

THE CHARTER

Editor's note - This part consists of the Charter of the city, adopted by a vote of the people on June 3, 1958, and approved by the legislature of the State of California on January 28, 1959, as amended. Except for the use of a uniform system of capitalization, such Charter is set out herein as enacted. Amendments are indicated by historical citations following the affected sections.

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THE CHARTER OF THE CITY OF NEEDLES

(Municipal Election 4-12-66; S.C.R. No. 80, 5-25-70; A.C.R. No 231, 4-29-74; Res No 1-4-82-4; Municipal Election 4-9-96; Res No 4-27-04; Res No 12-12-06-3; Res No. 2010-19)

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

Article I. Incorporation and Succession

Sec. 100. Name

The municipal corporation now existing and known as the City of Needles shall remain and continue as a municipal corporation under the name of the City of Needles.

Sec. 101. Boundaries

The boundaries of the City shall be the boundaries as established at the time this Charter takes effect, or as such boundaries may be changed thereafter in the manner authorized by law.

Sec. 102. Rights and liabilities

The City of Needles 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 continue to be subject to all its debts, obligations, liabilities and contracts.

Sec. 103. Ordinances

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effect and not in conflict or inconsistent herewith, are hereby continued in force until the same shall have been duly repealed, amended, changed or superseded by proper authority.

Sec. 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 and then in effect, shall continue in full force and effect according to their terms. Public improvements for which proceedings have been instituted under laws existing at the time this Charter takes effect, in the discretion of the 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. 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 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.106. Continuance of present officers and employees

The present officers and employees shall continue without interruption to perform the duties of their respective offices and employments upon the same conditions and for the compensation provided by the existing ordinances, resolutions, rules or laws, until the election or appointment, and qualification of their successors under this Charter and subject to such removal and control as is provided in this Charter. The terms of office of elective officers whose offices are made appointive under this Charter shall expire upon the appointment of their successors, respectively.

Article II. Powers of the City

Sec. 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 and laws 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, the generality of the foregoing provisions.

Sec. 201. 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.

Article III. Form of Government

Sec. 300. Council - Manager form of government

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

Article IV. The Elective Officers

Sec. 400. Enumeration

The elective officers of the city shall consist of a mayor and city council composed of six members. (A.C.R. No. 231, 4-29-74)

Sec. 401. Elected at large

The mayor and the members of the council shall be elected at large at the times and in the manner provided in this Charter, and shall serve for terms prescribed in this Charter and until their respective successors qualify. (A.C.R. No. 231, 4-29-74)

Sec. 402. When an elective office becomes vacant

An elective office becomes vacant and their term of office considered completed on the happening of any of the following events before the expiration of the incumbent's term:

- (a) The death of the incumbent.
- (b) An adjudication pursuant to a quo warranto proceeding declaring that the incumbent is physically or mentally incapacitated due to disease, illness, or accident and that there is

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reasonable cause to believe that the incumbent will not be able to perform the duties of his or her office for the remainder of his or her term.

- (c) His or her resignation.
- (d) His or her removal from office.
- (e) His or her absence from three consecutive regular city council meetings without permission of council, except that any period of leave granted by the council shall not be considered an absence for the purpose of this section.
- (f) His or her conviction of a felony or of any offense involving a violation of his or her official duties. An elective officer shall be deemed to have been convicted under this subdivision when trial court judgment is entered. For the purposes of this subdivision, "trial court judgment" means a judgment by the trial court either sentencing the officer or otherwise upholding and implementing the plea, verdict, or finding.
- (g) The decision of a competent tribunal declaring void his or her election or appointment.
- (h) His or her commitment to a hospital or sanitarium by a court of competent jurisdiction as a drug addict, dipsomaniac, inebriate, or stimulant addict; but in that event the office shall not be deemed vacant until the order of commitment has become final.
- (i) His or her ceasing to be a resident of the City of Needles or ceasing to be an elector of the City of Needles.

(Res. No. 1-4-82-4, 1982; A.C.R. No. 231, 4-29-74; Res. No. 12-12-06-3)

Article IVa. The Mayor

Sec. 450. Mayor; term of office

The mayor shall be elected at the next general municipal election following approval of these Charter amendments by the electorate. The mayor shall serve a two year term, commencing on the first Tuesday following his election. Any candidate who is elected shall qualify within 10 days after receiving his certificate of election. No mayor shall serve more than 4 successive terms.

(A.C.R. No. 231, 4-29-74)

Sec. 451. Eligibility

No person shall be eligible to be nominated or hold office as mayor unless that person is qualified to be nominated and hold office under applicable state law.

(Res. No. 1-4-82-4, 1982; A.C.R. No. 231, 4-29-74; Res. No. 4-27-04)

Sec. 452. Mayor to hold no other office

The mayor shall hold no other city office or city employment except as otherwise provided by this Charter.

The mayor shall not be eligible to be appointed to any city position, office or employment which was created or the compensation of which was increased by the council while he was mayor of this city, until one year after the expiration of the term for which he was last elected or appointed.

(A.C.R. No. 231, 4-29-74)

Sec. 453. Compensation

The mayor shall be entitled to receive the same salary and compensation as a city councilman. (A.C.R. No. 231, 4-29-74)

Sec. 454. Vacancy

A vacancy in the office of mayor from whatever cause arising shall be filled by appointment by the council.

In the event that the council shall fail to fill any such vacancy by appointment within thirty days after such office shall become vacant or is prohibited by provisions of this Charter to make such an appointment, it shall forthwith cause an election to be held to fill such vacancy. A person appointed or elected to fill a vacancy shall hold office for the unexpired term of the former incumbent.

(A.C.R. No. 231, 4-29-74)

Sec. 455. Powers vested in the mayor

The mayor shall be presiding officer of the city council. He shall have a voice in all its proceedings, but shall not be empowered to move or second council action. He shall be empowered to vote in said council only to break a tie vote. The mayor shall possess veto power over any council action taken by less than 3/4 vote of those present, but this veto shall only be exercised during the same meeting and immediately following the ordinance, resolution, or motion in question. The city council can override such veto by a 3/4 vote of its members present.

The mayor shall be official head of the city and shall perform such other duties consistent with his office as may be prescribed by this Charter or as may be imposed by the council. (A.C.R. No. 231, 4-29-74)

Sec. 456. Vice-mayor

A vice-mayor shall be appointed by the council for the same term and the same tenure office as the mayor. The vice-mayor shall be selected from members of the council. The vice-mayor shall perform the office of mayor at such times as the mayor is absent from the city or unable for any reason to perform his official duties. (A.C.R. No. 231, 4-29-74)

Article V. The Council

Sec. 500. Councilmen; term of office

At the first general municipal election and at all subsequent general municipal elections following approval of these Charter amendments by the electorate, three members of the council shall be elected, the three candidates having the highest number of votes at such election to serve for a term of four years. Ties among candidates for any office shall be settled by the drawing of lots.

The term of each member of the council shall commence on the first Tuesday following his election. Any candidate who is elected shall qualify within ten days after receiving his certificate of election.

(A.C.R. No. 231, 4-29-74)

Sec. 501. Eligibility

No person shall be eligible to be nominated or hold office as a member of the council unless that person is qualified to be nominated and hold office under applicable state law.

(Res. No. 1-4-82-4, 1982; Res. No. 4-27-04)

Sec. 502. Councilman to hold no other office

No member of the council shall hold any other city office or city employment except as otherwise provided by this Charter.

No member of the council shall be eligible to be appointed to any city position, office or employment which was created or the compensation of which was increased by the council while he

was a member thereof, until one year after the expiration of the term for which he was last elected or appointed.

Sec. 503. Compensation

Each member of the council shall be entitled to receive a salary of one dollar per calendar month. Members of the council shall also be entitled to reimbursement on order of the council for council authorized traveling expenses and other expenses actually incurred when on official duty or order of the council. Members of the council shall receive no other compensation from the city.

Sec. 504. Vacancies

Vacancies in the council from whatever cause arising shall be filled either by appointment by the council or by election. Within 30 days of the occurrence of a vacancy in the council, the council shall either appoint a person to hold office for the unexpired term of the former incumbent or call a special election to fill the vacancy. If the council calls a special election to fill the vacancy, upon the calling of the special election, the council may appoint a person to hold office until the date of the special election.

If at the time a vacancy occurs, the council has three or more appointive members, the council must call a special election to fill the vacancy and may appoint a person to hold office until the date of the special election.

A special election called to fill a vacancy shall be held on the date of the next regularly-scheduled election to be held throughout the City, not less than 90 days from the calling of the special election.

(Amended Municipal Election 4-9-96)

Sec. 505. Deleted by A.C.R. No. 231, 4-29-74

Sec. 506. Powers vested in the council

All powers of the city shall be vested in the council, and said council may establish the method by which any of such powers may be exercised, except as otherwise provided in this Charter.

Sec. 507. Regular meetings

The council shall hold regular meetings at least once each month at such times as it shall fix by ordinance or resolution and may adjourn or readjourn 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.

Sec. 508. Special meetings

Special meetings may be called at any time by the mayor, or by four members of the council by written notice delivered personally to each member at least twenty-four hours before the time specified for the proposed meeting. A special meeting may also be validly held without the giving of such written notice, if required to be held by this Charter or if all members shall give their consent, in writing, to the holding of such meeting and such consent is on file in the office of the city clerk at the time of such meeting. A telegraphic communication from a member consenting to the holding of a meeting shall be considered a consent in writing. At any special meeting only such matters may be acted upon as are referred to in such written notice or consent.

Sec: 509. Place of meetings

All meetings shall be held in the Council Chambers of the City Hall, 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 may be held for the duration of the emergency at such place as is designated by the mayor, or, if he should fail to act, by four members of the council.

Sec. 510. Quorum; proceedings

A majority of the members of the 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 council from any regular meeting or adjourned 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 council, but need not specify the matters to be acted upon. The council shall judge the qualifications of its members as set forth by the Charter.

Each member of the council shall have the power to administer oaths and affirmations in any investigation or proceeding pending before the council. The 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. 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.

Sec. 511. Citizen participation

No citizen shall be denied the right personally, or through counsel, to present grievances or offer suggestions for the betterment of municipal affairs, at any regular meeting of the council, nor to speak to the subject of any special meeting.

Sec. 512. Rules of procedure

The council may 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.

Sec. 513. Ordinances and resolutions; method of action

Legislative action shall be taken by the council only by means of an ordinance or resolution.

Sec. 514. 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 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 nor until at least two days after such ordinance shall have been published as required in this Charter. At the time of introduction or 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, 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 nor until at least two days after the same shall have been published as so altered. The correction of typographical or clerical errors shall not constitute the making of an alteration within the meaning of the foregoing sentence.

(continued)

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

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 passed by at least five affirmative votes.

Sec. 515. Ayes and noes

Upon the adoption of any ordinance or order for the payment of money the clerk shall call the roll and shall cause the ayes and noes to be entered in the minutes of the meeting. Upon the request of any member the ayes and noes shall be taken and recorded on any vote.

Sec. 516. Majority vote of council

No ordinance or resolution or order for the payment of money shall be passed or become effective without receiving the affirmative votes of at least four members of the council.

Sec. 517. Ordinances enactment

In addition to such acts of the council as are required by other provisions of this Charter to be by ordinance, every act of the council establishing a fine or other penalty, or granting a franchise, shall be by ordinance.

The enacting clause of all ordinances adopted by the council shall be substantially as follows: "The City Council of the City of Needles does ordain as follows:".

Sec. 518. Signing and attesting

All ordinances and resolutions shall be signed by the mayor and attested by the city clerk.

Sec. 519. Ordinances; effective date

No ordinance adopted by the council 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 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;
- (e) An ordinance providing for a tax levy or appropriation for the usual current expenses of the city.

Sec. 520. Violations of Ordinances

A violation of any ordinance of the City shall constitute a misdemeanor, however the City may in its discretion prosecute any such violation as an infraction rather than a misdemeanor. As an alternative to criminal prosecution, the City may redress any violation of a city ordinance by civil action. The maximum fine and penalty for such violation shall be the maximum fine and penalty allowed by the State of California for violations of city ordinances on the date the violation occurs.

(Amended Municipal Election 4-9-96)

Sec. 521. Ordinances; amendment

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

Sec. 522. Ordinances; publication

Except as otherwise provided in this Charter, the city clerk shall cause each proposed ordinance, other than an emergency ordinance, to be published at least once in the official newspaper within ten days after its introduction; or, as an alternative method of publication, upon order of the council, copies of any such proposed ordinance shall be posted in three prominent places in the city and a single publication made in the official newspaper of a notice setting forth the title of the ordinance, the date of its introduction and a list of the places where copies of the proposed ordinance are posted, all within ten days after its introduction.

The city clerk shall cause each emergency ordinance to be published at least once in the official newspaper within fifteen days after its adoption.

Sec. 523. 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 purposes. 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 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 and diagrams also may be adopted by reference in the same manner.

Sec. 524. Contracts; restrictions

The council shall not have the power to make or authorize any contract or lease or extension thereof for a longer period than fifty years unless said contract, lease or extension be approved by a majority of those 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 furnishing or acquisition of the products, commodity, facilities or services of any public utility. (4-12-66)

Sec. 525. 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 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 council. Any of said officers shall sign a contract on behalf of the city when directed to do so by the council.

Except as otherwise provided in this Charter, by ordinance or resolution, the council may authorize the city manager to bind the city, with or without a written contract, for the acquisition of equipment, materials, supplies, labor, services or other items included within the budget approved by the council, and may impose a monetary limit upon such authority. (continued)

The 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 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 council.

The provisions of this section shall not apply to services rendered by any person in the employ of the city at a regular salary.

Article VI. City Manager

Sec. 600. City manager

There shall be a city manager who shall be the chief administrative officer of the city. He shall be appointed by the affirmative vote of at least four members of the council and shall serve at the pleasure of the council, provided, however, that he shall not be removed from office except as provided in this Charter. He shall be chosen on the basis of his executive and administrative qualifications, with special reference to his actual experience in, and his knowledge of, accepted practice in respect to the duties of his office as herein set forth. He need not be a resident of the city or state at the time of his appointment, but during his tenure of office, he shall reside within the city.

No councilman shall be eligible for appointment to the office of city manager during the term for which he shall have been elected nor within two years thereafter.

Sec. 601. Compensation

The city manager shall be paid a salary commensurate with his responsibilities as chief administrative officer of the city, which salary shall be established by ordinance or resolution.

Sec. 602. Powers and duties

The city manager shall be head of the administrative branch of the city government. Except as otherwise provided in this Charter, he 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, subject to the provisions of this Charter, the city manager shall have power and be required to:

- (a) Appoint, and he may 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 council or in the board of hospital trustees, provided, however, that the appointment, suspension or removal of the director of public utilities shall be subject to the approval of the board of public utilities. He may authorize the head of any department or office to appoint or remove subordinates in such department or office.
- (b) Prepare the budget annually, submit it to the council, and be responsible for its administration after its adoption.
- (c) Prepare and submit to the council as of the end of the fiscal year, a complete report on the finances and administrative activities of the city for the preceding fiscal year.
- (d) Keep the council advised of the financial conditions and future needs of the city and make such recommendations on any matter as may to him seem desirable.
- (e) Establish a centralized purchasing system for all city officers, departments and agencies.
- (f) Prepare rules and regulations governing the contracting for, purchasing, inspection, storing, inventory, distribution or 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 by ordinance.
- (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) Make investigations into the affairs of the city, or any department or division thereof, on any contract, or the proper performance of any obligation running to the city.
 - (i) Exercise control over all administrative offices and departments of the city except the hospital department and over all appointive officers and employees except those appointed by the council or by the board of hospital trustees.
 - (j) Perform such other duties as may be prescribed by this Charter or required of him by the council not inconsistent with this Charter.

Sec. 603. Participation in council action

The city manager shall be accorded a seat at the 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. He shall receive notice of all special meetings of the council, boards and commissions.

Sec. 604. Rules and regulations

The city manager may prescribe such general rules and regulations as he may deem necessary or expedient for the general conduct of the administrative offices and departments of the city under his jurisdiction.

Sec. 605. 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. If he fails to make such appointment, the council may appoint a manager pro tempore.

Sec. 606. Additional duties

Subject to the approval of the council, the city manager may act as head of any office, department or agency of the city under his control for which he is qualified by training or experience. If the city manager should act as director of public utilities, the approval of the board of public utilities shall also be required.

Sec. 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 council is elected. At any other time the city manager may be removed only at a regular meeting of the council and upon the affirmative votes of at least four members of the council. At least thirty days prior to the effective date of his removal, the city manager shall be furnished with a written notice stating the council's intention to remove him and the reasons therefore. 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 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 his intended removal, the council may suspend him from duty, but his compensation shall continue until his removal as herein

provided. In removing the city manager, the council shall use its uncontrolled discretion, and its actions 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 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. 608. Noninterference with administrative service

Except as otherwise provided in this Charter, neither the mayor nor 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 department heads in the administrative service of the city, of any person to any office or employment, or his removal therefrom. Except for the purpose of inquiry, the mayor, the council or its members shall deal with the administrative service under the jurisdiction of the city manager solely through the city manager, and neither the mayor, nor the council, nor any member thereof shall give orders to any subordinate of the city manager, either publicly or privately.

(A.C.R. No. 231, 4-29-74)

Article VII. Officers and Employees

Sec. 700. Enumeration

In addition to the council and city manager, the officers and employees of the city shall consist of city clerk, a city treasurer, a city attorney, a director of finance, a director of public utilities, a chief of police, a chief of the fire department and such other officers, assistants, deputies and employees as the council may provide by ordinance or resolution.

Sec. 701. Appointment and removal

The city clerk, city treasurer and city attorney shall be appointed by and may be removed by the affirmative votes of at least four members of the council. Except as otherwise provided in this Charter, all other officers, department heads and employees of the city shall be appointed by the city manager and shall serve at the pleasure of the city manager.

Sec. 702. Administrative departments

The 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, 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 duties, offices and agencies to 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 who shall be appointed, and may be suspended or removed, by the city manager, except as otherwise provided by this Charter.

When the positions are not incompatible, the council may combine in one person the powers and duties of two or more offices, provided, however, that the same person shall not hold the position of city treasurer and director of finance.

The council may transfer or consolidate functions of the city government to or with appropriate functions of the state or county government, or may make use of such functions of the state or county government, and in case of any such transfer or consolidation the provisions of the

Charter providing for the function of the city government so transferred or consolidated shall be deemed suspended during the continuance of such transfer or consolidation to the extent that such suspension is made necessary or convenient and is set forth in the ordinance or resolution establishing such transfer or consolidation. Any such transfer or consolidation may be repealed in like manner. No such transfer or consolidation shall be made which would impair or adversely affect any then existing bonds, obligations or contracts.

Sec. 703. Compensation

The compensation of all city officers and employees, except as otherwise provided in this Charter, shall be by salary to be fixed by the council by ordinance or resolution. No officer or employee shall be allowed any fees, perquisites, emoluments, rewards or compensation for his services as such officer or employee aside from the salary or compensation as fixed by the council, but all fees received by him in connection with his official duties shall be paid by him into the city treasury.

Sec. 704. Oath of office

Every officer of the city, before entering upon the duties of his office, shall take the oath of office as provided for in the Constitution of this State, and shall file the same with the city clerk.

Sec. 705. Official bonds

The council shall fix by ordinance or resolution the amounts and terms of the official bonds of all officials and employees who are required 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 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.

Sec. 706. Deleted by A.C.R. No. 231, 4-29-74

Sec. 707. Nepotism

The council shall not appoint to a salaried position under the city government any person who is a relative by blood or marriage within the second degree of any one or more of the members of such council and neither shall the city manager, any department head or other officer having appointive power appoint any relative within such degree to any such position.

Sec. 708. Political and religious tests

Except as otherwise provided by the general laws of this state heretofore or hereafter enacted, no appointment to any position under the city government shall be made or be withheld by reason of any religious or political opinions or affiliation or political services, and no appointment to or selection for or removal from any officer or employment, and no transfer, promotion, reduction, reward or punishment shall be in any manner affected by such opinions, affiliations or service.

Sec. 709. City clerk, powers and duties

The city clerk shall have the power and be required to:

- (a) Attend all meetings of the council and be responsible for the recording and maintaining of a full and true record of all the proceedings of the council in books that shall bear appropriate titles and be devoted to such purposes.
- (b) Maintain separate books, in which shall be recorded respectively all ordinances and resolutions, with the certificate of the clerk annexed to each thereof stating the same to be the original or a correct copy, and as to an ordinance requiring publication, stating that the same has been published or posted in accordance with this Charter.
- (c) Maintain separate books, in which a record shall be made of all written contracts and official bonds.
- (d) Keep all aforementioned books properly indexed and open to public inspection when not in actual use.
- (e) Be the custodian of the seal of the city.
- (f) Administer oaths or affirmations, take affidavits and depositions pertaining to the affairs and business of the city and certify copies of the official records.
- (g) Have charge of all city elections.
- (h) Be ex-officio assessor, unless the council has availed itself, or does in the future avail itself, or 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 council by ordinance provides otherwise.
- (i) Perform such other duties consistent with this Charter as may be required of him by the council.

Sec. 710. Director of finance, powers and duties

The director of finance shall have 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) Compile the budget expense and income estimates for 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 advise of the city attorney, when necessary, determine the regularity, legality and correctness of such claims, demands or charges.
- (e) See that all taxes, assessments, license fees and other 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.
- (f) Submit to the council through the city manager, a monthly statement of all receipts and disbursements 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.
- (g) Supervise the keeping of current inventories of all property of the city by all city departments, offices and agencies.

(continued)

- (h) Perform such other duties consistent with this Charter as may be required of him by ordinance or resolution of the council.

Sec. 711. City treasurer

The city treasurer shall have power and shall be required to:

- (a) Receive all taxes, assessments, license fees and other revenues of the city, or for whose collection the city is responsible, and receive all taxes or other money receivable by the city from the county, state or federal government, or from any court, or from any office, department, or agency of the city.
- (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 hands into such depository as may be designated by resolution of the 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) Disburse moneys on 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, copies of which reports shall be filed with the city manager.
- (e) Perform such other duties consistent with this Charter as may be required of him by ordinance or resolution of the council.

Sec. 712. 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 his appointment. The city attorney shall have power and may be required to:

- (a) Represent and advise the 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.
- (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 actions or proceedings in which any such officer or employee is concerned or is a party for any act arising out of his employment or by reason of his official capacity.
- (d) Attend all regular meetings of the council and give his advice or opinion in writing whenever requested to do so by the 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 his approval thereon in writing.
- (f) Prepare any and all proposed ordinances and resolutions for the city and amendments thereto.
- (g) Devote such time to the duties of his office as may be specified in the ordinance or resolution fixing the compensation for such office.
- (h) Surrender to his successor all books, papers, files and documents pertaining to the city's affairs.

(continued)

The 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.

Sec. 713. Director of public utilities, powers and duties

The director of public utilities shall have power and be required to:

- (a) Be the head of the department of public utilities.
- (b) Supervise and be responsible for the construction of all public utilities and the care and maintenance of the assets and facilities thereof.
- (c) Supervise and be responsible for the administration, maintenance and operation of all public utilities owned or operated by the city, including but not limited to, the municipal water system.
- (d) On vacating the office, surrender to his successor all maps, plans, field notes and other records and memoranda belonging to the city and pertaining to his office and the work thereof.
- (e) Perform such other duties consistent with this Charter as may be required of him by the council.

He shall be chosen on the basis of his executive and administrative qualifications, with special reference to his actual experience in, and his knowledge of, accepted practice in respect to the duties of his office as hereinbefore set forth. He need not be a resident of the city or state at the time of his appointment, but during the tenure of office, he shall reside within the city.

Sec. 714. Chief of police department

The chief of police shall have power and be required to:

- (a) Act as head of the police department, preserve the public peace, and enforce all penal ordinances of the city.
- (b) Execute and return all process issued and directed to him by legal authority.
- (c) Exercise all the powers and enjoy the same protections that are now or may hereafter be conferred upon sheriffs and other police officers by the general laws of the state with respect to the suppression of riot, public tumult, disturbance of the peace, or resistance against the laws or public authorities in the lawful exercise of their functions.
- (d) Perform such other duties consistent with this Charter as may be required of him by the council.

Sec. 715. Chief of the fire department

The chief of the fire department shall have power and be required to:

- (a) Act as head of the fire department and supervise all matters relating to the prevention and extinguishing of fires and the protection of all property impaired thereby.
- (b) Make frequent inspection of all property within the city to enforce fire prevention regulations.
- (c) During the time of a fire exercise supreme authority over the territory involved therein, and over all persons in the immediate vicinity of the fire during such time, including policemen, who likewise shall be subject to his orders.
- (d) Perform such other duties consistent with this Charter as may be required of him by the council.

Article VIII. Retirement

Sec. 800. Retirement system, creation

The council shall have power to provide for the creation, establishment, funding, financing and maintenance of a retirement or pension plan or plans for any or all of the appointive officers and employees of the city.

Sec. 801. Authority to join other systems

The city, by and through its council is hereby empowered to join in any retirement or pension system or systems created under the laws of the State of California or the United States of America, to which municipalities and municipal officers and employees are eligible.

Article IX. Appointive Boards and Commissions

Sec. 900. In general

There shall be the boards and commissions enumerated in this article which shall have the powers and duties herein stated. Unless otherwise provided by this Charter, the number of members to comprise any board or commission shall be determined by ordinance or resolution of the council. No member of any board or commission shall hold any paid office or employment in the city government. In order to be eligible for any appointment to any board or commission, a person shall be a qualified elector of the city. In addition to those herein provided, the council may create by ordinance or resolution 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. 901. Appropriations

The council shall include in the annual budget such appropriations of funds as in its opinion shall be sufficient for the efficient and proper functioning of such boards and commissions.

Sec. 902. Appointments; terms

The members of each of such boards or commissions shall be appointed by the council. They shall be subject to removal by motion of the council adopted by at least four affirmative votes. Unless otherwise provided by this Charter, the members thereof shall serve for a term of four years and until their respective successors are appointed and qualified.

The members first appointed to such boards and commissions shall so classify themselves by agreement or by lot that each succeeding January 1st the term of one of their number shall expire. If the total number of members of a board or commission to be appointed 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 January 1st, and that the number of terms expiring in any year does not exceed by more than one the number expiring in any other.

Sec. 903. Existing boards

The respective terms of office of all members of the boards and commissions in existence at the time this Charter takes effect shall terminate upon the effective date of this Charter. The present members of the boards and commissions which will continue in effect under this Charter shall be deemed reappointed to the respective boards and commissions of which they are members as first appointed members thereof under this Charter.

Sec. 904. Meetings; chairman

As soon as practicable, following the first day of January 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 such regular and special meetings as such board or commission may require. All proceedings shall be open to the public.

The affirmative vote of a majority of the entire membership of such board or commission shall be necessary for it to take any action, except to adjourn.

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 copies of which shall be kept on file in the office of the city clerk, where they shall be available for public inspection. Each shall have the same power as the council to compel the attendance of witnesses, to examine them under oath and to compel the production of evidence before it.

Sec. 905. 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 council.

Any vacancies in any board or commission, from whatever cause arising, shall be filled by appointment by the council within sixty days. 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 shall absent himself from three regular meetings of such board or commission, consecutively, 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 office shall become vacant and shall be so declared by the council.

Sec. 906. Planning commission

There shall be a planning commission consisting of seven members. The planning commission shall have the power and duty to:

- (a) Recommend to the council, after a public hearing thereon, the adoption, amendment or repeal of a master plan or any part thereof for the physical development of the city.
- (b) Exercise such functions with respect to land subdivisions, planning and zoning as may be prescribed by ordinance consistent with this Charter.
- (c) Make recommendations to the council concerning proposed public works and for the clearance and rebuilding of blighted or substandard areas within the city.
- (d) Perform such other duties and functions not inconsistent with this Charter as may be prescribed by ordinance.

The director of public utilities or a representative designated by him shall be accorded a seat at all meetings of the commission and shall be entitled to participate in its deliberations but shall not have a vote.

Sec. 907. Personnel commission

There shall be a personnel commission consisting of five members, none of whom shall hold any salaried office or employment in the service of the city while a member of the commission nor for a period of one year after he has ceased for any reason to be a member. The personnel commission shall have power and be required to: (continued)

- (a) Act in an advisory capacity to the council and the city manager on personnel administration.
- (b) Recommend to the council after a public hearing thereon, the adoption, amendment or repeal of personnel rules and regulations.
- (c) Hear appeals of any person in the classified service relative to any suspension, demotion or dismissal and make recommendations thereon which shall be advisory only.
- (d) Make any investigation which it may consider desirable concerning conditions of employment or the administration of personnel in the municipal service and report its findings to the council and the city manager.
- (e) Perform such other duties with reference to personnel administration not inconsistent with this Charter as the council may prescribe by ordinance.

Sec. 908. Recreation and parks commission

There shall be a recreation and parks commission consisting of seven members. In the event the council contracts with other agencies interested in recreation and parks for the joint exercise of any of such functions, such contract may provide for representation on the commission of nominees of such agencies during the existence of such contract or extensions thereof. The recreation and parks commission shall have the power and duty to:

- (a) Act in advisory capacity to the council in all matters pertaining to recreation and parks.
- (b) Consider provisions of the annual budget for recreation and park purposes during the process of the preparation of the budget and make recommendations with respect thereto to the city manager and the council.
- (c) Assist in the planning of a recreation program 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) Advise the council with respect to the acceptance of money, personal property or real estate donated or offered to the city for recreational or park purposes.
- (e) Perform such other duties not inconsistent with this Charter as may be prescribed by ordinance.

(Res. No. 4-27-04)

Sec. 909. Board of public utilities

There shall be a board of public utilities consisting of seven members. The board of public utilities shall have the power and duty to:

- (a) Consider the annual budget for the department of public utilities during the process of its preparation and make recommendations with respect thereto to the council and the city manager.
- (b) Within the limits of the budget of the department of public utilities, authorize any purchase of equipment, materials or supplies exceeding the sum of three thousand dollars, and authorize the acquisition, construction, extension, enlargement, diminution, or curtailment of all or any part of any public utility system. No such purchase, acquisition, construction, extension, enlargement, diminution or curtailment shall be made without such authorization.
- (c) Require of the city manager monthly reports of receipts and expenditures of the department of public utilities, segregated as to each separate utility, and monthly statements of the general condition of the department and its facilities.
- (d) Establish rates for all revenue producing utilities owned, controlled or operated by the city, but subject to the approval of the council and to any valid contract.
- (e) Approve or disapprove the appointment, suspension or removal of the director of public

- utilities, who shall be the department head.
- (f) Designate its own secretary.
 - (g) Make such reports and recommendations to the council regarding the department of public utilities as it shall deem advisable.
 - (h) Exercise such other powers and perform such other duties as may be prescribed by ordinance not inconsistent with any of the provisions of this Charter.

Sec. 910. Board of hospital trustees

The City Hospital may be sold pursuant to relevant provisions of the California Government Code.
(Res No. 2010-19, June 2010 Municipal election)

Article X. Personnel System

Sec. 1000. Personnel system; merit principle

Appointments and promotions in the classified service of the city shall be made according to merit and fitness and from eligible lists to be established in accordance with the provisions of any ordinance or personnel rules and regulations not inconsistent with this Charter, or by transfer, demotion or reinstatement.

Sec.1001. Unclassified and classified service

The service of the city shall be divided into the unclassified and the classified service.

- (a) The unclassified service shall comprise the following offices and positions:
 - (1) All elective officers.
 - (2) City manager, assistant city manager, if any, one private secretary to the city manager, city attorney, director of finance, city treasurer, city clerk, the head of each department, and all employees of the hospital department.
 - (3) All members of boards and commissions.
 - (4) Persons employed as unskilled laborers.
 - (5) Positions in any class or grade created for a special or temporary purpose for a period of not longer than ninety days in any one fiscal year.
 - (6) Persons employed to render professional, scientific, technical or expert services of any occasional or exceptional character.
 - (7) Volunteer members of the fire department.
 - (8) Volunteer police.
 - (9) Persons who render part-time service without pay or who are paid on an hourly or per diem basis.
 - (10) Any new classification hereafter created by the council unless declared to be classified at the time of creation or thereafter.
- (b) The classified service shall comprise all positions not specifically included by this section in the unclassified service.

Sec. 1002. Rules and regulations

The personnel system provided by this article shall be implemented by such ordinances and rules and regulations governing the administration thereof as are adopted by the council upon the recommendation of either the city manager or the personnel commission, and not inconsistent with this Charter.

Sec.1003. Preparation of eligible lists

Eligible lists shall be prepared from examinations of applicants for positions in the classified service which examinations shall be practical and relate to those matters which fairly test the relative capacity of the applicants to discharge the duties of the positions to which they seek to be appointed.

Sec. 1004. Probationary period

All original and promotional appointments to positions in the classified service shall be for a probationary period of six months, during which the employee may be rejected by the appointing power, without assigning reasons therefore and without a hearing. An employee rejected during the probationary period from a position to which he has been promoted shall be reinstated to the position from which he had been promoted, unless charges are filed against him and he is dismissed as provided in this Charter.

Sec. 1005. Status of present personnel

Any person holding a position or employment included by this Charter in the classified service who, on the effective date of this Charter, shall have attained regular or probationary status under the existing personnel system, shall retain such status in classified service under this Charter.

Sec. 1006. Appointments from classified service

In the event any officer or employee of the city holding a position in the classified service is appointed to a position in the unclassified service, and should within six months thereafter be removed or resign therefrom, he shall revert to his former position in the classified service without loss of any rights or privileges and upon the same terms and conditions as if he had remained in said position continuously, unless charges are filed against him and he is demoted or dismissed as provided in this Charter.

Sec. 1007. Suspension, demotion and dismissal

Every employee holding an office or position in the classified service who shall have completed the probationary period therein shall be entitled to retain his office or position so long as it exists under the same or a different title, subject, however, to suspension, demotion, or dismissal as in this section provided.

Any such employee may be suspended, demoted or dismissed by the appointing power, subject to the provisions of this Charter, for incompetence, habitual intemperance, immoral conduct, insubordination, repeated discourteous treatment of public or fellow employees, dishonesty, conviction of a felony, inattention to duties, acts inimical to the public service, other ground of penalty or forfeiture specified by the Constitution or by this Charter, or any other grounds permitted by law.

Any such employee who is suspended, demoted or dismissed shall be entitled to receive upon his request, at the office of the board or officer taking such action, a written statement in which shall be separately stated each of the charges against him upon which such suspension, demotion or dismissal is based, a copy of which statement shall be furnished to the city clerk for delivery to the personnel commission. Such statement shall be specific as to time, place and circumstances and shall be furnished to him within three working days after his request therefore, which request must be filed within three working days after he has been notified of such suspension, demotion or dismissal. He shall have ten days after receipt of such statement within which to file an answer to such statement of charges should he desire to do so.

In his answer, or otherwise if no statement of charges has been made available to him as required, such employee may request a hearing by the personnel commission to review such

suspension, demotion or dismissal. Such answer, or request for a hearing, shall be filed in the office of the city clerk for delivery to the personnel commission. A public hearing shall be called and held on the matter by the personnel commission within twenty days and written notice of the time and place thereof shall be given to the employee in person or by mail at least ten days before the hearing. Such employee shall be given the opportunity at such hearing to be heard in his defense in person or by counsel. Hearings may be conducted informally and the rules of evidence need not apply.

The personnel commission shall make written findings which shall state as to each charge whether or not such charge is sustained. Such board shall also set forth in writing its conclusions and recommendations based upon such findings and within ten days after concluding the hearing, it shall certify its findings, conclusions and recommendations to the board or officer from whose action the appeal was taken, and to the city manager and the council.

The appointing power shall then affirm, modify or rescind the action taken, as in its judgment shall seem warranted, and the decision of the appointing power shall be final and conclusive.

Where an appeal is taken to the personnel commission from an order of dismissal, the vacancy in the position shall be considered a temporary vacancy pending final action by the personnel commission and the appointing power and may be filled only by a temporary appointment.

A reduction in pay shall be a demotion, under this section, unless it is a part of a plan to reduce salaries and wages in connection with a general reduction, economy or curtailment program.

Nothing in this section shall restrict the right to make bonafide reductions in force or to enact legislation requiring retirement for disability or age.

As used in this Charter, the words dismiss, remove and discharge, in all their forms and tenses, shall be synonymous and interchangeable.

(Res. No. 4-27-04)

Sec.1008. Abolition of position

Whenever in the judgment of the council it becomes necessary in the interest of economy or because the necessity for the position involved no longer exists, the council may, subject to the provisions of this Charter, abolish any position or employment in the classified service and thereby reduce the personnel by laying off employees without the filing of written charges and without the right of appeal. In reducing said personnel and laying off any employee through the abolition of position, the council shall observe the seniority rule. The name of each employee so laid off shall be placed at the top of the appropriate eligible list.

Sec. 1009. Improper political activity

No person holding a position in the classified service shall seek or accept election, nomination or appointment as an officer of a political club or organization, or take an active part in any county or municipal political campaign, or serve as a member of a committee of such club, organization or circle, or seek signatures to any petition provided for by law, or act as a worker at the polls, or distribute badges, pamphlets, dodgers, or handbills of any kind favoring or opposing any candidate for election or nomination to a county or city office; provided, however, that nothing in this section shall be construed to prevent any such officer or employee from becoming or continuing to be a member of a political club or organization, or from attendance at a political meeting, or from enjoying entire freedom from all interference in casting his vote or from seeking or accepting election or appointment to public office, or from seeking signatures to any initiative or referendum petition directly affecting his rates of pay, hours of work, retirement, civil service, or other working conditions, or from distributing badges, pamphlets, dodgers, or handbills or other participation in any campaign in connection with such petition, if the activity is not carried on during hours of work, or when he is dressed in the uniform required in any department of the city government.

(continued)

No person in the classified or unclassified service, or seeking admission thereto, shall be employed, promoted, demoted or discharged, or in any way favored or discriminated against because of political opinions or affiliations or because of race or religious belief except as otherwise expressly permitted or required by general law of the state.

Any willful violation or violation through culpable negligence of any provision of this section shall be sufficient grounds to authorize the discharge of any officer or employee.

Sec. 1010. Solicitation of contributions

No officer, agent, clerk, or employee, under the government of the city and no candidate for any city office shall directly or indirectly, solicit or receive, or be in any manner concerned in soliciting or receiving any assessment, subscription or contribution, whether voluntary or involuntary, for any municipal political purpose whatever, from anyone on the employment lists or holding any position under the provisions of this Article.

Sec. 1011. Contract for performance of administrative functions

The council may contract with the governing body of a city or county within this state, or with a state department or other public or private agency, for the preparation or conducting of competitive examinations for positions in the city service or for the performance of any other personnel administration service.

Article XI. Fiscal Administration

Sec. 1100. The fiscal year

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

Sec. 1101. Tax system

The procedure for the assessment, levy and collection of taxes upon property taxable for municipal purposes may be prescribed by ordinance. 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 in so far as such provisions are not in conflict with this Charter.

Sec. 1102. Tax limits

- (a) The council shall not levy a property tax for municipal purposes, except as otherwise provided in this section, in excess of two dollars annually on each one hundred dollars of the assessed value of taxable property in the city, unless authorized by the affirmative votes of a majority of those 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 and the purpose thereof may also be specified.
- (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, in addition to the above 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 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 of city employees, due and unpaid or to become due during the ensuing fiscal year.
- (c) Special levies, in addition to the above limits, may be made annually for the purposes, within the limits, and to the extent that general law cities may make special levies in addition to their general tax limit, under the codes and statutes of the state as they may exist from time to time.

The proceeds of any such additional or special levy shall be used only for the respective purposes for which it is levied. (S. C. R. No. 80, 5-25-70)

Sec. 1103. Annual budget

At least thirty-five days prior to the beginning of each fiscal year the city manager shall send to the council a careful estimate, in the form of a written budget, of the amounts, specifying in detail the objects thereof required during the next ensuing year for the business and proper conduct of the various departments, offices, boards and commissions of the city. The city manager shall also at said time submit to the council an estimate of the amount of income from fines, licenses, and other sources of revenue, exclusive of taxes upon property, and the probable amount required to be levied and raised by taxation.

Sec. 1104. Public hearing on the budget

After reviewing the proposed budget as submitted by the city manager and making such revisions as it may deem advisable, the council shall determine the time for holding of a public hearing upon, and shall cause a notice thereof to be published not less than ten days prior to said hearing by at least one insertion in the official newspaper of the city.

Copies of the proposed budget shall be available for inspection by the public at the office of the city clerk at least ten days prior to said hearing.

At the time so advertised or at any time to which such public hearing shall from time to time be adjourned, the council shall hold a public hearing on the proposed budget at which interested persons desiring to be heard shall be given such opportunity.

Sec. 1105. Budget, adoption

After the conclusion of the public hearing the council shall make any revisions of the proposed budget that it may deem advisable and on or before June 30, it shall adopt the budget. A copy thereof, certified by the city clerk, shall be filed with the person retained by the 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. 1106. 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. 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 council may amend or supplement the budget by motion adopted by the affirmative vote of at least four 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.

Sec. 1107. 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.

Sec. 1108. Independent audit

The 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 council, at least annually and at such other times as he may 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 and employees and departments as the 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 council, one copy thereof to be distributed to each member, one to the director of finance, city manager 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, and a copy of the financial statement as of the close of the fiscal year shall be published in the official newspaper.

Sec. 1109. Contracts on public works

Every project for the construction or improvement of public buildings, works, streets, drains, sewers, utilities, parks or playgrounds, and every purchase of supplies or materials for any such project, when the total expenditures required for the same exceed the sum of fifteen thousand dollars, 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 streets, drains or sewers are excepted from the requirements of this section 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.

All bids shall be accompanied by either a certified or cashier's check, or a bidder's bond executed by a corporate surety authorized to engage in such business in California, made payable to the city. Such security shall be in an amount not less than that specified in the notice inviting bids or in the specifications referred to therein, or if no amount be so specified then in an amount not less than ten per cent 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 council may reject any and all bids presented and may readvertise in its discretion.

The council, without advertising for bids, 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 or the supplies or materials may be purchased more economically on the open market, and after the adoption of a resolution to this effect by at least five affirmative votes of the council may proceed to have said work done or said supplies or materials purchased in the manner stated, without further observance of the provisions of this section. Such contracts likewise may be left without advertising for bids, if such work or supplies or materials shall be deemed by the council to be of urgent necessity for the preservation of life, health or property, and shall be authorized by resolution passed by at least five affirmative votes of the council and containing a declaration of the facts constituting such urgency. (continued)

Projects for the extension or development of any public utility operated by the city or for the purchase of supplies or equipment for any such utility may be excepted from the requirements of this section, provided the council so determines by at least five affirmative votes. (Res. No. 12-12-06-3)

Sec. 1110. Publishing of legal notices

In the event that there is more than one newspaper of general circulation published and circulated in the city, the council, annually, prior to the beginning of each fiscal year, shall publish a notice inviting bids and contracts for the publication of all legal notices or other matter required to be published in a newspaper of general circulation in the city, during the ensuing fiscal year. In the event there is only one newspaper of general circulation published and circulated in the city, then the 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 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 published and circulated in the city, then all legal notices or other matter may be published by posting copies thereof in at least three 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.

Sec. 1111. 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 per cent 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. Bonds which are payable out of such revenues as may be specified in such bonds, may be issued when the council by ordinance shall have established a procedure for the issuance of such bonds. Such bonds, payable out of such revenues, shall not constitute an indebtedness of the city. No such bonds payable out of any revenues of the city or of any department thereof, shall be issued without the assent of a majority of the voters voting upon the proposition of issuing the same, at an election at which such proposition shall have been duly submitted to the qualified electors of the city.

Sec. 1112. Presentation of demands

All claims for damages against the city must be verified and presented to the city clerk within ninety days after the occurrence, event or transaction from which the damages allegedly arose, or within such shorter time as is otherwise provided by law, 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 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 ninety

days after the last item of the account or claim is 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 an appropriation against which the same may be charged, he shall approve such demand and draw his warrant on the city treasurer therefore, payable out of the proper fund. Otherwise he shall reject it. Objections of the director of finance may be overruled by the council and the warrant ordered drawn.

The director of finance shall transmit such demand, with his 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 council, following the adoption by it of an 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 council which, after examining into the matter, may approve or reject the demand in whole or in part.

Sec. 1113. 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 council by resolution.

Sec. 1114. Actions against city

No suit shall be brought for money or damages against the city or any board, commission or other officer thereof until a claim or demand for the same 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 sixty days from the date the same is presented shall be deemed a rejection thereof.

Sec. 1115. Purchasing supplies

The council may prescribe by ordinance rules and regulations for the purchasing of supplies, materials and equipment. When making purchases for the city, merchants maintaining an established place of business within the city shall be given the preference, quality and prices being equal.

Article XII. Department of Public Utilities

Sec. 1200. Established; management and control

There shall be a department of public utilities which shall be under the management and control of the city manager and the director of public utilities, subject, however, to the powers and duties of the board of public utilities as prescribed in this Charter and to the provisions of this Charter. Said department shall include all public utilities owned, controlled or operated by the city.

Sec. 1201. Contracts and covenants; funds

It shall be competent for the city to make contracts and covenants for the benefit of the holders of any bonds payable solely from any of the revenue of any such utility or utilities 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, for restrictions upon transfers 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 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.

Sec. 1202. Accounting procedure

Each utility shall be operated as a separate unit and all accounting respecting such utility shall be on that basis. All personal services of officers or employees and all costs incurred for the joint benefit of any such utility and any other office, department or agency of the city shall be prorated between them. Charges shall be made by the utility for all service, property or other things of value supplied or rendered by it to any other office, department or agency of the city.

Sec. 1203. Purchases and expenditures

The purchase of equipment, materials and supplies peculiar to the needs of the department of public utilities need not be made through the centralized purchasing system. The expenditure and disbursement of funds of the department of public utilities shall be made and approved as elsewhere in this Charter provided.

Sec. 1204. Use of revenue

No payments or contributions shall be made by any utility to the general funds of the city, otherwise than as above provided in this article, except that:

- (a) There may be paid into the general funds of the city in lieu of taxes, an amount equivalent to the amount which would be payable from the funds of such utility for city taxes, on the property held by the utility in the name of the city if such property were not exempt from city taxes: and
- (b) There may be paid from the revenues of such utility, after the payment of all costs of operation and maintenance of said utility and all principal and interest on revenue bonds of the utility, sufficient moneys to pay principal and interest on any outstanding issue or general obligation bonds for such utility purposes and/or to reimburse the general funds of the city for any payments made therefrom on account of such bonds or for the benefit of such utility from and after the effective date of this article.

Sec. 1205. Sale of public utility

No public utility now or hereafter owned or controlled by the city shall be sold, leased or otherwise transferred unless authorized by the affirmative votes of at least four members of the council and by the affirmative votes of a majority of the electors voting on such proposition at a general or special election at which said proposition is submitted.

Article XIII. Franchises

Sec. 1300. 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 service elsewhere, may be required by ordinance to have a valid and existing franchise therefore. The council is empowered to grant such franchise to any person, firm or corporation, whether operating under an existing franchise or not, to prescribe the terms and conditions of any such grant, and to 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.

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.

Sec. 1301. Resolution of intention; notice and public hearing

Before granting any franchise, the 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 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. Said notice shall be published at least ten days prior to the date of hearing.

At the time set for the hearing the council shall proceed to hear and pass upon all protests and its decision thereon shall be final and conclusive. Thereafter 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 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.

Sec. 1302. 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 twenty-five 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, 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 its terms by the possessor thereof.

Sec. 1303. 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 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 council and unless the transferee or assignee 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.

Sec. 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 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.

Sec. 1305. Duties of grantees

By its acceptance of any franchise hereunder, the grantee shall covenant and agree to perform and be bound by each all of the terms and conditions imposed in the grant, or by procedural ordinance, and shall further agree to:

- (a) Comply with all lawful ordinances, rules and regulations theretofore or thereafter adopted by the council in the exercise of its police 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 from any and all liability for damages proximately resulting from any operations under such franchise.
- (d) Remove and relocate without expense to the city all 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 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 council may prescribe in the grant.

Article XIV. Board of Education

Sec. 1400. 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 Education Code of the State of California.

Sec. 1401. Effect of Charter

The adoption of this 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 each such present school district shall continue in existence subject to the provisions of the laws of the State of California as the same now exist or hereafter may exist.

Article XV. Elections

Sec. 1500. 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 in November of even-numbered years on the same date as statewide elections commencing with the year 2006. (Res. No. 4-27-04)

Sec. 1501. 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.

Sec. 1502. 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 exists or hereafter may be amended, for the holding of municipal elections so far as the same are not in conflict with this Charter.

Sec. 1503. 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 XVI. General Provisions

Sec. 1600. Effective date of Charter

For the purpose of qualification and nomination of candidates and election of the members of the first city council under this Charter, to fill the vacancies created by it, this Charter shall take effect at the time of its approval by the Legislature. For all other purposes, it shall take effect on the first Tuesday following the date of the election of the first city council hereunder.

Sec. 1601. First election under Charter

The council of the City of Needles in office at the time this Charter is approved by the Legislature shall provide for the holding of the first election of officers under this Charter, shall canvass the votes and declare the results.

Sec. 1602. Validity of Charter

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.

Sec. 1603. Construction of Charter

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

- (a) "Shall" is mandatory, and "may" is permissive.
- (b) "City" is the City of Needles and "department", "board", "commission", "agency", "officer", or "employer", is a department, board, commission, agency, officer or employee as the case may be, of the City of Needles.

(continued)

- (c) "Council" is the city council of the City of Needles.
- (d) "County" is the County of San Bernardino.
- (e) "State" is the State of California.

Sec. 1604. Violations

The violation of any provision of this Charter shall be deemed a misdemeanor and shall be punishable upon conviction by a fine of not exceeding five hundred dollars or by imprisonment for a term of not exceeding six months or by both such fine and imprisonment.

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CHARTER

CERTIFICATE

WHEREAS, the City of Needles for many years last past has been and now is a city containing a population of more than 3,500 inhabitants as ascertained by the last preceding census taken by the authority of the Congress of the United States of America; and

WHEREAS, on the 13th day of August, 1957, at a municipal election duly held in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, the electors of the said City did choose and elect Omar Baldwin, Bess W. Brewer, Louise T. Corey, Arthur P. Easton, William A. Fancher, Ralph W. Fisher, Leonard S. Grady, Revis Hall, Chester B. Howell, William A. McGill, Albert E. Notley, Addison L. Owen, Thomas Poulson, Donald Raison, and K. Wendell Sneed, who were on said date all electors of said city and eligible as candidates in said election, as a Board of fifteen Freeholders to prepare and propose a charter for the government of said City; and

WHEREAS, the result of said election was duly declared by the legislative body, to-wit, the Council of the City, on the 20th day of August, 1957, and the electors so elected as Freeholders thereafter duly qualified as such Freeholders in accordance with law; and

WHEREAS, a period of one year since the result of said election was declared, as aforesaid, has not expired;

NOW THEREFORE, in pursuance of the said provisions of said Constitution of the State of California and within one year after the said election was so declared, said Board of Freeholders has prepared and does now propose the foregoing Charter as and for the Charter of the City of Needles for the government thereof;

And said Board of Freeholders hereby requests said legislative body of said City to cause the publication of said proposed Charter, as provided in said Constitution, and does hereby fix and designate Tuesday the 3rd day of June, 1958, as the date for holding a special municipal election in the said City at which the said proposed Charter shall be submitted to the qualified electors of the said City for their ratification and adoption.

IN WITNESS WHEREOF, the undersigned duly elected and qualified Freeholders of said City have subscribed their names to this proposed Charter at the City of Needles in the State of California, on the 17th day of March, 1958.

Albert E. Notley, Chairman of the Board of Freeholders
Arthur P. Easton, Secretary of the Board of Freeholders
Omar Baldwin
Bess W. Brewer
Louise T. Corey
William A. Fancher
Ralph W. Fisher
Leonard S. Grady
Revis Hall
Chester B. Howell
William A. McGill
Addison L. Owen
Thomas Poulson
Donald Raison
K. Wendell Sneed

Freeholders of the City of Needles

County of San Bernardino, State of California

Attest: Arthur P. Easton, Secretary of the Board of Freeholders