

Article. I. Name and Seal.

Sec. 100. Name of the City.

The municipal corporation now existing and known as the City of Los Alamitos shall remain and continue a body politic and corporate in name and in fact, by the name of the City of Los Alamitos.

Sec. 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 slated.

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effect and not in conflict with or inconsistent herewith, are hereby continued in force until the same have been duly repealed, amended, changed or superseded by proper authority.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 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.

Article III. Boundaries.

Sec. 300. Boundaries.

The boundaries of the City of Los Alamitos shall be the boundaries at the time this Charter takes effect and as may be changed from time to time in the manner allowed by law.

Article IV. Powers of the City.

Sec. 400. Powers.

The City shall have the right and power to make and enforce all laws and regulations in respect to municipal affairs, subject only to the restrictions and limitations provided in this Charter and in the Constitution of the State. Nothing in this Charter shall be construed to prevent or restrict the City from exercising or acting pursuant to, and the City is hereby authorized to exercise and act pursuant to, all rights, powers privileges and procedures heretofore or hereafter established, granted or prescribed by any law of the State or by other lawful authority, of which a municipal corporation might or could exercise, or act pursuant to, under said Constitution, unless the exercise thereof, or action pursuant to, is expressly prohibited by 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 of this section.

Sec. 401. Procedures.

The City shall have the power to and may act pursuant to any procedures established by this Charter, or, by State law where not in conflict with this Charter.

Article V. Elective Officers.

Sec. 500. Elective Officers.

The elective officers of the City of Los Alamitos shall consist of a City Council of five (5) or seven (7) members as hereinafter provided.

Sec. 501. Eligibility.

To be eligible to hold the office of Councilmember the person must meet the requirements as set forth in the State law of the State of California, and, if the Council is divided into districts as hereinafter provided, he/she shall also be a resident and elector of the district within the City of Los Alamitos wherein he/she lives for a period thirty (30) days prior to the date his/her nomination papers are filed.

Sec. 501A. Election of Members; Term Limits.

A. No person shall serve more than three (3) consecutive terms of office as a member of the City Council. For the purpose of this Section, a "term" shall include service on the Council for any period of seven hundred thirty-one (731) consecutive days or longer.

B. Any person who has served three (3) consecutive terms as a Member of the City Council shall not be eligible to serve again until the expiration of at least three hundred sixty-five (365) consecutive days after the end of such person's last term of office.

C. The term limits established by this Section shall apply prospectively only to those terms of office which commence on or after November 3, 1998.

(Passed by the voters as Measure E at the election of November 3, 1998)

Sec. 502. Vacancies.

A vacancy in the City Council from whatever cause arising shall be filled either by appointment of the City Council or by election. The City Council shall determine whether to fill a vacancy by election or by appointment; provided, however, if the City Council determines to fill a vacancy by appointment but fails to do so within sixty (60) days after the vacancy occurs, the Council shall forthwith cause an election to be held to fill the vacancy.

A person elected to fill a vacancy shall hold office for the entire unexpired term of the former incumbent.

A person appointed to fill a vacancy shall serve for the entire unexpired term of the former incumbent unless there

remain two (2) years or more of said unexpired term on the date of appointment. In such case, the City Council shall decide by majority vote prior to such appointment whether the appointment shall be for the entire unexpired term or only until the next general municipal election. If the seat is filled by appointment only until the next general municipal election, then at said election the seat shall be filled by vote of the people.

If at said next general municipal election there are four (4) or more council seats to be filled, the three (3) persons each receiving the largest number of votes shall each serve a term of four (4) years while the person(s) elected to fill the remaining seat(s) shall serve for a term of two (2) years.

If a member of the City Council is absent 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 members, unless by permission of the City Council expressed in its official minutes or as provided in Section 1404, or is convicted of a crime involving moral turpitude, or ceases to be a qualified elector of his/her district, his/her office shall become vacant and shall be so declared by the City Council.

Sec. 503. Compensation.

As compensation for their services, the Councilmembers shall each receive compensation at the respective rates in effect at the time this Charter becomes effective; provided that these rates of compensation may be changed by the majority vote of the electors of the City voting for such change in accordance with the State law of the State of California. Provided further, that the respective rates may also be changed according to any other applicable provision of the State law of the State of California.

Article VI. The Council.

Sec. 600. Powers.

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

Sec. 601. Composition.

The Council shall consist of five (5) Councilmembers as provided in this Charter, unless and until the Council is divided into districts or the Council is increased to seven (7) members, as herein provided, in which case the Council shall consist of seven (7) members. One (1) of the Councilmembers shall be Mayor. Each Councilmember, including the Mayor, shall have the right to vote on all questions coming before the Council. The Mayor shall be the presiding officer of the Council.

Sec. 602. Election of Mayor.

The Council shall elect one (1) of its members to act as Mayor. Said election shall be by roll call vote.

Sec. 603. Duties of the Mayor.

The Mayor, in addition to the powers and duties prescribed and allowed by the State law of the State of California and as prescribed elsewhere in this Charter, shall have the power and duty:

- A. To report to the Council from time to time on the affairs of the City and to recommend for its consideration such matters as he/she may deem expedient.
- B. To assume the primary but not the exclusive responsibility for interpreting to the people the policies, programs and needs of the City government and for informing the people of any major change in policy or program.
- C. To exercise and perform such other powers and duties as may be delegated to or required of him/her by this Charter or by the Council if not inconsistent with the provisions of this Charter or the State of California.

Sec. 604. Election of Mayor Pro Tempore.

The Council shall elect one of its members to act as Mayor Pro Tempore. Said election shall be by roll call vote.

Sec. 605. Duties of the Mayor Pro Tempore.

In the event of temporary absence or disability of the Mayor or during such period as a vacancy exists, the Mayor Pro Tempore shall preside at Council meetings, shall perform the other duties of the Mayor and perform such other duties as the Council may assign to him/her.

Sec. 606. Term of Mayor and Mayor Pro Tempore.

The Mayor and Mayor Pro Tempore shall serve at the pleasure of the Council; however, the position of Mayor and Mayor Pro Tempore shall be reviewed after each general election.

Sec. 607. Meetings.

The Council shall hold regular meetings at such times as may be prescribed by ordinance or resolution and may adjourn or readjourn any regular meeting to a date and hour fixed in the order of adjournment and when so adjourned each adjourned meeting shall be a regular meeting for all purposes. Special meetings may be held as provided by law.

Sec. 608. Place of Meeting.

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

Sec. 609. Proceedings and Quorum.

A majority of the then members of the Council shall constitute a quorum for the transaction of business at any meeting, but a lesser number may adjourn from time to time and compel the attendance of absent members in such manner and under such penalties as the Council may by ordinance prescribe. In the event all members of the Council are absent from any meeting, the City Clerk may declare the same adjourned to a stated day and hour in the manner provided by law. The Council shall judge all returns of City elections. It shall establish rules for the conduct of its proceedings and may evict any member or any other person for disorderly conduct at any meeting and may prosecute any member or other person for such conduct.

Each member of the Council and the City Clerk shall have the power to administer oaths and affirmations in any investigation or proceedings pending before the Council. The Council shall have the power to issue subpoenas, to compel by subpoena the attendance of witnesses and the production of documents and other evidence, to examine witnesses under oath and to take and hear evidence, in relation to any matter pending before it. Subpoenas shall be issued in the name of the City and be attested by the City Clerk. Disobedience of any subpoena or the refusal to testify upon other than legal grounds shall constitute a misdemeanor and shall be punishable in the same manner as violations of this Charter are punishable.

No action for the payment of money shall be taken at other than a regular or adjourned regular meeting.

The City Clerk shall call the roll and cause the ayes and noes to be entered in the minutes upon demand of any member or in the case of any action for the adoption of an ordinance, the payment of any money, the incurring of any debts, the appointment or removal of any officer, the granting of any franchise, the disposing of or leasing of City property, and the ordering or confirmation of any assessment for public improvements.

Sec. 610. Citizen Participation.

At each meeting the Council shall, if requested, grant any person, personally or through Counsel, reasonable opportunity to present grievances or offer suggestions for the betterment of City affairs, subject to such rules for orderly procedure as the Council or its Presiding Officer may prescribe.

Sec. 611. Ordinances and Resolutions.

The enacting clause of ordinances adopted by the Council shall be substantially as follows: "The City Council of the City of Los Alamitos does ordain as follows:"

All ordinances and resolutions shall be signed by the Mayor or in his/her absence the Mayor Pro Tempore, and attested by the City Clerk or in his/her absence, the Deputy City Clerk.

The adoption of ordinances and resolutions, the publication of ordinances and resolutions, the effective date of ordinances and resolutions, including urgency ordinances shall be governed by the State law of the State of California.

Sec. 612. Codification of Ordinances.

Any or all ordinances of the City which have been adopted and published in the manner required at the time of their adoption may at any time be compiled, consolidated, and rearranged as an Ordinance Code, and such Code may be adopted by reference, with the same effect as an ordinance, by the adoption of an ordinance for that purpose. Such Code need not be published in the manner prescribed for other ordinances, but not less than three (3) copies thereof shall be on file in the office of the City Clerk, for the use and examination of the public, for at least ten (10) days prior to the adoption of such Code. Ordinances or portions of ordinances so codified shall be deemed repealed as of the effective date of such Code. Following the adoption of such Code, amendments to the Code shall be adopted and published as ordinances. The codification of some ordinances pursuant to this section shall not prevent the later codification of other ordinances in the same manner.

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

Article VII. City Manager.

Sec. 700. City Manager.

There shall be a City Manager who shall be the Chief Administrative Officer of the City. He/she shall be appointed by the affirmative vote of a least a majority of the members of the City Council and shall serve at the pleasure of the City Council; provided, however, that he/she shall not be removed from office except as provided in this Charter. He/she shall be chosen on the basis of his/her executive and administrative qualifications, with special reference to his/her actual experience in, and his/her knowl edge of accepted practice in respect to the duties of his/her office as herein set forth.

Sec. 701. Residence.

The City Manager shall establish such residence as the City Council may require pursuant to ordinance or resolution.

Sec. 702. Eligibility.

No person shall be eligible to receive appointment as City Manager while serving as a member of the City Council nor within one (1) year after he/she has ceased to be a member of the City Council.

Sec. 703. 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.

Sec. 704. Powers and Duties.

The City Manager shall be the administrative head of the City government, and he/she shall be responsible to the City Council for the proper administration of all affairs of the City, and shall be given such powers and duties as the Council may from time to time provide by ordinance.

c. 705. 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. He/she shall receive notice of all special meetings of the City Council, and of all Boards and Commissions.

Sec. 706. Acting City Manager.

The City Manager may appoint an Acting City Manager to act in his/her behalf during his/her absence. Any such appointment by the City Manager shall be with the approval of the City Council; said approval to be given at the next meeting. If the position of City Manager becomes vacant or the City Manager is absent or is incapacitated to such an extent he/she cannot perform his/her duties, then the council may appoint an Acting City Manager until the position of City Manager is filled.

Sec. 707. Removal.

The City Manager shall not be removed from office during or within a period of ninety (90) 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 at a regular meeting of the City Council and upon the affirmative votes of a majority of the members of the City Council. At least thirty (30) days prior to the effective date of his/her removal, the City Manager shall be furnished with a written notice stating the Council's intention to remove him/her and the reasons therefor. Within seven (7) 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 (30) 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 his/her intended removal, the City Council may suspend him/her from duty, but his/her compensation shall continue for sixty (60) days. 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.

Sec. 708. Noninterference with Administrative Service.

Except as otherwise provided in this Charter, no individual member of the Council 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 any office or employment, or his/her removal therefrom. Except for the purpose of inquiry, or report, the City Council and its members shall deal with the administrative service 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. This section shall not apply to any officer appointed by the City Council or the members of his/her department.

Article VIII. Other Officers, Departments and Employees and Provisions Relating to Officers Generally.

Sec. 800. Officers.

The other officers of the City of Los Alamitos shall be a City Clerk, a City Treasurer, a City Attorney and a City Manager. The City Manager shall be appointed by the City Council and have the powers and duties as set forth in this Charter. The City Clerk and City Treasurer shall be appointed by the City Council and subject to the rights, powers and duties as set forth in this Charter. The City Attorney shall be appointed by the City Council and serve at their pleasure.

Sec. 801. 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 a department head.

The City Council, by ordinance or resolution, may assign additional functions or duties to officers, 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 or more offices created or authorized by this Charter. The City Council shall provide for the number, titles, qualifications, powers, duties and compensation of all officers and employees.

Sec. 802. City Clerk, Powers and Duties.

The City Clerk shall have the power, and be required to perform the functions and responsibilities that the City Council may from time to time determine by ordinance or resolution.

Sec. 803. Treasurer.

The City Treasurer shall have the power, and be required to perform the functions and responsibilities that the City Council may from time to time determine by ordinance or resolution.

Sec. 804. 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 local government law for at least three (3) years prior to his/her appointment. The City Attorney shall have power and

be required to perform the duties and responsibilities as the City Council may from time to time determine by ordinance or resolution.

Article IX. Election of Councilmembers and Council Districts.

Sec. 900. Election under Existing Law.

The City Councilmembers of the City of Los Alamitos shall, until the City of Los Alamitos is divided into districts as herein set forth, be elected at large under the then existing and applicable laws of the State of California.

Sec. 901. Division into Districts.

The City of Los Alamitos shall upon reaching an area of five (5) square miles or more, and eighteen thousand (18,000) population or more, divide itself into seven (7) Councilmanic Districts as provided in this Charter.

Sec. 902. Composition of Districts.

The City Council by ordinance, after the completion of the requirements as set forth in Section 901 of Article IX of this Charter, shall divide the City into seven (7) Council Districts to be effective before and after the next general municipal election. Said division shall not be changed for at least a period of two (2) years after the effective date of the ordinance so dividing the City into districts. The division of the district shall be based upon the following factors:

- A. The major requirement is that the population of the districts shall be as nearly equalized as possible.
- B. The districts shall be as nearly compact in shape as possible.

Sec. 903. Redefining of Districts.

The City shall, when necessary to comply with the requirements herein stated for Council Districts, redefine and establish said districts so as to comply with said requirements. At least every five (5) years the City Council shall review said districts to determine whether or not they comply with said requirements. No redistricting shall be required within three (3) years after the last districting.

Sec. 904. Election of Councilmembers.

When the requirements of Section 901 of Article IX have been fulfilled and there still remains more than one (1) year before the next general municipal election, the City Council shall, as soon as practicable, call a special election and elect two (2) Councilmembers (thereby increasing the Council to seven (7) members) at large from any area annexed after July 1, 1966 and the effective date of this Charter, whose terms shall be until the next general election.

At the next general municipal election, following the effective date of this Charter and each fourth (4th) year thereafter, there shall be elected to the City Council for a term of four (4) years, one (1) member each from districts 1, 3, 5 and 7 and at the general election held in 1970 and each fourth year thereafter there shall be elected to the City Council for a term of four (4) years, one (1) member each from districts 2, 4 and 6. In the original districting ordinance required by Section 902 of Article IX, the residency of the present Councilmembers whose terms expire in 1970, shall be included in districts 2, 4 and 6 respectively.

Sec. 905. Voting for Councilmembers.

Upon completion of the requirements of Section 901 of Article IX, each Councilmember shall be elected by the City at large and the candidate from each district receiving the highest number of votes from the City at large shall be elected to the City Council and represent his/her district upon qualifying in all other respects under the provisions of this Charter and the law of the State of California.

Sec. 906. General Municipal Elections.

(Adopted by Vote of the People 4/12/88)

The provisions of the law of the State of California applicable to General Law Cities, as such laws now exist and as they may hereafter be amended or superseded, shall in all respects govern elections in the City.

Sec. 907. Electors Signing Petitions.

The electors signing any petition for the nomination of any person to the office of Councilmember shall be residents of the district from which such person is to be nominated or has been elected. Only the names of electors who are residents of such district shall be counted in determining the sufficiency of any such petition.

Article X. Appointive Boards and Commissions.

Sec. 1000. 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.

Sec. 1001. Present Existing Boards and Commissions.

All Boards and Commissions now existing and duly authorized in the City of Los Alamitos and the members thereof, shall continue until the normal expiration of their term or according to the ordinances or actions of the Council creating such Boards and Commissions or the appointment thereof.

Sec. 1002. Appropriations.

The City Council shall include in its annual budget such appropriation of funds as in its opinion shall be sufficient for the efficient and proper functioning of such Boards and Commissions.

Sec. 1003. 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 of such Boards or Commissions shall be appointed and shall be subject to removal, by motion of the City Council adopted by a majority vote. The members thereof shall be appointed from the qualified electors of the City, none of whom shall hold any paid office or employment in the City government and shall serve until their respective successors are appointed and qualified.

Sec. 1004. Composition of Boards and Commissions.

All Boards and Commissions shall be organized and conducted pursuant to the terms creating them. In the event that the ordinance establishing such Boards and Commissions does not specify the manner, the time of meetings and the composition thereof, said Boards and Commissions shall be organized and run according to acceptable and general standards then existing for similar Boards and Commissions and according to State law of the State of California.

c. 1005. 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.

ny 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 (3) consecutive 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, his/her office shall become vacant and shall be so declared by the City Council.

Article XI Retirement.

Sec. 1100. Retirement.

The City Council by appropriate action may make provisions for a retirement program.

Sec. 1101. Vote by Employees.

Any program established by the City Council shall be voted upon and agreeable to a majority of the City employees who will be affected by the retirement program.

Article XII. Fiscal Administration.

Sec. 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.

Sec. 1201. 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 budget, the City Manager shall review the estimates, hold conferences thereon with the respective department heads and may revise the estimates as he/she may deem advisable.

Sec. 1202. 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 the 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 insertion in a newspaper of general circulation within the City. 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.

Sec. 1203. Budget. Public Hearing.

At the time so advertised or 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.

Sec. 1204. 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 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.

Sec. 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. All appropriations shall lapse at the end of the fiscal year to the extent that they shall not have been expended or encumbered.

At any meeting after the adoption of the budget, the City Council may amend or supplement the budget by motion adopted by a majority vote so as to authorize the transfer of unused balances appropriated for one department to another department or to appropriate available funds not included in the budget or to cancel any appropriation not expended or encumbered.

The City Manager is authorized to make budgetary revisions among departmental appropriations. The City Manager is fully authorized to transfer monies and to expend monies and/or all funds, for departments and activities as he/she may determine necessary to insure the proper operation and control of City business; except, that no such transfers shall be made in contravention to State law or City ordinances or exceed the total amount appropriated for each department or as amended by the City Council.

Sec. 1206. Contracts on Public Works.

Every project involving an expenditure of more than Ten Thousand (10,000) Dollars for the construction or improvement of public buildings, works, streets, drains, sewers, utilities, parks or playgrounds shall be let by the City Council by contract to the lowest responsible bidder after notice by publication in the official newspaper by one (1) or more insertions, the first of which shall be at least ten (10) days before the time for opening bids. Projects for the construction, resurfacing, maintenance or repair of streets, drains or sewers are excepted from the requirements of this paragraph, and the bidding requirements of the State of California, if such work is performed by a City or County of Orange Department.

All bids must be accompanied by either a certified or cashier's check, or a bidder's bond executed by a corporate surety authorized to engage in such business in California, made payable to the City. Such security shall be in an amount not less than that specified in the notice inviting bids or in the specifications referred to therein, or if no amount be so specified, then in an amount not less than ten (10) percent of the aggregate amount of the bid. If the successful bidder neglects or refuses to enter into the contract within the time specified in the notice inviting bids or in the specifications referred to herein, the amount of the 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 advertise at its discretion.

The City 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 purchased more economically on the open market, and after the adoption of a resolution to this effect by a majority vote of the Council, the Council 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 an absolute majority of the Council and containing a declaration of the facts constituting such urgency.

Sec. 1207. Taxation.

This City shall have the power and be subject to the same limitations with respect to taxation as a general law City of California.

Sec. 1208. Disbursement of Funds.

The City Manager shall have the power and the duty to supervise, and be responsible for, the disbursement of all monies and 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; with the advice of the City Attorney when necessary, determines the regularity, legality and correctness of such claims, demands or charges; and draw warrants upon the City Treasurer for all claims and demands audited and approved as provided in this Charter, specifying the purpose for which drawn and the fund from which payment is to be made.

Sec. 1209. Claims and Demands. Applicability of State Procedure.

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.

Sec. 1210. Demands Against the City.

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 City Manager within one hundred (100) days after the last item of the account or claim accrued. The City Manager shall examine the same. If the amount thereof is legally due and there remains on his/her books an unexhausted balance of an appropriation against which the same may be charged, he/she shall approve such demand and draw his/her warrant on the City Treasurer therefor, payable out of the proper fund; otherwise he/she shall reject it. Objections of the City Manager may be overruled by the City Council and the warrant ordered drawn. 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 reject a demand in whole or in part.

If a demand is one for an item not included within an approved budget appropriation, it shall require the approval of the City Council, following the adoption by it of an amendment to the budget authorizing such payment.

Sec. 1211. Requirement of Council Approval.

Notwithstanding anything contained in this Charter to the contrary, the City Manager shall not approve any claim nor pay any demand without the prior approval of the majority of the City Council voting by roll call vote at a regular meeting of the City Council.

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Article XIII. Initiative, Referendum and Recall.

Sec. 1300. In General.

The powers of the initiative and referendum and of the recall of elected City Officers are hereby reserved to the electors of the City. The provisions of the Elections Code of the State of California, as the same now exist or may hereafter be amended or superseded, governing the exercise of the power of recall of municipal officers, shall apply to the exercise of those powers in the City insofar as such provisions are not in conflict with the provisions of the Charter.

Article XIV. Definitions and Miscellaneous.

Sec. 1400. Definitions.

Unless the provision of the context requires otherwise, the following terms as used in this Charter shall have the following meaning:

- A. "Shall" is mandatory and "may" is permissive.

- B. "City" is the City of Los Alamitos and "office," "department," "board," "Commission," "Officer," "department head," or "employee" is an office, department, board, commission, officer, department head or employee, as the case may be, of the City of Los Alamitos.

- C. "County" is the County of Orange.

- D. "State" is the State of California.

Sec. 1401. Violations.

The violation of any provision 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. Any such violation shall upon conviction be punishable by a fine of not exceeding five hundred (500) dollars or by imprisonment for a term of not exceeding six months or by both such fine and imprisonment.

Sec. 1402. Severability.

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 circumstances shall not be affected thereby.

Sec. 1403. Headings.

The headings given in this Charter to articles and sections thereof shall not affect the scope, meaning or intent of the provisions of this Charter.

Sec. 1404. Absence from the State.

Any Councilmember may leave the state for a period not exceeding sixty (60) days without permission of the City

Council upon filing.

Sec. 1405. Publication.

Notwithstanding any provisions of the law of the State of California or provisions of this Charter, if the City Council determines by motion that the required publication of any ordinance or resolution would jeopardize the health, safety or welfare of the citizens of the City of Los Alamitos and that time does not permit the publication due to the lack of a daily newspaper being published and circulated within the City of Los Alamitos then such ordinance or resolution shall be posted in three (3) public places within the City of Los Alamitos designed by the City Council and also posted on or near the door of the Council Chambers.

Sec. 1406. Nepotism.

The Council shall not appoint any person to any salaried position in the City government who is a relative by blood or marriage within the second degree of any member of the Council, nor shall the City Manager nor any officer or department head appoint any relative of his/hers within such degree to any such position.

Sec. 1407. 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 his/her subordinate, unless such superior officer was a party to, or conspired in, such wrongful act or omission.

Sec. 1408. Illegal Interest in Contracts.

No member of the Council or other officer or department head of the City shall have any financial interest in any contract, sale or transaction to which the City is a party if having such interest constitutes a violation of the State law pertaining to interest in contracts. Any such person having any such prohibited interest shall be guilty of a misdemeanor, and upon conviction thereof, in addition to such penalties as may be imposed by the court, such person shall forfeit his/her office. Any contract, sale or transaction in which there shall be any such prohibited interest shall become void at the election of the City when so declared by resolution of the Council.

Sec. 1409. Combination of Offices and Departments.

Where the positions are not in fact incompatible, the Council may, subject always to the restrictions of this Charter, combine under one officer or person the powers and duties of two or more offices or departments created or authorized by this Charter.

Sec. 1410. Oaths.

The City Clerk shall be responsible for administering all oaths as required by the State law, this Charter or ordinance.

Sec. 1411. 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.