



Charter
of the
City of Riverside,
California

1953

The Charter



Editor's note.—The Charter consists of Stats. 1953 Vol. 2, p. 3878, as amended by Stats. 1955, p. 4026 and Stats. 1957, p. 208. Amendments are indicated by historical citations appearing in parentheses following the amended section.

The Charter was ratified by the qualified electors of the city at an election held on September 6, 1952, approved by the State legislature and filed in the office of the secretary of state on Feb. 4, 1953 and became effective April 21, 1953.

Catchlines have been rewritten by the editors in many instances to bring out more clearly the contents of various sections of the Charter. A frontal analysis consisting of a numerical listing of the catchlines has been added. The original numbering has not been changed. A uniform system of capitalization has been employed.

Michie City Publications Company of Los Angeles
Los Angeles, California

The Charter

Article I. Incorporation and Succession.

- § 100. Name and boundaries.
- § 101. Succession to rights and liabilities.
- § 102. Continuance of ordinances, rules and regulations.
- § 103. Continuance of present officers and employees.
- § 104. Effective date of Charter.

Article II. Powers of City.

- § 200. Generally.

Article III. Form of Government.

- § 300. Designated.

Article IV. Elective Officers.

- § 400. Enumerated; time and manner of election; term.
- § 401. Qualifications.
- § 402. Compensation; reimbursement for expenses.
- § 403. Vacancies.
- § 404. Duties of mayor; mayor pro tem.
- § 405. City powers vested in council; exceptions.
- § 406. Interference in administrative service.
- § 407. Meetings—Time of regular meetings.
- § 408. Same—Calling special meetings.
- § 409. Same—Location.
- § 410. Same—Quorum; proceedings.
- § 411. Same—Citizen participation.
- § 412. Adoption of ordinances and resolutions.
- § 413. Publication of ordinances.
- § 414. Codification of ordinances; adoption by reference.
- § 415. Effective date of ordinances.
- § 416. Violation of ordinances and penalty therefor.
- § 417. Contracts—Restrictions on duration.
- § 418. Same—Execution.

Article V. City Manager.

- § 500. Creation of office; appointment; tenure; residence requirements; eligibility of elective officers.
- § 501. Powers and duties.
- § 502. Participation in meetings of council, boards and commissions.
- § 503. Manager pro tempore.

RIVERSIDE CITY

Article VI. Officers and Employees Generally.

- § 600. Appointment of city attorney and city clerk by council tenure.
- § 601. Administrative departments generally.
- § 602. Eligibility, powers and duties of city attorney.
- § 603. Powers and duties of city clerk.
- § 604. Controller.
- § 605. Treasurer.
- § 606. Administering oaths.
- § 607. Appointive powers of department heads.
- § 608. Financial interest of city officers in contracts, sales, etc.
- § 609. Acceptance of another office by elective officer.
- § 610. Nepotism.
- § 611. Official bonds.

Article VII. Appointive Boards and Commissions.

- § 700. In general.
- § 701. Appropriations.
- § 702. Appointments; terms.
- § 703. Termination of terms of members of existing boards.
- § 704. Organization; meetings; subpoena power.
- § 705. Compensation; vacancies.
- § 706. Planning commission—Established; composition; participation by city engineer and city attorney.
- § 707. Same—Powers and duties.
- § 708. Personnel board—Composition; eligibility of members to salaried position.
- § 709. Same—Powers and duties.
- § 710. Board of library trustees.
- § 711. Park and recreation commission.

Article VIII. Personnel Merit System.

- § 800. Generally.

Article IX. Retirement.

- § 900. Authority to continue or discontinue under state system.

Article X. Elections.

- § 1000. General municipal elections.
- § 1001. Special municipal elections.
- § 1002. Compliance with state law.
- § 1003. Initiative, referendum and recall.

CHARTER

Article XI. Fiscal Administration.

- § 1100. Fiscal year.
- § 1101. Annual budget—Preparation by city manager; estimates to be furnished by department heads.
- § 1102. Same—Submission to council; notice of public hearing.
- § 1103. Same—Public hearing.
- § 1104. Same—Further consideration, revision and adoption; availability to departments, etc.
- § 1105. Same—Appropriations; transfer of funds.
- § 1106. Centralized purchasing.
- § 1107. Tax limits; special levy for library purposes.
- § 1108. Procedure for assessment, levy and collection of taxes.
- § 1109. Bonded debt limit; vote required for issuing bonds.
- § 1110. Public works contracts.
- § 1111. Cash basis fund.
- § 1112. Capital outlays fund.
- § 1113. Presentation and approval of demands against city; limitation upon presentation of claim for damages.
- § 1114. Registration of warrants.
- § 1115. Actions against city generally.
- § 1116. Audit.

Article XII. Board of Education.

- § 1200. Composition; qualifications of members.
- § 1201. Continuation of existing board.
- § 1202. Election.
- § 1203. Time of taking office; term.
- § 1204. Vacancies.
- § 1205. Applicability of general law.

Article XIII. Department of Public Utilities.

- § 1300. Created; management and control.
- § 1301. Board of public utilities—Composition; applicability of article VII of Charter.
- § 1302. Same—Powers and duties.
- § 1303. Purchases and expenditures generally; exemption from centralized purchasing system.
- § 1304. Use of revenue.
- § 1305. Sale of public utility.

Article XIV. Franchises.

- § 1400. Requiring; granting generally; applicability to city-owned utility.
- § 1401. Resolution of intention to grant; notice and public hearing.
- § 1402. Term.
- § 1403. Right of city to acquire franchised utility.

Article XV. Miscellaneous.

- § 1500. Definitions.
- § 1501. Violations and penalty.
- § 1502. Severability.

**Article XVI. Election by Wards and
Establishment of Wards**

- § 1601. Suspension of Provision for Election of Members of City Council at Large.
- § 1602. Election of Members of Council by Wards.
- § 1603. Eligibility to Hold Office of Member of City Council.
- § 1604. Terms of Office and Elections.
- § 1605. Wards Established.
- § 1606. Effective Date of Amendment.
- § 1607. Procedure for Recall.

Article I. Incorporation and Succession.**Sec. 100. Name and boundaries.**

The City of Riverside, hereinafter termed the city, shall continue to be a municipal corporation under its present name of "City of Riverside." 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. 101. Succession to rights and liabilities.

The City of Riverside shall continue to own, possess and control all rights and property of every kind and nature owned, possessed or controlled by it at the time this Charter takes effect and shall be subject to all its debts, obligations, liabilities and contracts.

Editor's note.—The original catchline of this section was "Succession, rights and liabilities."

Sec. 102. Continuance of ordinances, rules and regulations.

All lawful ordinances, resolutions, rules and regulations, or portions thereof, in force at the time this Charter takes effect, and not in conflict or inconsistent herewith, are hereby con-

tinued in force until the same shall have been duly repealed, amended, changed or superseded by proper authority.

Editor's note.—The original catchline of this section was "Ordinances."

Sec. 103. Continuance of present officers and employees.

The occupants of offices provided for in this Charter and employees, at the time this Charter takes effect, shall continue to perform the duties of their respective offices and employments without interruption and for the same compensations and under the same conditions until the appointment or election, and qualification, of their successors, but subject to the provisions of this Charter.

Sec. 104. Effective date of Charter.

For the purpose of nominating and electing the mayor and members of the city council, this Charter shall take effect upon its approval by the legislature. For all other purposes it shall take effect on the Tuesday next succeeding the date of the election of the first city council hereunder at twelve o'clock noon.

Article II. Powers of City.

Sec. 200. Generally.

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, or act pursuant to any and all rights, powers, privileges or procedures, 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, or act pursuant to, under the Constitution of the State of California. The enumeration in this Charter of any particular power shall not be held to be exclusive of, or any limitation upon, the generality of the foregoing provisions.

Editor's note.—The original catchline of this section was "Powers."

Article III. Form of Government.

Sec. 300. Designated.

The municipal government established by this Charter shall be known as the "council-manager" form of government.

Editor's note.—The original catchline of this section was "Form of government."

Article IV. Elective Officers.

* Sec. 400. Enumerated; time and manner of election; term.

The elective officers of the City shall consist of a City Council of seven members and a Mayor elected from the City at large at the times and in the manner provided in this Charter and who shall serve for a term of four years and until their respective successors qualify.

At the first election under this Charter, the three candidates for City Council receiving the highest number of votes shall serve until the third Tuesday in April, 1957, and the remaining four candidates elected to the City Council shall serve until the third Tuesday in April, 1955. The candidate receiving the highest number of votes for Mayor shall serve until the third Tuesday in April, 1957. Four members of the City Council shall be elected at the general municipal election held in April, 1955, and each fourth year thereafter. Three members of the City Council and a Mayor shall be elected at the general municipal election held in April, 1957, and each fourth year thereafter.

The term of each elective officer shall commence on the first Tuesday following his election. Ties in voting among candidates for office shall be settled by the casting of lots.

If a candidate for Mayor receives a majority of the total votes cast for the office, he shall be declared elected. If no candidate for Mayor receives a majority of the total votes cast for the office, the City Council shall immediately call a special election to be held not less than forty-five days nor more than sixty days from the date of the general election. The two candidates receiving the highest number of votes for the office in the general election shall be declared the candidates for the special election. The qualifications of candidates and electors and the procedure governing general elections shall apply to any special election called pursuant to this section and the notice of election shall be published at least thirty days prior to the date of such special election. (As amended April 1, 1964)

Editor's note.—The original catchline of this section was "Elective officers."

Sec. 401. Qualifications.

No person shall be eligible to hold an elective office unless he is, and shall have been for at least three years immediately

preceding his election or appointment, a qualified elector of the city, or of territory annexed to the City. (As amended May 23, 1963)

Editor's note.—The original catchline of this section was "Eligibility."

Sec. 402. Compensation; reimbursement for expenses.

The members of the city council shall receive no compensation for their services as such, but shall receive reimbursement on order of the city council for council-authorized traveling and other expenses when on official duty. In addition, each member shall receive such amount as may be fixed by ordinance, which amount shall be deemed to be reimbursement of other out-of-pocket expenditures and costs imposed upon him in serving as a city councilman.

The mayor shall receive compensation for his services in such amount and at such stated times as shall be prescribed by ordinance.

Editor's note.—The original catchline of this section was "Compensation."

Sec. 403. Vacancies.

A vacancy in an elective office, from whatever cause arising, shall be filled by appointment by the city council, such appointee to hold office until the first Tuesday following the next general municipal election and until his successor qualifies. At the next general municipal election following any vacancy, a successor shall be elected to serve for the remainder of any unexpired term.

If a member of the city council or the mayor absents himself from all regular meetings of the city council for a period of sixty days consecutively from and after the last regular city council meeting attended by such officer, unless by permission of the city council expressed in its official minutes, or is convicted of a crime involving moral turpitude, his office shall become vacant.

The city council shall declare the existence of any vacancy. In the event it shall fail to fill a vacancy by appointment within thirty days after such office shall have been so declared vacant, it shall cause an election to be held forthwith to fill such vacancy.

Sec. 404. Duties of mayor; mayor pro tem.

The mayor shall be the presiding officer at all meetings of the city council and shall have a voice in all its proceedings but shall not vote. He shall be the official head of the city for all ceremonial purposes. He shall have the primary but not exclusive responsibility for interpreting the policies, programs and needs of the city government to the people, and of informing the people of any major change in policy or program. He shall advise the city council on all matters of policy and public relations and perform such other duties as may be prescribed by this Charter.

The city council shall designate one of its members as mayor pro tempore, who shall serve in such capacity at the pleasure of the city council. In addition to his regular duties as a councilman, the mayor pro tempore shall perform the duties of the mayor during his absence or disability.

Editor's note.—The original catchline of this section was "The mayor."

Sec. 405. City powers vested in council; exceptions.

All powers of the city shall be vested in the city council except as otherwise provided in this Charter.

Editor's note.—The original catchline of this section was "Powers vested in the city council."

Sec. 406. Interference in administrative service.

Neither the mayor nor the city 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 an office or employment or his removal therefrom. Except for the purpose of inquiry, the mayor, the city council and its members shall deal with the administrative service under the city manager solely through the city manager and neither the mayor nor the city council nor any member thereof shall give orders to any subordinates of the city manager, either publicly or privately.

Sec. 407. Meetings—Time of regular meetings.

The city council shall hold regular meetings at least twice each month at such times as it shall fix by ordinance or resolution and may adjourn or re-adjourn any regular meeting to a date and hour certain which shall be specified in the order of adjournment and when so adjourned each adjourned meeting shall be a regular meeting for all purposes. If the hour to which a meeting is adjourned is not stated in the order of adjournment such meeting shall be held at the hour for holding regular meetings. If at any time any regular meeting falls on a holiday such regular meeting shall be held on the next business day.

Editor's note.—The original catchline of this section was "Regular meetings."

Sec. 408. Same—Calling special meetings.

Special meetings may be called at any time by the mayor, or by four members of the city council, by written notice delivered personally to each member and to the mayor at least three 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 and the mayor 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 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.

Editor's note.—The original catchline of this section was "Special meetings."

Sec. 409. Same—Location.

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 city council.

Editor's note.—The original catchline of this section was "Place of meetings."

Sec. 410. Same—Quorum; proceedings.

A majority of the members of the city council shall constitute a quorum to do business but a less number may adjourn from time to time. In the absence of all the members of the city council from any regular meeting or adjourned regular meeting, the city clerk may declare the same adjourned to a stated day and hour. Notice of a meeting adjourned by less than a quorum or by the clerk shall be given by the clerk or may be waived by consent in the same manner as specified in this Charter for the giving or waiving of notice of special meetings of the city council, but need not specify the matters to be acted upon. The city council shall judge the qualifications of its members as set forth by the Charter. It shall judge all election returns. It may establish rules for the conduct of its proceedings and evict or prosecute any member or other person for disorderly conduct at any of its meetings.

The mayor and each member of the city council shall have the power to administer oaths and affirmations in any investigation or proceeding pending before the city council. The city council shall have the power and authority to compel the attendance of witnesses, to examine them under oath and to compel the production of evidence before it. Subpoenas shall be issued in the name of the city and be attested by the city clerk. 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.

At the demand of any member, or upon the adoption of any ordinance, resolution, or order for the payment of money, the city clerk shall call the roll and shall cause the ayes and noes taken on such questions to be entered in the minutes of the meeting.

Editor's note.—The original catchline of this section was "Quorum. Proceedings."

Sec. 411. Same—Citizen participation.

No citizen shall be denied the right, personally or through counsel, to present grievances at any regular meeting of the council, or offer suggestions for the betterment of municipal affairs.

Editor's note.—The original catchline of this section was "Citizen participation."

Sec. 412. Adoption of ordinances and resolutions.

With the sole exception of ordinances which take effect upon adoption, referred to in this Article, no ordinance shall be adopted by the City Council on the day of its introduction, nor within five days thereafter nor at any time other than at a regular or adjourned regular meeting. At the time of its introduction an ordinance shall become a part of the proceedings of such meeting in the custody of the City Clerk. At the time of adoption of an ordinance or resolution it shall be read in full, unless 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. The correction of typographical or clerical errors shall not constitute the making of an alteration within the meaning of the foregoing sentence.

Unless a higher vote is required by other provisions of this Charter, the affirmative votes of at least four members of the City Council shall be required for the adoption of any ordinance or resolution, or for the making or approving of any order for the payment of money. No order for the payment of money shall be adopted or made at any other than a regular or adjourned regular meeting.

Any ordinance declared by the City Council to be necessary as an emergency measure for preserving the public peace, health or safety, and containing a statement of the reasons for its urgency, may be introduced and adopted at one and the same meeting if passed by at least five affirmative votes.

At any time before the adjournment of a meeting, the Mayor may, by public declaration spread upon the minutes of the meeting, request the reconsideration of any formal action taken by vote of the City Council including any ordinance or resolution, except an emergency ordinance or an ordinance proposed by initiative petition. Thereupon, pending reconsideration as herein provided, such ordinance, resolution or action shall be deemed neither approved, adopted nor rejected. At any regular

or adjourned meeting held not less than thirty days, nor more than sixty days after such request for reconsideration, the City Council shall reconsider such ordinance, resolution or action and vote upon the same anew. The same number of votes shall be required for its adoption or approval as would have been required in the absence of such request for reconsideration. The Mayor shall have no right to request a second reconsideration of any ordinance, resolution or action.

All ordinances and resolutions shall be signed by the Mayor and attested by the City Clerk. (As amended April 1, 1964)

Sec. 413. Publication of ordinances.

The city clerk shall cause each ordinance to be published at least once in a newspaper of general circulation within the city within fifteen days after its adoption.

Editor's note.—The original catchline of this section was "Ordinances. Publication."

Sec. 414. Codification of ordinances; adoption by reference.

Any or all ordinances of the city which have been enacted and published in the manner required at the time of their adoption, and which have not been repealed, may be compiled, consolidated, revised, indexed and arranged as a comprehensive ordinance code, and such code may be adopted by reference, with the same effect as an ordinance, by the passage of an ordinance for such purpose. Such code need not be published in the manner required for other ordinances, but not less than three copies thereof shall be filed for use and examination by the public in the office of the city clerk prior to the adoption thereof. Ordinances codified shall be repealed as of the effective date of the code. Amendments to the code shall be enacted in the same manner as ordinances.

Detailed regulations pertaining to the construction of buildings, plumbing and wiring, when arranged as a comprehensive code, may likewise be adopted by reference in the man-

ner provided in this section. Maps, charts and diagrams also may be adopted by reference in the same manner.

Editor's note.—The original catchline of this section was "Codification of ordinances."

Sec. 415. Effective date of ordinances.

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

- (a) An ordinance calling or otherwise relating to an election.
- (b) An improvement proceeding ordinance adopted under some 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.

Editor's note.—The original catchline of this section was "Ordinances. When effective."

Sec. 416. Violation of ordinances and penalty therefor.

A violation of any ordinance of the city shall constitute a misdemeanor and may be prosecuted in the name of the People of the State of California or may be redressed by civil action. The maximum fine or penalty for any violation of a city ordinance shall be the sum of five hundred dollars, or a term of imprisonment for a period not exceeding six months, or both such fine and imprisonment.

Editor's note.—The original catchline of this section was "Ordinances. Violation. Penalty."

Sec. 417. Contracts—Restrictions on duration.

The city council shall not have the power to make or authorize any contract or lease or extension thereof for a longer period than five years unless said contract, lease or extension be approved by a majority of the qualified electors of the city voting on such question at any election. A contract, lease or

extension for a longer period shall be valid without such approval if it provides for the right of acquisition by the city at the end of such period of the real or personal property so leased or contracted for. This section shall not apply to airports or to any franchise granted pursuant to the provisions of this Charter or to any contract for the furnishing, or acquisition of the products, commodity or services of any public utility.

Editor's note.—The original catchline of this section was "Contracts. Restrictions."

Sec. 418. Same—Execution.

The city shall not be bound by any contract except as hereinafter provided unless the same shall be made in writing, approved by the city council and signed on behalf of the city by the mayor and city clerk or by such other officer or officers as shall be designated by the city council. Any of said officers shall sign a contract on behalf of the city when directed to do so by the city council.

By ordinance or resolution the city council may authorize the city manager to bind the city, with or without a written contract, for the acquisition of equipment, materials, supplies, labor, services, or other items, if included within the budget approved by the city council, and may impose a monetary limit upon such authority.

The city council may by ordinance or resolution provide a method for the sale or exchange of personal property not needed in the city service or not fit for the purpose for which intended, and for the conveyance of title thereto.

Contracts for the sale of 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 of public utilities upon forms approved by the city manager and at rates fixed as in this Charter provided.

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

Editor's note.—The original catchline of this section was "Contracts. Execution."

Article V. City Manager.

Sec. 500. Creation of office; appointment; tenure; residence requirements; eligibility of elective officers.

There shall be a city manager who shall be the chief administrative officer of the city. In the selection of a city manager the city council shall screen all qualified applicants. It shall appoint, by a majority vote, the available person that it believes to be best qualified on the basis of his executive and administrative qualifications, with special reference to his experience in, and his knowledge of, accepted practice in respect to the duties of the office as set forth in this Charter. The city manager shall serve at the pleasure of the city council.

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

No person shall be eligible to receive appointment as city manager while serving as mayor or as a member of the city council nor within one year after he has ceased to be mayor or a city councilman.

Editor's note.—The original catchline of this section was "City manager."

Sec. 501. Powers and duties.

The city manager shall be the head of the administrative branch of the city government. He shall be responsible to the city council for the proper administration of all affairs of the city. Without limiting the foregoing general grant of powers, responsibilities and duties, the city manager shall have power and be required to:

(a) Appoint, and he may suspend or remove, subject to the personnel merit system provisions of this Charter, all department heads and officers of the city except elective officers and those department heads and officers the power of whose appointment is vested by this Charter in the city council; provided, however, that the appointment, removal and suspen-

sion of the librarian shall be subject to the approval of the board of library trustees, the appointment (but not the suspension or removal) of the controller and the treasurer shall be subject to the approval of the city council, and the appointment (but not the suspension or removal) of the superintendent of public utilities shall be subject to the approval of the board of public utilities; approve or disapprove all proposed appointments and removals of subordinate employees by department heads or officers, and such appointments and removals by department heads or officers shall be subject to his approval.

(b) Prepare the budget annually, submit such budget to the city council and be responsible for its administration after its adoption.

(c) Prepare and submit to the city council as of the end of the fiscal year a comprehensive report on the finances and administrative activities of the city for such fiscal year.

(d) Keep the city council advised of the financial condition and future needs of the city and make such recommendations as may seem to him desirable.

(e) Prepare rules and regulations governing the contracting for, purchasing, storing, 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 city council for adoption by it.

(f) See that the laws of the state pertaining to the city, the provisions of this Charter and the ordinances of the city are enforced.

(g) Perform such other duties consistent with this Charter as may be required of him by the city council.

Editor's note.—The original catchline of this section was "City manager. Powers and duties."

Sec. 502. Participation in meetings of council, boards and commissions.

The city manager shall be accorded a seat at the city council table and at all meetings of boards and commissions and shall be entitled to participate in their deliberations, but shall not have a vote.

Editor's note.—The original catchline of this section was "City manager. Meetings."

Sec. 503. Manager pro tempore.

The city manager shall appoint, subject to the approval of the city council, one of the other officers or department heads of the city to serve as manager pro tempore during any temporary absence or disability of the city manager.

Article VI. Officers and Employees Generally.**Sec. 600. Appointment of city attorney and city clerk by council; tenure.**

In addition to the city manager, there shall be a city attorney and a city clerk who shall be appointed by and serve at the pleasure of the city council.

Editor's note.—The original catchline of this section was "Officers to be appointed by the city council."

Sec. 601. Administrative departments generally.

The city council may provide, by ordinance not inconsistent with this Charter, for the organization, conduct and operation of the several offices and departments of the city as established by this Charter, for the creation of additional departments, divisions, offices and agencies, and for their consolidation, alteration or abolition. Each new department created by the city council shall be headed by an officer as department head who shall be appointed and may be suspended or removed by the city manager.

The city council, by ordinance or resolution, may assign additional functions or duties to offices, departments or agencies not inconsistent with this Charter. No office provided in this Charter to be filled by appointment by the city manager may be consolidated with an office to be filled by appointment by the city council. The city council, subject to the provisions of this Charter, shall provide for the number, titles, qualifications, powers, duties and compensation of all officers and employees.

Editor's note.—The original catchline of this section was "Administrative departments."

Sec. 602. Eligibility, powers and duties of city attorney.

To become 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 five years prior to his appointment. The city attorney shall have power and may be required to:

(a) Represent and advise the city council and all city officers in all matters of law pertaining to their offices.

(b) 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 and 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.

(c) Attend all regular meetings of the city council and give his advice or opinion in writing whenever requested to do so by the city council or by any of the boards or officers of the city.

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

(e) Prepare any and all proposed ordinances or resolutions for the city and amendments thereto.

(f) Surrender to his successor all books, papers, files and documents pertaining to the city's affairs.

The city council shall have control of all legal business and proceedings and may employ other attorneys to take charge of any litigation or matter or to assist the city attorney therein.

Editor's note.—The original catchline of this section was "City attorney. Powers and duties."

Sec. 603. Powers and duties of city clerk.

The city clerk shall have power and be required to:

(a) Be responsible for the recording and maintaining of a full and true record of all of the proceedings of the city council in books that shall bear appropriate titles and be devoted to such purpose and attend all meetings of the city council either in person or by deputy.

(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 in accordance with this Charter; keep all books properly indexed and open to public inspection when not in actual use.

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

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

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

(f) Be ex officio assessor, unless the city council has availed itself, or does in the future avail itself, of the provisions of the general laws of the state relative to the assessment of property and the collection of city taxes by county officers, or unless the city council by ordinance provides otherwise.

(g) Have charge of all city elections.

Editor's note.—The original catchline of this section was "City clerk. Powers and duties."

Sec. 604. Controller.

There shall be a controller appointed by the city manager with the approval of the city council who 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.

(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 advice of the city attorney, when necessary, determine the regularity, legality and correctness of such claims, demands or charges.

(e) Submit to the city 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.

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

Sec. 605. Treasurer.

There shall be a treasurer appointed by the city manager with the approval of the city council who 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 in such depository as may be designated by resolution of the city council, or, if no such resolution be adopted, then in such depository designated in writing by the city manager, and in compliance with all of the provisions of the state constitution and laws of the state governing the handling, depositing and securing of public funds.

(c) Disburse moneys on demands audited in the manner provided for in this Charter.

(d) Prepare and submit to the controller monthly written reports of all receipts, disbursements and fund balances, copies of which reports shall be filed with the city manager.

Sec. 606. Administering oaths.

Each department head and his deputies shall have the power to administer oaths and affirmations in connection with any official business pertaining to his department.

Sec. 607. Appointive powers of department heads.

Each department head and appointive officer shall have the power to appoint, suspend or remove such deputies, as-

sistants, subordinates and employees as are provided for by the city council for his department or office, subject to the provisions of this Charter and of any personnel merit system adopted hereunder.

Editor's note.—The original catchline of this section was "Department heads. Appointive powers."

Sec. 608. Financial interest of city officers in contracts, sales, etc.

No member of the city council, department head or other officer of the city (except a member of any board or commission), shall be financially interested, directly or indirectly, in any contract, sale or transaction to which the city is a party.

No member of any board or commission shall be financially interested, directly or indirectly, in any contract, sale or transaction to which the city is a party and which comes before the board or commission of which such person is a member for approval or other official action or which pertains to the department, office or agency of the city with which such board or commission is connected.

Any contract, sale or transaction in which there shall be such an interest, as specified in this section, shall become void at the election of the city when so declared by resolution of the city council.

No member of the city council, department head or other officer of the city, or member of any board or commission, shall be deemed to be financially interested, within the meaning of the foregoing provisions, in any contract made with a corporation where his only interest in the corporation is that of a stockholder and the stock owned by him shall amount to less than three per cent of all the stock of such corporation issued and outstanding.

If any member of the city council, department head or other officer of the city, or member of a board or commission, shall be financially interested as aforesaid, upon conviction thereof he shall forfeit his office in addition to any other penalty which may be imposed for such violation of this Charter.

Editor's note.—The original catchline of this section was "Illegal contracts. Financial interest."

Sec. 609. Acceptance of another office by elective officer.

Any elective officer of the city who shall accept or retain any other elective public office shall be deemed thereby to have vacated his office under the city government.

Editor's note.—The original catchline of this section was "Acceptance of other office."

Sec. 610. Nepotism.

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

Sec. 611. Official bonds.

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

Article VII. Appointive Boards and Commissions.**Sec. 700. In general.**

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

Sec. 701. Appropriations.

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

Sec. 702. Appointments; terms.

The members of each of such boards or commissions shall be appointed by the city council from the qualified electors of the city, none of whom shall hold any paid office or employment in the city government. They shall be subject to removal by motion of the city council adopted by at least five affirmative votes. 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 lot that the term of one of each of their number shall expire each succeeding July 1st. Where the total number of the members of a board or commission to be appointed exceeds four, the classification by lot shall provide for the pairing of terms to such an extent as is necessary in order that the terms of at least one and not more than two shall expire in each succeeding year.

Thereafter, any appointment to fill an unexpired term shall be for such unexpired period.

Sec. 703. Termination of terms of members of 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.

Editor's note.—The original catchline of this section was "Existing boards."

Sec. 704. Organization; meetings; subpoena power.

As soon as practicable, following the first day of July of every year, each of such boards and commissions shall organize by electing one of its members to serve as presiding officer at the pleasure of such board or commission. Each board or commission shall hold regular meetings at least once each

month and such special meetings as such board or commission may require. All proceedings shall be open to the public.

Except as may be otherwise provided in this Charter, the city manager shall designate a secretary for the recording of minutes for each of such boards and commissions, who shall keep a record of its proceedings and transactions. Each board or commission may prescribe its own rules and regulations which shall be consistent with this Charter and copies of which shall be kept on file in the office of the city clerk where they shall be available for public inspection. Each board or commission shall have the same power as the city council to compel the attendance of witnesses, to examine them under oath, to compel the production of evidence before it and to administer oaths and affirmations.

Editor's note.—The original catchline of this section was "Meetings. Chairmen."

Sec. 705. Compensation; vacancies.

The members of boards and commissions shall serve without compensation for their services as such, but may receive reimbursement for necessary traveling and other expenses incurred on official duty when such expenditures have received authorization by the city council.

Any vacancies in any board or commission, from whatever cause arising, shall be filled by appointment by the city council. Upon a vacancy occurring leaving an unexpired portion of a term, any appointment to fill such vacancy shall be for the unexpired portion of such term. If a member of a board or commission absents himself from three consecutive regular meetings of such board or commission, unless by permission of such board or commission expressed in its official minutes, or is convicted of a crime involving moral turpitude, or ceases to be a qualified elector of the city, his office shall become vacant and shall be so declared by the city council.

Sec. 706. Planning commission—Established; composition; participation by city engineer and city attorney.

There shall be a planning commission consisting of nine members. The city engineer and city attorney, or their assistants, shall meet with and participate in the discussions of

the planning commission but shall not have a vote. (As amended April 28, 1955.)

Editor's note.—The original catchline of this section was "Planning commission. Established."

Sec. 707. Same—Powers and duties.

The planning commission shall have the power and duty to:

(a) After a public hearing thereon, recommend to the city council the adoption, amendment or repeal of the master plan, or any part thereof, for the physical development of the city.

(b) Exercise such control over land subdivisions as is granted to it by the city council.

(c) Make recommendations concerning proposed public works and for the clearance and rebuilding of blighted or sub-standard areas within the city.

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

Editor's note.—The original catchline of this section was "Planning commission. Powers and duties."

Sec. 708. Personnel board—Composition; eligibility of members to salaried position.

The personnel board shall consist of five members, none of whom, while a member of the board or for a period of one year after he has ceased for any reason to be a member, shall be eligible for appointment to any salaried office or employment in the service of the city.

Editor's note.—The original catchline of this section was "Personnel board."

Sec. 709. Same—Powers and duties.

The personnel board shall have the power and duty to:

(a) Recommend to the city council, after a public hearing thereon, the adoption, amendment or repeal of personnel rules and regulations.

(b) Act in an advisory capacity to the city council on problems concerning personnel administration.

(c) Hear grievances of any person in the city employment relative to any suspension, demotion or dismissal and make findings and recommendations thereon which shall be advisory only.

(d) Make any investigation which it may consider desirable concerning the conditions of employment and the administration of personnel in the municipal service and report its findings to the city council.

(e) Perform such other duties as may be prescribed by ordinance not inconsistent with the provisions of this Charter.

Editor's note.—The original catchline of this section was "Personnel board. Powers and duties."

Sec. 710. Board of library trustees.

There shall be a board of library trustees consisting of five members which shall have the power and duty to:

(a) Have charge of the administration of city libraries and make and enforce such bylaws, rules and regulations as may be necessary therefor.

(b) Designate its own secretary.

(c) Consider the annual budget for library purposes during the process of its preparation and make recommendations with respect thereto to the city council and the city manager.

(d) Purchase and acquire books, journals, maps, publications and other supplies peculiar to the needs of the library, subject, however, to the limitations of the budget for such purposes. The expenditure and disbursement of funds for such purchases shall be made and approved as elsewhere in this Charter provided.

(e) Approve or disapprove the appointment, suspension or removal of the librarian, who shall be the department head.

(f) Accept money, personal property or real estate donated to the city for library purposes, subject to the approval of the city council.

(g) Contract with schools, county or other governmental agencies to render or receive library services or facilities, subject to the approval of the city council.

Editor's note.—The original catchline of this section was "Board of library trustees. Powers and duties."

Sec. 711. Park and recreation commission.

There shall be a park and recreation commission consisting of seven members.

The park and recreation commission shall have the power and duty to:

(a) Act in an advisory capacity to the city council in all matters pertaining to parks, recreation, parkways and street trees.

(b) Consider the annual budget for parks, recreation, parkways and street tree purposes during the process of its preparation and make recommendations with respect thereto to the city council and the city manager.

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

(d) Establish policies for the acquisition, development and improvement of parks and playgrounds and for the planting, care and removal of trees and shrubs in all parks, playgrounds and streets, subject to the rights and powers of the city council.

(e) Perform such other duties as may be prescribed by ordinance not inconsistent with the provisions of this Charter.

Editor's note.—The original catchline of this section was "Park and recreation commission. Powers and duties."

Article VIII. Personnel Merit System.**Sec. 800. Generally.**

The city council shall by ordinance establish a personnel merit system for the selection, employment, classification, advancement, suspension and discharge of those appointive officers and employees who shall be included in the system. The system may consist of the establishment of minimum standards of employment and qualifications for the various classes of employment, or of a comprehensive system, as the city council shall determine to be for the best interests of the public service. The ordinance shall designate the departments and the appointive officers and employees who shall be included

within the system. By subsequent ordinances the city council may amend the system or the list of departments and appointive officers and employees included within the system. The system shall comply with all other provisions of this Charter.

Editor's note.—The original catchline of this section was "System to be established."

Article IX. Retirement.

Sec. 900. Authority to continue or discontinue under state system.

Plenary authority and power are hereby vested in the city, its city council and its several officers, agents and employees to do and perform any act, and to exercise any authority granted, permitted, or required under the provisions of the State Employees' Retirement Act, as it now exists or hereafter may be amended, to enable the city to continue as a contracting city under the State Employees' Retirement System. The city council may terminate any contract with the board of administration of the State Employees' Retirement System only under authority granted by ordinance adopted by a majority vote of the electors of the city, voting on such proposition at an election at which such proposal is presented.

Editor's note.—The original catchline of this section was "State system."

Article X. Elections.

Sec. 1000. General municipal elections.

General municipal elections for the election of officers and for such other purposes as the city council may prescribe shall be held in the city on the second Tuesday in April in each odd numbered year commencing with the year 1955.

Sec. 1001. 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.

A special municipal election shall be held for the election

of the first mayor and the first members of the city council under this Charter on the tenth Tuesday following the approval of this Charter by the Legislature.

Sec. 1002. Compliance with state law.

Unless otherwise provided by ordinance hereafter enacted, all elections shall be held in accordance with the provisions of the Elections Code of the State of California, as the same now exist or hereafter may be amended, for the holding of elections in cities of the sixth class so far as the same are not in conflict with this Charter.

Editor's note.—The original catchline of this section was "Procedure for holding elections."

Sec. 1003. 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 XI. Fiscal Administration.

Sec. 1100. Fiscal year.

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

Sec. 1101. Annual budget—Preparation by city manager; estimates to be furnished by department heads.

At such date as the city manager shall determine, each department head shall furnish to the city manager estimates of revenue and expenditures for his department, detailed in such manner as may be prescribed by the city manager. In preparing the proposed budget, the city manager shall review the

estimates, hold conferences thereon with the respective department heads and may revise the estimates as he may deem advisable.

Editor's note.—The original catchline of this section was "Annual budget. Preparation by the city manager."

Sec. 1102. Same—Submission to council; notice of public hearing.

At least thirty-five days prior to the beginning of each fiscal year, the city manager shall submit to the city council the proposed budget as prepared by him. After reviewing same and making such revisions as it may deem advisable, the city council shall determine the time for the holding of a public hearing thereon and shall cause to be published a notice thereof not less than ten days prior to said hearing, by at least one insertion in a newspaper of general circulation within the city.

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

Editor's note.—The original catchline of this section was "Budget, submission to city council."

Sec. 1103. Same—Public hearing.

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

Editor's note.—The original catchline of this section was "Budget, public hearing."

Sec. 1104. Same—Further consideration, revision and adoption; availability to departments, etc.

After the conclusion of the public hearing the city council shall further consider the proposed budget and make any revisions thereof that it may deem advisable and on or before June thirtieth, it shall adopt the budget. A copy thereof, certified by the city clerk, shall be filed with the person retained by the city council to perform auditing functions for

the council and a further copy shall be placed, and shall remain on file, in the office of the city clerk where it shall be available for public inspection. The budget so certified shall be reproduced and copies made available for the use of departments, offices and agencies of the city.

Editor's note.—The original catchline of this section was "Budget, further consideration and adoption."

Sec. 1105. Same—Appropriations; transfer of funds.

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 city council may amend or supplement the budget by motion adopted by the affirmative votes of at least five 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.

Editor's note.—The original catchline of this section was "Budget, appropriations."

Sec. 1106. 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, which system shall be consistent with all other provisions of this Charter.

Sec. 1107. Tax limits; special levy for library purposes.

(a) The city council shall not levy a property tax, for municipal purposes, in excess of one dollar annually on each one hundred dollars of the assessed value of taxable property in the city, except as otherwise provided in this section, unless authorized by the affirmative votes of two-thirds of the electors voting on a proposition to increase such levy at any election at which the question of such additional levy for municipal purposes is submitted to the electors. The number of years that

such additional levy is to be made shall be specified in such proposition.

(b) There shall be levied and collected at the time and in the same manner as other property taxes for municipal purposes are levied and collected, as additional taxes, if no other provision for payment thereof is made:

1. A tax sufficient to meet all liabilities of the city for principal and interest of all bonds or judgments due and unpaid, or to become due during the ensuing fiscal year, which constitute general obligations of the city; and,

2. A tax sufficient to meet all obligations of the city to the State Employees' Retirement System for the retirement of city employees, due and unpaid or to become due during the ensuing fiscal year.

(c) A special levy, in addition to the above may be made annually in an amount not to exceed twenty cents on each one hundred dollars of the assessed value of taxable property in the city for library purposes. The proceeds of such special levy shall be used only for the purpose for which it is levied.

Editor's note.—The original catchline of this section was "Tax limits."

Sec. 1108. Procedure for assessment, levy and collection of taxes.

The procedure for the assessment, levy and collection of taxes upon property, taxable for municipal purposes, may be prescribed by ordinance of the city council.

Editor's note.—The original catchline of this section was "Tax procedure."

Sec. 1109. Bonded debt limit; vote required for issuing bonds.

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.

Editor's note.--The original catchline of this section was "Bonded debt limit."

Sec. 1110. Public works contracts.

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 two thousand dollars, shall be let by the city council by contract to the lowest responsible bidder after notice by publication in a newspaper of general circulation within the city 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 city 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 city council may reject any and all bids presented and may readvertise in its discretion.

The city 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

outlay purpose. The city council may levy and collect taxes for capital outlays and may include in the annual tax levy a levy for such purposes in which event it must apportion and appropriate to any such fund or funds the moneys derived from such levy. It may not, in making such levy, exceed the maximum tax rate provided for in this Charter, unless authorized by the affirmative votes of two-thirds of the electors voting on the proposition at any election at which such question is submitted. The city council may transfer to any such fund any unencumbered surplus funds remaining on hand in the city at any time.

Once created, such fund shall remain inviolate for the purpose for which it was created; if for capital outlays generally, then for any such purposes, and if for a special capital outlay, then for such purpose only, unless the use of such fund for some other capital outlay purpose is authorized by the affirmative votes of a majority of the electors voting on such proposition at a general or special election at which such proposition is submitted.

If the purpose for which any special capital outlay fund has been created has been accomplished, the city council may transfer any unexpended or unencumbered surplus remaining in such fund to the fund for capital outlays generally, established by this Charter.

Sec. 1113. Presentation and approval of demands against city; limitation upon presentation of claim for damages.

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 city council and the date thereof given.

All other demands against the city must be in writing and may be in the form of a bill, invoice, payroll, or formal demand. Each such demand shall be presented to the controller within ninety days after the last item of the account

or claim accrued. The controller 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 therefor, payable out of the proper fund. Otherwise he shall reject it. Objections of the controller may be overruled by the city council and the warrant ordered drawn.

The controller 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 city council, following the adoption by it of an amendment to the budget authorizing such payment. Any person dissatisfied with the refusal of the city manager to approve any demand, in whole or in part, may present the same to the city council which, after examining into the matter, may approve or reject the demand in whole or in part.

Editor's note.—The original catchline of this section was "Presentation of demands."

Sec. 1114. Registering warrants.

Warrants on the city treasurer which are not paid for lack of funds shall be registered. All registered warrants shall be paid in the order of their registration when funds therefor are available and shall bear interest from the date of registration at such rate as shall be fixed by the city council by resolution.

Sec. 1115. Actions against city.

No suit shall be brought for money or damages against the city or any board, commission or officer thereof until a claim or demand for the same has been presented as in this Charter provided and such claim and demand has been rejected in whole or in part. If rejected in part suit may be brought to recover the whole. Failure to complete action approving or rejecting any claim or demand within sixty days from the day the same is presented shall be deemed a rejection thereof.

Sec. 1116. Independent audit.

The city council shall employ at the beginning of each fiscal year, a qualified public accountant who shall, at such time or times as may be specified by the city council, and at such other times as he shall determine, examine the books, records, inventories and reports of all officers and employees who receive, handle or disburse public funds and of all such other officers, employees or departments as the city council may direct. As soon as practicable after the end of the fiscal year, a final audit and report shall be submitted by such accountant to the city council, one copy thereof to be distributed to each member, one to the city manager, controller, treasurer, and city attorney, respectively, and three additional copies to be placed on file in the office of the city clerk where they shall be available for inspection by the general public.

Article XII. Board of Education.**Sec. 1200. Composition; qualifications of members.**

The board of education shall consist of five members who shall be qualified electors of the Riverside City School District, and residing therein for at least two years next preceding their election, and shall serve without compensation.

Editor's note.—The original catchline of this section was "Number and eligibility."

Sec. 1201. Continuation of existing board.

The members of the board of education of the existing Riverside City School District holding office when this Charter takes effect shall serve as the board of education provided for herein until their respective terms shall expire and until their successors shall be elected and qualified under this Charter.

Editor's note.—The original catchline of this section was "Continuation of existing board."

Sec. 1202. Election.

An election for two members of the board of education shall be held on the third Tuesday in November, 1954 and on the third Tuesday of November every four years thereafter. An

election for three members of the board of education shall be held on the third Tuesday in November, 1956 and on the third Tuesday of November every four years thereafter. The board of education shall provide for the holding of such elections and may provide that any such election be consolidated with the state election held in the same year and in such case the said election shall be held at the same time and place and together with the said state election.

Sec. 1203. Time of taking office; term.

The members of the board of education elected at any such election shall, after they have qualified, take office and enter upon the discharge of their duties at 10:00 o'clock A. M. of the first Monday of January next succeeding their election, or if said day falls on a holiday, then upon the day following, and shall hold office for a term of four years and until their successors shall be elected and qualified.

Editor's note.—The original catchline of this section was "Term."

Sec. 1204. Vacancies.

In case a vacancy should occur on the board of education, the remaining members of the board shall appoint a qualified person to fill such vacancy, but in case of tie vote the superintendent of schools of Riverside County shall have the deciding vote. In either case the appointee shall serve the balance of the unexpired term for which he is appointed.

Sec. 1205. Applicability of general laws.

The powers and duties of the board of education and all matters pertaining to the board of education, except as otherwise herein provided, shall be governed by the provisions of the laws of the State of California as the same now exist or hereafter may exist.

Article XIII. Department of Public Utilities.

Sec. 1300. Created; management and control.

There shall be a department of public utilities which shall be under the management and control of the city manager,

subject, however, to the powers and duties of the board of public utilities as hereafter set forth in this article. Said department shall include all public utilities owned, controlled or operated by the city.

Editor's note.—The original catchline of this section was "Management and control."

Sec. 1301. Board of public utilities—Composition; applicability of article VII of Charter.

There shall be a board of public utilities consisting of five members. All of the provisions of article VII of this Charter relating to boards and commissions generally, to the organization, meetings, conduct of proceedings, and expenses thereof, and to the appointment, qualifications, term of office, removal, compensation and powers of members thereof, where not inconsistent with the provisions of this article, shall apply to the board of public utilities and to its members.

Editor's note.—The original catchline of this section was "Board of public utilities."

Sec. 1302. Same—Powers and duties.

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 city 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 two thousand dollars, and authorize the acquisition, construction, improvement, extension, enlargement, diminution, or curtailment of all or any part of any public utility system. No such purchase, acquisition, construction, improvement, extension, enlargement, diminution or curtailment shall be made without such authorization.

(c) Make appropriations from the contingency reserve fund within the limitations prescribed by section 1304 of this Charter.

(d) Require of the city manager monthly reports of re-

(e) For the annual payment into the contingency reserve fund of an amount not to exceed five per cent of the gross revenue of such utility during the previous fiscal year; provided, however, that in any year in which there is in said contingency reserve fund a sum equal to at least ten per cent of the original book value of all property of such utility, no payment shall be made into said fund. This contingency reserve fund shall be available for use by said utility only for replacement or emergency repairs and only after appropriation by the city council as to any project for which the total appropriations from such fund exceed the sum of five thousand dollars or after appropriation by the board of public utilities as to any project for which the total appropriations from such fund do not exceed the sum of five thousand dollars.

Any reserve for depreciation of such utility accumulated prior to the effective date of this Charter shall be paid into said contingency reserve fund and shall be subject to the provisions of this section covering said fund.

(f) The remainder shall be paid into the general fund.

Sec. 1305. 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 two-thirds of the voters voting on such proposition at a general or special municipal election at which such proposition is submitted. (As amended March 9, 1956.)

Article XIV. Franchises.

Sec. 1400. Requiring; granting generally; applicability to city-owned utility.

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 therefor.

The city council is empowered to grant such franchise to any person, firm or corporation, whether operating under an existing franchise or not, and to prescribe the terms and conditions of any such grant. It may also provide, by procedural ordinance, the method of procedure and additional terms and conditions of such grants, or the making thereof, all subject to the provisions of this Charter.

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.

Editor's note.—The original catchline of this section was "Granting of franchises."

Sec. 1401. Resolution of intention to grant; notice and public hearing.

Before granting any franchise, the city council shall pass a resolution declaring its intention to grant the same, stating the name of the proposed grantee, the character of the franchise and the terms and conditions upon which it is proposed to be granted. Such resolution shall fix and set forth the day, hour and place when and where any persons having any interest therein or any objection to the granting thereof may appear before the city council and be heard thereon. It shall direct the city clerk to publish said resolution at least once, within fifteen days of the passage thereof, in a newspaper of general circulation within the city. Said notice shall be published at least ten days prior to the date of hearing.

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

Sec. 1402. Term of franchise.

Every franchise shall state the term for which it is granted, which shall not exceed thirty-five years.

Sec. 1403. 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 therein 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.

Article XV. Miscellaneous.**Sec. 1500. Definitions.**

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

- (a) "Shall" is mandatory, and "may" is permissive.
- (b) "City" is the City of Riverside, and "department," "board," "commission," "agency," "officer," or "employee," is a department, board, commission, agency, officer or employee, as the case may be, of the City of Riverside.
- (c) "County" is the County of Riverside.
- (d) "State" is the State of California.
- (e) "Newspaper of general circulation within the city" is a newspaper of general circulation printed, published and circulated within the city.

Sec. 1501. Violations and penalty.

The violation of any provision of this Charter shall be deemed a misdemeanor and 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.

Editor's note.—The original catchline of this section was "Violations."

Sec. 1502. Severability.

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.

Editor's note.—The original catchline of this section was "Validity."

ARTICLE XVI**(As added February 13, 1962)****ELECTION OF MEMBERS OF THE CITY COUNCIL BY WARDS
AND ESTABLISHMENT OF WARDS**

Section 1601. SUSPENSION OF THE PROVISION FOR THE ELECTION OF MEMBERS OF THE CITY COUNCIL AT LARGE. The provision of Section 400 of this Charter for the election of members of the City Council from the City at large is hereby suspended during the time when such members are elected by wards, as herein provided.

Section 1602. ELECTION OF MEMBERS OF THE CITY COUNCIL BY WARDS.

There are seven members of the City Council of the City of Riverside. The members of the City Council shall be elected by wards by the qualified electors and voters of the respective wards only. One member of the City Council shall be elected by each ward, and only the qualified electors and voters of each ward shall vote for the member of the City Council to be elected by that ward. In those wards where there are more than two candidates, only a candidate receiving a majority of the total votes cast for the office shall be declared elected. If in any ward no candidate receives a majority of the total votes cast for the office, the City Council shall immediately call a special election to be held not less than forty-five days nor more than sixty days from the date of the general election. The two candidates receiving the highest number of votes for the office in the general election shall be declared the candidates for the special election. The qualifications of candidates and electors and the procedure governing general elections shall apply to any special election called pursuant to this section and the notice of election shall be published at least thirty days prior to the date of such special election.

(As amended April 1, 1964)

* **SECTION 1603. ELIGIBILITY TO HOLD THE OFFICE OF MEMBER OF THE CITY COUNCIL.** A person is not eligible to hold the office of a member of the City Council of the City of Riverside unless he has been a resident and qualified elector within the territory comprising the ward by which he is elected or for which he is appointed for at least one year immediately preceding his election or appointment, and is and continues to be a resident and qualified elector of said ward.

For the purpose of determining eligibility to hold the office of a member of the City Council, it is expressly provided that the time immediately preceding his election or appointment during which a qualified elector has been a resident of any territory which is included within the boundaries of any ward, as first established or as changed hereafter, shall be considered as and deemed to be time of residence within such ward.

If any member of the City Council changes his place of residence to a place outside of the boundaries of the ward by which he was elected or for which he was appointed, his office shall become vacant. The existence of the vacancy shall be declared and filled as provided by Section 403 of this Charter.

(As amended May 23, 1963)

Section 1604. TERMS OF OFFICE AND ELECTIONS. The first election by wards under this Article XVI shall be held on the second Tuesday in April, 1963. One member of the City Council shall be elected by each ward at the general municipal election held on said date.

The terms of office of the members of the City Council who are elected by the odd numbered wards shall be four years, and they shall serve until their successors are elected or appointed and qualify.

The terms of office of the members of the City Council who are elected at the first election by wards held on the second Tuesday in April, 1963 by the even numbered wards shall be two years, and they shall serve until their successors are elected or appointed and qualify.

The terms of office of the members of the City Council who are elected by wards from the even numbered wards at the elections held on the second Tuesday in April, 1965, and each four years thereafter, shall be four years; and they shall serve until their successors are elected or appointed and qualify.

Section 1605. WARDS ESTABLISHED. The City of Riverside is hereby and by ordinance shall be divided into seven wards, designated as First Ward, Second Ward, Third Ward, Fourth Ward, Fifth Ward, Sixth Ward, and Seventh Ward. The City Council shall adopt an ordinance dividing the City into seven wards and establishing the boundaries of said wards within the period of six months immediately following the date of approval of this Amendment by the Legislature of the State of California. The wards shall include substantially equal numbers of qualified electors and voters.

The boundaries of any ward or wards may be changed by ordinance adopted from time to time; provided that the effective date of any ordinance changing any ward boundary shall be at least ninety days prior to the date of the next succeeding general municipal election.

Section 1606. EFFECTIVE DATE OF AMENDMENT. The provisions of this Article XVI for the election by wards and appointment of members of the City Council shall take effect upon the effective date of the ordinance establishing wards and the boundaries of wards. All other provisions shall take effect upon the date of approval of this Amendment by the Legislature of the State of California.

SECTION 1607. PROCEDURE FOR RECALL OF ANY MEMBER OF THE CITY COUNCIL.

Proceedings may be commenced for recall of any member of the City Council. The provisions of the Elections Code of the State of California shall apply as provided in Section 1003 of this Charter, except where specific procedure is set forth in this section.

Any petition required to be filed shall be signed by not less than twenty-five per cent of the qualified electors residing within the ward on the day the petition is filed with the City Clerk. All signatures shall be obtained and the petition must be filed within ninety days from the filing of the Notice of Intention. (As added April 1, 1964)

Editor's note - The original contained no catch-line for this section.

CHARTER

CERTIFICATE

WHEREAS, the City of Riverside, for many years last past, has been and now is a chartered city containing more than three thousand five hundred inhabitants, as ascertained by the last preceding census taken under the authority of the Congress of the United States or of the Legislature of the State of California; and

WHEREAS, on the seventh day of August, 1951, at a municipal election duly and regularly held on that day in said city under and in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, the electors of said city did duly choose and elect Eugene Best, Donald W. Bohr, William H. Bonnett, Philip L. Boyd, Howard Boylan, Leonard Joseph Difani, T. Chauncey Flaherty, Thelma H. Goodspeed, Glenn W. Gurtner, Charles H. Johnson, Joseph S. Long, Harry McCarroll, Earl W. Porter, Robert H. Westbrook and James M. Wortz, who are all electors of said city and eligible as candidates under said section, as a board of fifteen freeholders to prepare a new Charter for the government of said city; and

WHEREAS, the result of said election of freeholders was duly declared by the legislative body of the city on the fourteenth day of August, 1951, and said electors thereafter duly qualified as such freeholders in accordance with law;

BE IT KNOWN that in pursuance of the provisions of said constitution and within the period of one year after the result of said election was so declared, the said board of freeholders has prepared and does now propose the foregoing Charter as the Charter for the government of the City of Riverside; and

BE IT FURTHER KNOWN that said board of freeholders hereby requests said legislative body of the City of Riverside to cause the publication of said proposed Charter and to cause copies thereof to be printed and mailed all as provided in said constitution and does hereby fix and designate Tuesday the sixteenth day of September, 1952, as the date for the election at which the proposed Charter shall be submitted to the qualified electors of the City of Riverside for their ratification and adoption;

IN WITNESS WHEREOF, we the undersigned duly elected and qualified freeholders of the City of Riverside, County of Riverside, State of California, have hereunto set our hands at

RIVERSIDE CITY

the City of Riverside, County of Riverside, State of California,
this nineteenth day of June, 1952.

EUGENE BEST

President, Board of Freeholders

JAMES M. WORTZ

Secretary, Board of Freeholders

DONALD W. BOHR

WILLIAM H. BONNETT

PHILIP L. BOYD

HOWARD BOYLAN

LEONARD JOSEPH DIFANI

T. CHAUNCEY FLAHERTY

THELMA H. GOODSPEED

GLENN W. GURTNER

CHARLES H. JOHNSON

JOSEPH S. LONG

HARRY McCARROLL

EARL W. PORTER

ROBERT H. WESTBROOK

Freeholders of the City of
Riverside, County of Riverside,
State of California

ATTEST:

JAMES M. WORTZ

Secretary of the Board of
Freeholders