

Amendments to the
CHARTER
of the
CITY of RIVERSIDE
CALIFORNIA



1934

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(1934)

No. 1—RELATING TO RECALL ELECTIONS

That Section 234 of the Charter of the City of Riverside be amended to read as follows:

THE RECALL

Section 234. The holder of any elective office may be removed or recalled at any time by the electors qualified to vote for a successor to such incumbent; provided such elective officer has held his office at least six months. The procedure to effect such removal or recall shall be as follows:

In case of an election at large, not less than one hundred qualified electors of the City of Riverside, and in case of a ward election, not less than twenty-five qualified electors of such ward, may originate a petition of recall in the following manner: The said qualified electors shall file with the City Clerk a petition containing, in not more than two hundred words, a general statement of the ground or grounds for which the recall of the official is sought. This petition shall be signed in the presence of the City Clerk or his deputy by each of the petitioners originating the recall, each signer adding to his signature his place of residence, giving street and number, and the date of signing. When the requisite number of qualified electors shall have signed the petition, the City Clerk shall file the same, and shall cause it with the signatures attached thereto, to be published for three successive days in a newspaper of general circulation published in said city, with notice therein that said petition is in the City Clerk's office open for signatures. The City Clerk shall, during office hours for forty-five days from the last day of publication aforesaid, keep the petition open in his office for signatures by the qualified electors of the city to sign in the presence of the City Clerk or his deputy, giving his place of residence, street and number and date of signature. At the expiration of said forty-five days, the City Clerk shall declare the petition closed for the purpose of examination, and within ten days thereafter shall ascertain whether said petition is signed by qualified electors of the City of Riverside equal to not less than twenty-five per cent of all the votes cast for such office at the last general municipal election; and the City Clerk shall

attach to the petition his certificate showing the result of such examination. If the petition is shown, by the City Clerk's certificate, to be insufficient, the City Clerk shall at once notify the signers who originated the petition of recall of the deficiency, and fifteen additional days, exclusive of the day of mailing shall be allowed for the final completion of the recall petition. Notice herein required shall consist of depositing in the post office at Riverside a letter, postage prepaid and registered, containing such notice, addressed to each signer who originated the petition of recall at his address given in the petition. The City Clerk shall within five days after the expiration of the additional fifteen days allowed in which to complete the recall petition, make a like examination of any names added thereto and check the same as hereinbefore provided; and if the City Clerk's certificate shall show the recall petition to be still insufficient, no further action shall be taken and no petition for the recall of the same officer shall be originated within six months thereafter.

If necessary the Council shall allow the City Clerk extra help for the purpose of such examination. In case the City Clerk is the officer sought to be recalled, the duties herein provided to be performed by him shall be performed by some other person designated by the Council for that purpose. If the petition shall be found to be sufficient, the City Clerk shall submit the same to the Council without delay, and the Council shall thereupon cause a special election to be held within not less than forty nor more than sixty days after the passage of an ordinance calling such election, to determine whether the voters will recall such officer; provided that if a regular municipal election is to occur within sixty days from the date of the filing of the petition with the Council, the Council may, in its discretion, submit such recall at such regular municipal election. If a vacancy occurs in said office after a recall petition is filed, the election shall nevertheless proceed as in this Section provided. One petition is sufficient to propose the removal and election of one or more officials. Nominations for any office under such recall election shall be made by petition in the manner provided by Section 1188 of the Political Code; except that no party affiliation of candidate, signer or verification deputy shall be given, and any qualified elector may sign said petition. Upon the sample ballot there shall be printed in not more than two hundred words, the reasons set forth in the recall petition for demanding the recall of the officer, and upon the same ballot in not more than two hundred words, the officer may justify his course in office. There shall be printed on the recall ballot, as to every officer whose recall is to be voted on, the following question: "Shall (name of person against whom the recall petition is filed) be recalled from the office of (title of the office)?" following which question shall be the words

"Yes" and "No," on separate lines with a blank space at the right of each, in which the voter shall indicate by stamping a cross (X) his vote for or against such recall. On such ballots, under each such question, there shall also be printed the names of those persons who have been nominated as candidates to succeed the incumbent recalled, (in case he shall be removed from office by said recall election), followed by the appropriate voting squares; but no vote shall be counted for any candidate for said office unless the voter also voted on said question of the recall of the person sought to be recalled from said office. The name of the person against whom the petition is filed shall not appear on the ballot as a candidate for the office. If a majority of those voting on said question of the recall of any incumbent from office shall vote "No" said incumbent shall continue in said office. If a majority shall vote "Yes," said incumbent shall thereupon be deemed removed from such office. The canvassers shall canvass all votes for candidates for said office and declare the result in like manner as in a regular election. If the vote at any such recall election shall recall the officer, then the candidate who received the highest number of votes for the office shall be thereby declared elected for the remainder of the term. In case the person who received the highest number of votes shall fail to qualify within ten days after receiving the certificate of election, the office shall be deemed vacant and shall be filled according to the provisions of this Charter.

No election for the recall of a Councilman shall be held unless a candidate to succeed the incumbent sought to be recalled has been nominated.

If any special election be ordered, held and conducted, it shall be ordered, held and conducted (except as to date thereof) and the result be made known and declared, in the same manner as herein provided for other elections.

No. 2—RELATING TO BOARD OF POLICE AND FIRE COMMISSIONERS

That Section 18 of the Charter of the City of Riverside be amended to read as follows:

Section 18. The officers of the city shall be:

Mayor,

One Councilman from each Ward,

City Clerk, who shall be ex-officio City Assessor,

City Auditor,

City Treasurer, who shall be ex-officio City Tax Collector,
City Attorney,
Judge of the Police Court,
City Engineer,
Superintendent of Streets,
The members of the Board of Park Commissioners,
The members of the Board of Education,
The Trustees of the Riverside Public Library,
The members of the Board of Health,
The members of the Board of Public Utilities,
The members of the Board of Police and Fire Commissioners,
Chief of Police,
Chief of the Fire Department,
Health Officer,
and such other officers as the Council may create by ordinance.

That Section 21 of the Charter of the City of Riverside be amended to read as follows:

Section 21. The members of the Board of Education, Trustees of the Riverside Public Library, members of the Board of Park Commissioners, members of the Board of Health, members of the Board of Public Utilities and the members of the Board of Police and Fire Commissioners, shall serve without compensation as members of such Boards.

That Article XII, including Sections 177, 178, 179, 180 and 181, of the Charter of the City of Riverside, be and the same is hereby repealed.

That Article XIII, including Sections 182, 183, 184 and 185 of the Charter of the City of Riverside, be and the same is hereby repealed.

That there be added to the Charter of the City of Riverside a new Article, to be numbered Article XII, and reading as follows:

ARTICLE XII

POLICE AND FIRE DEPARTMENT

Section 177. There shall be a Board of Police and Fire Commissioners, consisting of the Mayor and four Commissioners. The members thereof shall be appointed and may be suspended or removed pursuant to the provisions of Sections 71, 72 and 73 of this Charter, provided that not more than two Commissioners may be

removed in any period of one year, except for malfeasance, misfeasance or nonfeasance in office. The Commissioners first appointed shall so qualify themselves by lot at their first meeting, that one Commissioner shall go out of office on the first Monday in January, 1936, one at the end of one year thereafter, one at the end of two years thereafter and one at the end of three years thereafter. Thereafter said Commissioners shall hold office for a period of four years and until their successors have been appointed and qualified.

Section 178. Said Board shall have entire control and management of the Police and Fire Departments of the City of Riverside, and in order that the same may be maintained in a high state of efficiency, consistent with an economical administration of said departments, shall, in accordance with the rules established by them and as hereinafter provided, appoint the Chiefs and all members of said departments and shall from time to time make rules to carry out the purposes of this article, for the administration of said departments, for the conduct of examinations, for the appointment, suspension, removal, promotion and demotion of members of said departments, for the establishment of lists of those eligible to appointment, for the keeping of service records and for such other matters as are necessary for the efficient, proper and economical administration of said departments. Said rules shall only be established or changed after two weeks' notice thereof, given to the Council and posted in the public office of the Fire Department and the Police Department.

Section 179. Said Board shall, by and with the advice and approval of the Council, fix the number of members of each department, establish their rank and fix the salary to be paid to the members of each rank.

Section 180. All appointments to said departments shall be made only from eligible lists prepared after the examination of applicants, conducted in accordance with the rules established by said Board, which examination shall be public, competitive and free to all citizens of the United States; with specified limitations as to residence, age, sex, health, habits, experience, moral character and physical ability. Such examinations shall be practical in their character and shall relate to those matters which shall thoroughly test the relative capacity of the persons examined, to discharge the duties of the position to which they seek to be appointed. The Board shall control all examinations and may, whenever an examination is to take place, obtain the assistance of a suitable person or persons to aid in preparing for and conducting such examination; providing, however, that no member of either department who shall have been in the employ of the city for one year preceding

the going into effect of this Article of the Charter, shall be removed by the Commissioners because of failure to pass such examination, but such person may be demoted, if, in the opinion of the Board, such action be for the good of the public service.

Notice of the time, place and general scope of the examinations shall be given by the Board by publication for two weeks preceding such examination in a newspaper of general circulation, published in the City of Riverside, and such notice shall also be posted by the Board in a conspicuous place in the City Hall and in the public office of the Police and Fire Departments.

Section 181. The Chief of each department shall have the power to suspend for cause any member of his department and he shall immediately report the cause in writing to the Board and serve a copy thereof upon the person so suspended, personally, or by leaving a copy thereof at his last known place of residence if he cannot be found. Within fifteen days after such statement shall have been so served, the said Board, upon its own motion, may, or upon written application of the person so suspended, filed with said Board within five days after service upon him of such statement, shall proceed to investigate the grounds for such suspension. If after such investigation said Board finds, in writing, that the grounds stated for such suspension were insufficient or were not sustained, and also finds, in writing, that the person so suspended is a fit and suitable person to fill the position from which he was suspended, said Board shall order said person so suspended to be reinstated or restored to duty. If the said Board finds the grounds stated for such suspension were sufficient and are substantiated it may remove the offending person from the department of which he is a member, or otherwise discipline him.

If said Board shall order that any person suspended by the Chief of either the Police or the Fire Department be reinstated or restored as above provided, the person so suspended may in the discretion of the Board be entitled to receive compensation from the city the same as if he had not been suspended by the Chief of said department.

The decision of the said Board upon all matters of suspension, discipline and dismissal shall be final.

Section 182. The Council shall by proper ordinance provide suitable penalties for fraudulent, dishonest or dishonorable conduct in and about examinations conducted by said Board. The City Clerk shall be ex-officio Clerk of said Board and shall administer necessary oaths to applicants for examination.

Section 183. The Chief of Police shall enforce the execution of

all the laws and ordinances within the jurisdiction of the City; and shall suppress any riot, public tumult, disturbance of the peace or resistance against the law or public authorities in the lawful exercise of their functions. He shall have the powers that are now or may be hereafter conferred upon Sheriffs by the laws of the State, and shall in all respects be entitled to the same protection, and his lawful orders shall be promptly executed by deputies, police officers and watchmen in the City of Riverside, and every citizen shall also lend aid when required for the arrest of offenders in maintenance of public order. He shall and is hereby authorized to execute and return all processes issued and directed to him by the Police Court or Judge or other legal authority of said city, and it shall be his duty to prosecute before the Police Judge all breaches or violations of or non-compliance with any city ordinance or law within the jurisdiction of the Police Judge which has come to his knowledge. Unless otherwise provided by ordinance, he shall receive from the Auditor all licenses and collect the same and at the expiration of any month shall pay to the Treasurer all funds of the city collected by him during said month. He shall, upon payment of the money, file with the Treasurer a statement of the money so collected and an affidavit stating that the money so paid is all the funds that he has collected or received during the preceding month. He shall have charge of the city prison and prisoners. He shall devote his entire time to the discharge of the duties of his office, and subject to such rules and regulations as may be prescribed by the Board of Police and Fire Commissioners, shall have control of the police force. In addition to the duties in this Charter specified, he shall discharge all duties required of him by the rules of the Board of Police and Fire Commissioners, the ordinances of the City of Riverside, or by law.

Section 184. The Chief of the Fire Department shall be charged with the especial duty of superintending the extinguishing of fires that endanger the municipality or destroy property, and he shall take measures to guard and protect all property imperiled thereby. In addition to the duties in this Charter specified, he shall discharge all duties required of him by the rules of the Board of Police and Fire Commissioners, the ordinances of the City of Riverside, or by law. He shall devote his entire time to the discharge of the duties of his office and, subject to such rules and regulations as may be prescribed by the Board of Police and Fire Commissioners, shall have control of the Fire Department.

No. 3—RELATING TO PRIMARY ELECTIONS

That Section 191 of the Charter of the City of Riverside be amended to read as follows:

Section 191. All candidates for city offices shall be nominated at a primary election to be held on the third Tuesday in September next preceding each general municipal election. If at any primary election a candidate for any office to which there is but one person to be elected shall receive a majority of all votes cast for that office, he shall be declared elected to that office and no other election therefor shall be held; provided further that if no candidate for such office receives a majority, then the two candidates receiving the highest number of votes for said office at said primary election shall be the candidates, and the only candidates, whose names shall be printed on the ballot to be used at the next general election; provided where one or more offices of the same kind are to be filled any candidate therefor who shall receive votes on a majority of all the ballots cast for candidates for the office for which such candidate seeks nomination, shall be elected to such office. If a greater number of candidates receive a majority than the number to be elected, only those candidates shall be elected who secure the highest votes of those receiving such majority and equal in number to the number to be elected; provided that if a less number of candidates than the number of such offices to be filled are elected at the primary election, then the remaining candidates therefor receiving the highest number of votes and equalling in number twice the number of the remaining offices to be filled, shall be the candidates, and the only candidates for such remaining offices whose names shall be printed upon the ballot to be used at the next general municipal election.

Except as herein otherwise provided, said election shall be conducted in all respects as provided in this Charter for general municipal elections.

The Mayor and Council may by ordinance provide for filing fees to be paid by candidates for election, and that any primary election be consolidated with the State election held in the same year, and in such case the said primary election shall be held at the same time and place and together with the said State election, within the limits of the City, in accordance with the provision of any general law of the State providing for such consolidation.

No. 4—RELATING TO CITY AUDITOR'S DUTIES IN PUBLIC UTILITY DEPARTMENT

That Section 137 of the Charter of the City of Riverside be amended to read as follows:

Section 137. The Board may appoint, transfer, remove, discharge, suspend, or require bonds of superintendents, engineers, lab-

orers, accountants, clerks and all other persons employed in or by said Department or in connection therewith in whatever capacity, and may prescribe their duties, compensation and authority; provided, however, that all salaries and scale of wages must be first approved by the Council by resolution.

That Section 145 of the Charter of the City of Riverside be amended to read as follows:

Section 145. The Board shall keep all accounts of property, money, receipts and expenditures and shall take an annual inventory of all property belonging to each utility. The City Auditor shall exercise superintendence over the same as provided in Section 95 of this Charter. The Board shall pay to the general fund of the City of Riverside out of each utility fund the cost of such superintendence as fixed by resolution of the Council.

No. 5—RELATING TO CLERICAL CHANGES IN CHARTER

That Section 208 of the Charter of the City of Riverside be amended to read as follows:

Section 208. If there shall be no ordinance in force availing the City of Riverside of the privilege of having its taxes assessed and collected by the officers of the county, the City Clerk shall be ex-officio City Assessor, and the City Treasurer shall be ex-officio City Tax Collector; and they shall perform respectively the duties and have all the powers prescribed by law or ordinance for Assessors and Tax Collectors. While the city avails itself of the privilege of having its taxes assessed or collected by the county officers, the officers of City Assessor and City Tax Collector shall not exist. The taxes so levied and collected shall be paid by the proper county officers to the City Treasurer and be apportioned by the City Auditor to the several specific funds.

That Section 222 of the Charter of the City of Riverside be amended to read as follows:

Section 222. All said claims or demands, except those provided for in Section 214 of this Charter, shall be presented to the Mayor and Council for allowance. All claims or demands mentioned in Section 214 of this Charter must be presented to the Trustees of the Riverside Public Library or the Board of Public Utilities respectively for allowance and must be approved by the Auditor.

That Paragraph 13 of Section 16 of the Charter of the City of Riverside be amended to read as follows:

13. To create offices other than those established by this Charter or by the general law whenever the public convenience or necessity may require the same; to prescribe the duties pertaining to the offices thus created; and to provide for the election or appointment, and to provide whether they shall be filled by election or appointment, as provided in this Charter, and to fix the compensation, of the officers to fill the same;

That Section 224 of the Charter of the City of Riverside is amended to read as follows:

Section 224. The City of Riverside shall not be bound by any contract for the purchase of materials or supplies unless the Council or other board authorized by this Charter to make contracts shall have first caused notice to be published in a newspaper printed and published in the City of Riverside, inviting proposals, and thereafter shall have let said contract to the lowest responsible bidder furnishing adequate security for its performance, satisfactory to the Council, or other board, provided, that the Council, or other board, may reject any and all bids; and provided, that any such contract shall be made in writing, and approved and signed as provided in Section 10 hereof; and provided further, that the approval, as to form of such contract, by the City Attorney, as required by Section 112 of this Charter, shall be endorsed on the draft thereof before the Council shall have power to approve the same; but the Council, or any officer, board, committee or agent of the city, so authorized by resolution of the Council, may bind the city for the payment of the purchase price of materials or supplies not exceeding \$1000.00 in value without a contract in writing and without any previous publication of notice inviting proposals; provided, that contracts made by the Board of Public Utilities shall not be subject to the provisions of this Section.

That Section 219 of the Charter of the City of Riverside be amended to read as follows:

Section 219. The Auditor shall designate the fund out of which any demand shall be paid. His disapproval of any demand shall be final, subject to the review of the courts. No demand can be paid by the Treasurer unless audited and approved as herein provided. If there are no funds to pay any demand on presentation, the Treasurer shall register such demand and thereafter, if there be funds legally applicable to pay such demand, it shall be paid in the order of registration with interest thereon at a rate to be fixed by the Mayor and Council.

That Section 140 of the Charter of the City of Riverside be amended to read as follows:

Section 140. Said board shall have power to contract or to extend contracts for power, electric current, gas, fuel, or similar commodity; if said contracts or extensions are for a period exceeding one year and not longer than five years they shall require the approval of the Council; if longer than five years they must, in addition, be ratified by a majority of the qualified voters voting on such proposition at any election, before they shall be binding on the city. The board may, however, subject to the approval of the Council, make such contracts, or make leases of machinery or apparatus for a longer term than five years if such contracts or leases provide for the acquisition by the city of the machinery or apparatus so leased, or provide for the acquisition of the machinery or apparatus producing the electric current, power, gas, or other product so contracted for by the city.

That Section 221 of the Charter of the City of Riverside be amended to read as follows:

Section 221. No suit shall be brought on any claim for money or damages against the City of Riverside or any officer or Board of the city, until a demand for the same has been presented, as herein provided and rejected in whole or in part.

If rejected in part, suit may be brought to recover the whole. Except in those cases where a shorter period of time is otherwise provided by law, all claims for damages against the city or an officer or Board of the city, must be presented within three months after the occurrence from which the claimed damages arose, and all other claims or demands shall be presented within three months after the last item of the account or claim accrued. Nor shall suit be brought against said city, or any Board or Officer thereof, upon any claim or demand that has been in whole approved and audited as provided herein; provided, that nothing herein contained shall be construed so as to deprive the holder of any demand of his right to resort to writ of mandamus or other proceeding against the Council, or any Board or Officer of said city, to compel it or him to act upon such claim or demand, or to pay the same when so audited.