, at stated times, a compensation fixed by ordinance.

(Amended 1973 & 1978)

SECTION 422. *Members of the City Council. Consecutive Elective Terms.*

A member of the City Council shall not be elected to more than two (2) consecutive elective four (4) year terms. (Amended 1974)

Seal Beach Official Charter

- 11 -

ARTICLE V ELECTIONS

SECTION 500. *Municipal Elections.* Municipal elections held in the City shall be classified as either: (Amended 2006)

- a) General Municipal Elections.
- b) Municipal Run-off Elections.
- c) Special Municipal Elections.

SECTION 501. *General Municipal Elections.* General Municipal Elections shall be held on the first (1st) Tuesday after the first (1st) Monday in November in even-numbered years commencing with the year 2008. The City Council may by ordinance fix another date in any even-numbered year, if such change will not extend or reduce any elective officer's term by more than twelve (12) months.

The City Council may order any special municipal election consolidated with the General Municipal Election by following the procedure prescribed by state law for the consolidation of Special Elections with Municipal Elections. (Amended 2006)

SECTION 502. *Municipal Run-off Elections.* Municipal Run-off Elections for the election of officers shall be held on the last Tuesday in January in each oddnumbered

year commencing with the year 2009. If, pursuant to Section 501, the City Council has fixed another date for the General Municipal Election, the Municipal Run-off Election shall be held on a Tuesday no later than seven (7) weeks after the date fixed for the General Municipal Election. (Amended 2006)

SECTION 503. (Repealed 2006)

SECTION 504. *Special Municipal Elections.* All other municipal elections that may be held in the City of Seal Beach by the authority of the Constitution of the State of California, this charter, or general law, or by ordinance of the City shall be known as special municipal elections.

SECTION 505. Consolidation of Elections. The City Council shall have the power to submit to the electors of the City of Seal Beach, at any election, any measure or proposition required to be submitted by the constitution, this charter, general law, or by ordinance of the City; provided, that in case such measure or proposition is required by said constitution, charter, general law, or ordinance to be submitted at a special or other particular kind of election, or within any specified time, it shall be so submitted, and not otherwise. The City Council may

Seal Beach Official Charter
- 12 -

cause to be mailed to all registered electors of the City, at any election at which all the qualified electors of the City are entitled to vote, arguments, in printed pamphlet form, relating to each measure or proposition to be voted upon at any such election; the procedure for the preparation and form of such arguments shall be as provided by the City Council by ordinance.

SECTION 506. Holding Elections. The City Council shall, by ordinance, order the holding of all elections. Such ordinance shall conform in all respects to the general law of the State of California governing the conduct of municipal elections, now or hereafter in force, except as in this Charter or by ordinance otherwise provided. All ordinances ordering the holding of elections shall be published at least three times in the official newspaper of the City of Seal Beach ten days prior to the date of the election.

SECTION 507. Law Governing Elections. Except as otherwise provided or required by this Charter or Ordinance, the provisions of the general law relating to the qualifications of electors, the manner of voting, the duties of election officers, the canvassing of returns, and all particulars in respect to the management of elections, so far as they may be applicable, shall govern all municipal elections of the City of Seal Beach; provided that the City Council shall meet as a canvassing board and duly canvass the election returns at the hour set for holding regular meetings on the seventh day following any municipal election.

SECTION 508. Voting for Candidates for Elective Offices at General Municipal Elections. The entire electorate of the City may vote for any candidate for the office of City Clerk. Each elector may vote for one candidate for the office of Councilmember from the district in which the elector resides. Only one person shall be elected to the City Council from each district.
(Amended 2006)

SECTION 509. Number of Votes Needed for Elective Offices. The City Council shall declare any candidate who receives a majority (50% plus 1) of all the votes cast for an office at any general municipal election to be elected to such office. If no candidate for an office receives a majority (50% plus 1) of all the votes cast, the two (2) candidates receiving the highest number of votes at the General Municipal Election shall be the only candidates for such office printed upon the ballots at the Municipal Run-off Election. The City Council shall declare the candidate who receives the most votes at the Municipal Run-off Election to be elected to such office. (Amended 2006)

SECTION 510. *(Repealed 2006)*

SECTION 511. City Clerk. Duties. The City Clerk shall cause ballots to be printed, bound and numbered as provided by the general law, except as

otherwise required in this charter or ordinance.

Seal Beach Official Charter

- 13 -

SECTION 512. *Informality.* No informalities in conducting any municipal election shall invalidate the election, if such election has been fairly conducted and in substantial conformity to the requirements of this charter, and the election laws of the State of California.

SECTION 513. *(Repealed 2006)*

SECTION 514. *Measures, Initiatives, Referenda and Recalls.* The electors of the City shall have the powers of the measures, initiatives, and referenda, and may recall Municipal Elective Officers. The provisions of the California Elections Code governing measures, initiatives, referenda, and recalls of municipal officers shall govern such subjects provided such provisions are not in conflict with this Charter. (Amended 2006)

SECTION 515. *Councilmanic Districts.* The five (5) members of the City Council shall be elected by districts, the boundaries of which shall be as defined by ordinance adopted by the City Council.

In 1980 and each tenth (10th) year thereafter, the City Council shall appoint a committee to study and report to the City Council on the advisability of redistricting the City. Upon receipt of any such committee report, and at any other time deemed necessary or desirable in order that the district boundaries be in accordance with constitutional requirement, fair and logical, the City Council may by ordinance change and redefine the boundaries of any or all of such districts. The boundaries so defined shall be established in such manner that the district shall, as nearly as practicable, constitute natural areas of contiguous and compact territory and provide fair representation on the City Council. Any territory hereafter annexed to or consolidated with the City shall, at the time of such annexation or consolidation, be added by ordinance of the City Council to any adjacent district or districts. (Amended 1974)

Seal Beach Official Charter

- 14 -

ARTICLE VI

CITY MANAGER

SECTION 600. *City Manager.* There shall be a City Manager appointed by the City Council who shall be the chief administrative officer of the City. In the selection of a City Manager, the City Council shall screen qualified applicants and other qualified persons known by the Council to be available. It shall appoint by a majority vote, the person that it believes to be best qualified on the basis of his/her executive and administrative qualifications, with special reference to experience in, and knowledge of, accepted practice in respect to the duties of the office as set forth in this Charter. The City Manager shall serve at the pleasure of the City Council.

SECTION 601. *(Repealed 2002)*

SECTION 602. *Eligibility.* No person shall be eligible to receive appointment as City Manager while serving as a member neither of the City Council nor within one (1) year after the member has ceased to be a City Councilmember.

SECTION 603. Compensation and Bond. The City Manager shall be paid a salary commensurate with his/her responsibilities as Chief Administrative Officer of the City, which salary shall be established by ordinance or resolution. The City Manager shall furnish a corporate surety bond conditioned upon the faithful performance of his/her duties in such form and in such amount as may be determined by the City Council.

SECTION 604. Powers and Duties. The City Manager shall be the head of the administrative branch of the City government and shall be responsible to the City Council for the proper administration of all affairs of the City. Without limiting the foregoing general grant of powers, responsibilities and duties, the City Manager shall have the power and be required to:

- a) To enforce all laws and ordinances of the City and to see that all franchises, permits and privileges granted by the City are faithfully observed.
 - b) To exercise administrative control over all departments, divisions and employees of the City government, except the City Attorney and City Clerk. (Amended 1978)
 - c) To appoint, promote, discipline, and remove employees of the City, except the City Attorney and City Clerk, subject to the Civil Service rules and regulations. (Amended 1978 and 2006)
- Seal Beach Official Charter
- 15 -
- d) To organize or reorganize such offices, positions, departments, or units under his/her direction as may be indicated in the interest of efficient, effective and economical conduct of the City's business.
 - e) To attend all meetings of the City Council unless excused therefrom by the City Council.
 - f) To recommend to the City Council for adoption such measures and ordinances as he/she deems necessary or expedient.
 - g) To serve as finance officer and to keep the City Council fully advised as to the financial conditions and needs of the City. The City Manager shall be the chief financial officer of the City. (Amended by Statutes 1973)
 - h) To prepare and submit to the City Council an annual or bi-annual budget and be responsible for its administration after adoption by the Council. (Amended 2002)
 - i) To recommend a comprehensive salary plan for all City employees and to recommend changes in line with current conditions.
 - j) To organize for and supervise the purchase of all supplies for all departments or divisions of the City. No expenditure shall be submitted or recommended to the City Council except on report and approval of the City Manager.
 - k) To make investigations into the affairs of the City and any department or division thereof, and any contract, and the proper performance of any obligation of or to the City.
 - l) To investigate all complaints in relation to matters concerning the administration of the government of the City and in regard to the

services maintained by public utilities in the City.

m) To exercise general supervision over all public buildings, public parks, and all other public property which is under the control and jurisdiction of the City Council.

n) To devote his/her entire time to the duties and interests of the City, except as may be specifically authorized by the City Council.

o) To represent the City in discussions of administrative and policy questions between the City and other levels of government, i.e.,
Seal Beach Official Charter

- 16 -

county, state, federal and other cities, when and if requested by the Council to do so.

p) To cooperate with leadership of civic movements designed to benefit the residents of the City when so directed by the City Council.

q) To attend any and all meetings of any commissions or committees heretofore or hereafter created by the City Council, upon his own volition or upon the direction of the City Council.

r) To act as personnel officer for the City and to develop a comprehensive personnel program.

s) To perform such other duties and exercise such other powers as may be delegated to him/her from time to time by resolution, ordinance or other action of the City Council.

SECTION 605. *Financial Duties of the City Manager.* The City Manager shall perform the following duties:

a) Maintenance of financial records. Maintain all records readily reflecting the financial condition of the City and all of its departments.

b) Report for fiscal year. At the end of each fiscal year, prepare and present to the City Council a summary statement of receipts and disbursements by departments and funds, including opening and closing fund balances in the City Treasury.

c) Publication of financial statement. Cause the financial statement of the City to be published in accordance with the provisions of Section 40804 and 40805 of the Government Code.

d) Compilation of financial information for budget. Compile all financial information necessary for the preparation of the City's budget and make such information available to the officer whose responsibility it is to prepare the budget.

e) Monthly financial report. Prepare a monthly statement of all receipts and disbursements in sufficient detail to show the financial condition of the City and each of its departments.

f) Licenses. Supervise and be in charge of all license issuance and inspection.

Seal Beach Official Charter

- 17 -

g) Payroll records. Supervise and be in charge of all payroll records.

h) Insurance policies. Maintain a record of all insurance policies and their expiration dates.

i) Collection of taxes, assessments, etc. See that all taxes, assessments and other fees and revenues of the City, or for whose collection the City is responsible, and all other money receivable by the City from the county, state or federal government, or from any court, office, department or agency of the City are collected, and perform such other duties that are from time to time assigned to him/her by the City Council. (Amended by statutes 1973)

SECTION 606. Meetings. The City Manager shall be accorded a seat at the City Council table and at all meetings of boards and commissions and shall be entitled to participate in their deliberations, but shall not have a vote.

SECTION 607. Removal. The City Manager shall not be removed from office during or within a period of ninety days next succeeding any municipal election at which a member of the City Council is elected. At any other time the City Manager may be removed only at a regular meeting of the City Council and upon the affirmative votes of a majority of the entire membership of the City Council.

SECTION 608. Notification of Resignation. The City Manager shall notify the City Council at least thirty (30) days in advance of his/her intended resignation. Failure to do so shall be grounds for withholding payment due for services. This provision may, however, be waived by majority vote of the City Council.

SECTION 609. Manager Pro Tempore. The City Manager shall appoint, subject to the approval of the City Council, one of the other officers or department heads of the City to serve as Manager Pro Tempore during any temporary absence or disability of the City Manager. If the Manager fails to make such appointment, the City Council may appoint an officer or department head to serve as such Manager Pro Tempore.

Seal Beach Official Charter

- 18 -

ARTICLE VII

OFFICERS

SECTION 700. Officers. The officers of the City shall be the following:

The five (5) members of the City Council, who shall be elected.

a) A City Clerk, who shall be elected.

b) A City Treasurer, who shall be the Finance Director.

c) A City Manager, who shall be appointed by the City Council.

d) A City Attorney, who shall be appointed by the City Council.

f) The incumbents of such other offices as the City Council may by ordinance, or resolution, establish. (Amended 1978)

SECTION 701. Administrative Departments. The City Council may provide, by ordinance not inconsistent with this Charter, for the organization, conduct and operation of the several offices and departments of the City as established by this Charter, and for the creation of additional departments, divisions, offices and agencies and for their consolidation, alteration or abolition. Each new department created by the City Council shall be headed by an officer as department head that shall be appointed and may be suspended or removed by

the City Manager.

The City Council, by ordinance or resolution, may assign additional functions or duties, to offices, departments or agencies not inconsistent with this Charter. Where the positions are not incompatible, the City Council may combine in one person the powers and duties of two (2) or more offices created or authorized by this Charter. No office provided in this Charter to be filled by appointment by the City Manager may be consolidated with any office to be filled by appointment by the City Council. The City Council shall provide for the number, titles, qualifications, powers, duties, and compensation of all officers and employees.

SECTION 702. City Clerk. Powers and Duties. The City Clerk shall have the 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 report of all the proceedings of the City Council in books, which shall bear appropriate titles and be devoted to such purposes.

Seal Beach Official Charter

- 19 -

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

c) Maintain separate books in which a record shall be made of all written contracts and fidelity and performance bonds.

d) Be the custodian of the Seal of the City.

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

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

g) Be responsible for the conduct of all City elections.

h) Deputize other persons to assist in carrying out the duties of the City Clerk.

SECTION 703. Treasurer and Finance Director. As treasurer, the Finance Director shall be required to:

a) Collect any license fees or other revenues of the City, or for whose collection the City is responsible and receives 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.

b) Have custody of all public funds belonging to or under control of the City or any office, department or agency of the City government

and deposit all funds coming into his/her hands in such depository as may be designated by resolution of the City Council or if no such resolution be adopted, then in such depository designated in writing by the City Manager, and in compliance with all of the provisions of the State Constitution and laws of the State governing the handling, depositing and securing of public funds.

Seal Beach Official Charter

- 20 -

c) Disburse moneys on demands audited in the manner provided for in the Charter.

d) Prepare and submit to the City Council monthly written reports of all receipts, disbursements and fund balances, copies of which reports shall be filed with the City Manager. (Amended 1978)

SECTION 704. City Attorney. Powers and Duties. To become eligible for City Attorney or Assistant City Attorney the person appointed shall be an Attorney at Law duly licensed as such under the laws of the State of California and shall have engaged in the practice of law for at least three years prior to appointment. The City Attorney shall have the power and be required to:

a) Represent and advise the City Council and all City Officers in matters of law pertaining to their office.

b) Represent and appear for the City in any or all actions and proceedings in which the City is concerned or is a party, except the prosecution of criminal actions, and represent and appear for any City Officer or employee, or former City Officer or employee, in any or all actions and proceedings in which any such officer or employee is concerned or is a party, for any act arising out of the officer's employment or by reason of his/her official capacity.

c) Attend all regular meetings of the City Council and give advice and opinions in writing whenever requested to do so by the City Council or by any of the boards or officers of the City.

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

e) Prepare any and all proposed ordinances or resolutions for the City and amendments thereto.

f) Approve, as to legality, all investments of City funds.

The City Council shall have control of all legal business and proceedings and may employ other attorneys to take charge of a litigation or matter or to assist the City Attorney therein.

SECTION 705. City Attorney. Deputies and Employees. The City Attorney shall, subject to the approval of the City Council, appoint such deputies, to assist the City Attorney at such salaries or compensation as the Council may, by ordinance, prescribe.

Seal Beach Official Charter

- 21 -

SECTION 706. Administering Oaths. Each department head and deputy shall have the power to administer oaths and affirmations in connection with any official business pertaining to his/her department.

SECTION 707. Department Heads. Appointment Powers. Each department head and appointive officer shall have the power to appoint, suspend and remove such deputies, assistants, subordinates and employees as are provided for by the City Council for his department or office, subject to the provisions of this Charter and of any personnel, merit or Civil Service System adopted hereunder. Any such appointment or removal by a department head appointed by the City Manager shall be subject to the approval of the City Manager.

SECTION 708. Illegal Contracts. Financial Interest. In accordance with the provisions of Section 1090 et seq. of the State of California Government Code as such provisions now exist or may hereafter be amended, no City officer or employee shall be financially interested in any contract made by them in their official capacity. Sections 1090 et seq., in their entirety, are hereby incorporated by reference into this Section. One true and correct copy of the current Sections 1090 et seq. shall be deposited in the office of the City Clerk and shall be at all times maintained by said Clerk for use and examination by the public. (Amended 2002)

SECTION 709. Acceptance of Other Office. Any elective officer of the City who shall accept or retain any other elective public office shall be deemed thereby to have vacated his/her office under the City government.

SECTION 710. Nepotism. The City Council shall not appoint to a salaried position under the City government any person who is a relative by blood or marriage within the second degree of any one or more of the members of such City Council, nor shall any department head or other officer having appointive power appoint any relative of his within such degree to any such position. This Section, however, shall not apply to the probationary or permanent appointment of any person to a position included in the Civil Service System.

SECTION 711. Official Bonds. The City Council shall fix by ordinance or resolution the amounts and terms of the official bonds of all officials or employees who are required by this Charter or by ordinance to give such bonds. All bonds shall be executed by responsible corporate surety, shall be approved as to form by the City Attorney, and shall be filed with the City Clerk. Premiums on official bonds shall be paid by the City.

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

Seal Beach Official Charter

- 22 -

ARTICLE VIII

APPOINTIVE BOARDS AND COMMISSIONS

SECTION 800. In General. The City Council may create by ordinance such boards or commissions as in its judgment are required and may grant to them such powers and duties as are consistent with the provisions of this Charter.

SECTION 801. Appropriations. The City Council shall include in its annual budget such appropriations of funds as in its opinion shall be sufficient for the efficient and proper functioning of such boards and commissions.

SECTION 802. *Appointments. Terms.* The number of members to comprise such boards and commissions shall be specified by ordinance if not specified by this Charter. The members of each such board shall be commissioned and appointed by motion of the City Council adopted by at least three affirmative votes. Each member of the City Council shall nominate one qualified elector from said member's district to serve on each such board or commission. All such nominations shall be confirmed by at least three affirmative votes of the City Council. Such nominees shall hold no paid office or employment in the City government and shall serve for terms to be fixed by ordinance, and until their respective successors are appointed and qualified, subject to removal by motion of the City Council adopted by at least three affirmative votes.

The members first appointed to such boards and commissions shall so classify themselves by lot that each succeeding July 1st the term of one of their number shall expire. If the total number of members of a board or commission exceeds four, the classification by lot shall provide for the grouping of terms to such an extent as is necessary in order that the term of at least one member shall expire on each succeeding July 1st. (Amended 1974)

SECTION 803. *Existing Boards.* The members of the boards and commissions holding office when this Charter takes effect shall continue to hold office thereafter until their respective terms of office shall expire and until their successors shall be appointed and qualified. The successors of such members shall be appointed for terms as prescribed in the preceding section. (Amended by Statutes 1969)

SECTION 804. *Meetings. Chairpersons.* As soon as practicable, following the first (1st) day of July of every year, each of such boards and commissions shall organize by electing one of its members to serve as presiding officer at the pleasure of such board or commission. Each board or commission shall hold regular meetings as required by ordinance of the City Council, and such special meetings as such board or commission may require. All meetings shall be held

Seal Beach Official Charter

- 23 -

in accordance with the Brown Act (California Government Code Section 54950 et seq.) as such statute now exists or may hereafter be amended.

Except as may be otherwise provided in this Charter, the City Manager shall designate a secretary for the recording of minutes for each of such boards and commissions, who shall keep a record of its proceedings and transactions. Each board or commission may prescribe its own rules and regulations which shall be consistent with this Charter and subject to the approval of the City Council, and copies of which shall be kept in the office of the City Clerk or such office as the City Council may, by ordinance prescribe where they shall be available for public inspection. Each board or commission shall have the same power as the City Council to compel the attendance of witnesses, to examine them under oath, to compel the production of evidence before it and to administer oaths and affirmations. (Amended 2002)

SECTION 805. *Compensation. Vacancies.* The members of boards and commissions shall serve without compensation for their services as such but may receive reimbursement for necessary traveling and other expenses incurred on

official duty when such expenditures have received authorization by the City Council.

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

Seal Beach Official Charter

- 24 -

ARTICLE IX

CIVIL SERVICE SYSTEM

SECTION 900. *Civil Service System.* In order to: establish an equitable and uniform procedure for dealing with personnel and employment matters; attract to municipal service the best and most competent persons available; assure that appointments and promotions of employees will be based on merit and fitness as determined by competitive test; and provide a reasonable degree of security for qualified employees, the City Council, by ordinance, may establish a Civil Service System for City employees. The Civil Service System may include provisions for: the method of selection of city employees; the classification, advancement, suspension, discharge and termination of city employees; the consolidation and elimination of positions; and other provisions as deemed reasonable and necessary to govern personnel and employment matters of the City. The City Council may further adopt personnel rules to implement the provisions of any ordinance. In the event of an appeal of disciplinary action of a civil service employee, the appeal may be heard by an impartial arbitrator designated by mutual agreement of the appellant and his/her representative and the City Manager, or as otherwise agreed upon through a memorandum of understanding negotiated during the collective bargaining process between the City and the applicable bargaining unit. The Civil Service System shall govern all employees of the City unless exempted by Section 901. (Amended 2006)

SECTION 901. *Exemptions.* The following persons are exempt from the Civil Service System:

- a) City Council Members;
- b) Appointed persons;
- c) City Attorney;
- d) City Manager;
- e) City Clerk;
- f) Department heads;
- g) Temporary, seasonal, part-time and hourly employees;
- h) Any employee designated as exempt by City ordinance;
- i) Volunteers;

Seal Beach Official Charter

j) Independent contractors.

The City Council, by ordinance, resolution or personnel rules, may establish provisions governing the selection, discipline and dismissal of non-civil service employees. (Adopted by the voter in 2006, replaced and amended previous Section 904)

SECTION 902. *Discrimination.* No person employed by, or seeking admission into employment with the City, shall be employed, promoted, demoted, or discharged or in any way favored or discriminated against because of political opinions or affiliations or because of race or religious belief, or any other basis prohibited by law. (Adopted by the voter in 2006, replaced and amended previous Section 917)

(Sections 903, 905 through 916, and 918 through 920 were repealed by the voters in 2006 - portions of such sections have been incorporated in the Seal Beach Municipal Code and Seal Beach Personnel Rules and Regulations.)

Seal Beach Official Charter

ARTICLE X

FISCAL ADMINISTRATION

SECTION 1000. *Fiscal Year.* The fiscal year of the City government shall begin on the first (1st) day of July of each year and end on the thirtieth (30th) day of June of the following year.

SECTION 1001. *Annual/Bi-Annual Budget. Preparation by the City*

Manager. At such date as he/she shall determine, the City Manager shall obtain from each department head estimates of revenue and expenditures for his/her department, detailed in such manner as may be prescribed by the City Manager. In preparing the proposed annual or bi-annual budget, the City Manager shall review the estimates, hold conferences thereon with the respective department heads and may revise the estimates as the manager may deem advisable.

(Amended 2002)

SECTION 1002. *Budget. Submission to City Council.* At least thirty-five (35) days prior to the beginning of each fiscal year, the City Manager shall submit to the City Council the proposed budget as prepared by him/her. After reviewing same and making such revisions as it may deem advisable, the City Council shall determine the time for the holding of a public hearing thereon and shall cause to be published a notice thereof not less than ten (10) days prior to said hearing, by at least one (1) insertion in the official newspaper. Copies of the proposed budget shall be available for inspection by the public in the office of the City Clerk at least ten (10) days prior to said hearing.

SECTION 1003. *Budget. Public Hearing.* At the time so advertised or at any time to which such public hearing shall from time to time be adjourned, the City Council shall hold a public hearing on the proposed budget, at which interested persons desiring to be heard shall be given such opportunity.

SECTION 1004. *Budget. Adoption.* After the conclusion of the public hearing the City Council shall make any revisions of the proposed budget that it may deem advisable and on or before June 30th, it shall adopt the budget. A copy

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

SECTION 1005. Budget. Appropriations. From the effective date of the budget, the several amounts stated therein as proposed expenditures shall be Seal Beach Official Charter

- 27 -

and become appropriated to the several departments, offices, and agencies for the respective objects and purposes therein named. All appropriations shall lapse at the end of the fiscal year to the extent that they shall not have been expended or lawfully encumbered.

At any meeting after the adoption of the budget, the City Council may amend or supplement the budget by motion adopted by the affirmative votes of at least three (3) members so as to authorize the transfer of unused balances appropriated for one purpose to another purpose or to appropriate available funds not included in the budget or to cancel any appropriation not expended or encumbered.

SECTION 1006. Centralized Purchasing. Under the control and direction of the City Manager there shall be established a centralized purchasing system for all City departments and agencies, except as otherwise in this Charter provided.

SECTION 1007. Tax Limits. Unless a majority of the city electors voting at an election held for that purpose are in favor of it, annual property tax shall not exceed one dollar (\$1.00) on each one hundred dollars (\$100.00) exclusive of such tax as may be necessary to pay the costs of any pension plan for City employees adopted pursuant to Article 2, Chapter 2, of Division 5, exclusive of such tax, not to exceed five cents (\$0.05) on each one hundred dollars (\$100.00), as may be necessary to pay the costs of civil defense or disaster preparedness, exclusive of such tax as may be necessary to pay the costs of sewerage facilities, exclusive of such tax as may be necessary to pay the costs of park and recreation facilities and exclusive of such tax in addition to the annual tax levy for other municipal purposes authorized by Sections 20532, 37465, 37558, and 43069 of the Government Code, Section 5304 of the Public Resources Code and Section 22241 of the Education Code, as they now exist or forever may be amended.

SECTION 1008. Tax Procedure. The procedure for the assessment, levy and collection of taxes upon property, taxable for municipal purposes, may be prescribed by ordinance of the City Council.

SECTION 1009. Bonded Debt Limit. The City shall not incur indebtedness evidence by general obligation bonds, which shall in the aggregate exceed the sum of fifteen per cent (15%) of the total assessed valuation, for purposes of City taxation, of all the real and personal property within the City.

No bonded indebtedness which shall constitute a general obligation of the City may be created unless authorized by the affirmative votes of two-thirds (2/3) of the electors voting on such proposition at any election at which the question is

submitted to the electors and unless in full compliance with the provisions of the State Constitution and of this Charter.

Seal Beach Official Charter

- 28 -

SECTION 1010. *Contracts on Public Works.* The City Council shall adopt policies and procedures governing contracting for public works which are defined to include the construction or improvement of public buildings, works, streets, drains, sewers, utilities, parks or playgrounds. The City Council may, in its sole discretion, adopt selected policies and procedures by reference to state law, but no state law shall govern public works contracting unless it is expressly adopted by the City Council or has been finally determined to be applicable to all charter law cities by an appellate court with jurisdiction over the City of Seal Beach.

Except as otherwise provided in this Charter or by state law made applicable to the City of Seal Beach, the City Council shall award to the lowest responsible bidder each contract involving an expenditure of more than the bidding threshold amount (as defined in this Section) for the construction or improvement of public works or for the purchase of supplies or materials for any such project. Bids shall be solicited via notice by publication in the official newspaper by one or more insertions, the first of which shall be at least ten (10) days before the time for opening bids and such other forms of notice as the City Council may direct. Public Works are exempted from the requirements of this Section where the work will be performed by a City or County of Orange department.

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

The City Council may reject any and all bids presented and may re-advertise in its discretion.

The City Council, without advertising for bids, or after rejecting bids, or if no bids were 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 or the supplies or materials may be purchased more economically on the open market. Contracts likewise may be let without advertising for bids, if such work, supplies or materials shall be deemed by the City Council to be of urgent necessity for the preservation of life, health, or property. In either event, the Council shall adopt a resolution with findings supporting the letting of a contract without advertising for bids by at least three (3) affirmative votes of the Council, after which the City may proceed to have such work done or said supplies and materials purchased in the manner stated, without further observance of the provisions of this Section.

The bidding threshold amount shall be Twenty Thousand Dollars (\$20,000) initially, and shall annually be adjusted by the City Engineer upon confirmation by the City Council. On June 1st of each year, the City Engineer shall compute the percentage difference between the current Engineering News Record Construction Cost Index – 20 City Average (ENR) and the ENR for the previous June 1st. The City Engineer shall adjust the bidding threshold amount by such percentage, rounding to the nearest dollar. The City Council shall review such adjustment at a public hearing and upon Council confirmation; the bidding threshold amount shall be the adjusted figure. Should the ENR be revised or discontinued, the City Engineer shall use the revised index or a comparable index approved by the City Council. (Amended 2002)

SECTION 1010.5. *Design-Build Contracts on Public Works.*

Notwithstanding any other provision of this Charter, the City may enter into a design-build contract for both the design and construction of a project in accordance with this Section. Prior to the execution of a design-build contract, the City Council shall evaluate at a public meeting the comparative advantages for the particular project of the traditional design, bid, and build process of construction and the design-build process. No design-build process contract shall be executed unless the City Council makes written findings that use of the design-build process on the project will accomplish one or more of the following objectives: reduction of project costs; expediting project completion; or provision of design features not achievable through the design, bid, and build process. (Amended 2002)

SECTION 1011. *Presentation of Demands.* Any demand against the City must be in writing and may be in the form of a bill, invoice, payroll or formal demand. Each such demand shall be presented to the financial designee of the City Manager, who shall examine the same. If the amount thereof is legally due and there remains on the City books an unexhausted balance of an appropriation against which the same may be charged, he/she shall approve such demand and draw a warrant on the City Treasury, payable out of the proper fund. Objections of the financial designee of the City Manager may be overruled by the City Council and warrant ordered drawn.

The financial designee of the City Manager shall transmit such demand, with his/her approval or rejection thereof, endorsed thereon, and warrant, if any, to the City Manager. If a demand is one for an item included within an approved budget appropriation, it shall require the approval of the City Manager; otherwise it shall require the approval of the City Council. Any person dissatisfied with the refusal of the City Manager to approve any demand, in whole or in part, may present the same to the City Council which, after examining the matter, may approve or disapprove the demand in whole or in part. (Amended 1973.)

SECTION 1012. *Registering Warrants.* Warrants on the City Treasurer, which are not paid for lack of funds, shall be registered. All registered warrants shall be paid in the order of their registration when funds therefore are available and shall

bear interest from the date of registration at such rate as shall be fixed by the City Council by resolution.

SECTION 1013. *Independent Audit.* The City Council shall employ at the beginning of each fiscal year, a certified public accountant who shall, at such time or times as may be specified by the City Council, and at such other times as he/she shall determine, examine the official books, records, inventories and reports of all officers and employees who receive, handle or disburse public funds and all such other officers, employees or departments as the City Council may direct. Within one hundred twenty (20) days after the end of the fiscal year, unless such time shall be extended by the Council, a final audit and report shall be submitted by such accountant to the City Council, one copy thereof to each member, one to the City Manager, Treasurer and City Attorney, respectively, and three (3) additional copies to be placed on file in the office of the City Clerk where they shall be available for inspection by the general public. (Amended 1974.)

Seal Beach Official Charter

- 31 -

ARTICLE XI

FRANCHISES

SECTION 1100. *Franchises to Operate.* No person, firm or corporation shall exercise any franchise, right or privilege mentioned in this Article in the City except insofar as he/she/it may be entitled to do so by direct authority of the Constitution of the State of California or of the United States, unless he/she/it shall have obtained a grant therefore in accordance with the provisions of this Charter and in accordance with the procedure prescribed by ordinance. Nothing contained in the Article shall be construed to invalidate any lawful franchise heretofore granted or to necessitate the obtaining of a new franchise for a use for which a franchise holder shall have a valid unexpired franchise.

SECTION 1101. *Authority to Grant Franchises.* 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 furnish the City and its inhabitants with transportation, communication, terminal facilities, water, light, heat, power, refrigeration, storage, or any other public utility or service, or to use the public streets, ways, alleys and places, as the same may now or may hereafter exist, in connection therewith.

SECTION 1102. *Franchise Terms, Conditions and Procedures.* The Council shall, by ordinance, prescribe the terms and conditions under which franchises will be granted, subject to the provisions of this Charter, and the procedure for granting franchises; provided, however that such procedural ordinance or ordinances shall make provisions for the giving of notice of franchise applications, for protests against the granting of such franchises and for public hearings on such applications.

The Council, in granting franchises, shall prescribe the terms and conditions of such franchises in accordance with the applicable provisions of this Charter and any ordinance adopted pursuant thereto, and may in such franchise impose such other and additional terms and conditions not in conflict with said Charter or ordinances, whether governmental or contractual in character, as in the judgment

of said Council are in the public interest or as the people, by initiative, indicate they desire to have so imposed.

SECTION 1103. *Method of Granting Franchise.* The Council may grant a franchise without calling for bids or may, in its discretion, advertise for bids for the sale of a franchise upon a basis, not in conflict with the provisions of this Article, to be set out in the advertisement for bids and notice of sale.

Seal Beach Official Charter

- 32 -

SECTION 1104. *Term of Franchise.* Every franchise shall be either a fixed term not to exceed twenty-five (25) years, or for an indeterminate period. If for a fixed term, the franchise shall state the terms for which it is granted; if indeterminate, it shall set forth the terms and conditions under which it may be terminated.

SECTION 1105. *Purchase or Condemnation by City.* No franchise grant shall in any way or to any extent impair or affect the right of the City now or hereafter conferred upon it by law to acquire the property of the grantee thereof either by purchase or through the exercise of the right of eminent domain, and nothing herein contained shall be construed to contract away or to modify or to abridge either for a term or in perpetuity the City's right of eminent domain with respect to any public utility.

SECTION 1106. *Compensation.* No new franchise or the renewal of an existing franchise shall be granted without reserving to the City just and adequate compensation.

SECTION 1107. *Article Not Applicable to Certain Cases.* Nothing in this Article shall be construed as applying to or requiring the operators of refrigeration or storage utilities or the carriers of freight or passengers not operating over a fixed route, or other public utilities or services not specifically described in this Article, to obtain a franchise to operate within the City unless required so to do by ordinance of the City of Seal Beach.

SECTION 1108. *Exercising Right Without Franchise.* The exercise by any person, firm or corporation of any privilege for which a franchise is required without procuring such franchise shall be a misdemeanor, and each day that such condition continues shall constitute a separate violation.

Seal Beach Official Charter

- 33 -

ARTICLE XII

BOARD OF EDUCATION

SECTION 1200. *State Law Governs.* The manner in which, the times at which, and the terms for which the members of Boards of Education shall be elected or appointed, their qualifications, compensation and removal and the number which shall constitute any one of such boards shall be as now or hereafter prescribed by the laws of the State of California.

SECTION 1201. *Effect of Charter.* The adoption of the Charter shall not have the effect of creating any new school district nor shall the adoption of this Charter have any effect upon the existence or boundaries of any present school districts within the City or of which the City comprises a part, but such present school

districts shall continue in existence subject to the provisions of the laws of the State of California as the same now exists or hereafter may exist.

Seal Beach Official Charter

- 34 -

ARTICLE XIII

MISCELLANEOUS

SECTION 1300. Definitions. Unless the provision or the context otherwise requires, as used in this Charter:

- a) "Shall" is mandatory, and "may" is permissive.
- b) "City" is the City of Seal Beach 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 Seal Beach.
- c) "County" is the County of Orange.
- d) "State" is the State of California.

SECTION 1301. Purpose of Charter. It shall be the purpose of this Charter to maintain a City government responsive to the citizens of the City of Seal Beach, to provide adequate local government with a minimum of taxation and, in addition to other municipal purposes, to promote, foster and preserve agriculture within the City.

SECTION 1302. Violations. The violation of any provision of this Charter shall be deemed a misdemeanor and be punishable upon conviction by a fine of not exceeding One Thousand Dollars (\$1,000) or by imprisonment for a term of not exceeding six (6) months or by both such fine and imprisonment. (Amended 2002)

SECTION 1303. Validity. If any provision of this Charter, or the application thereof to any person or circumstances is held invalid, the remainder of the Charter, and the application of such provision to other persons or circumstance, shall not be affected thereby.