

PART I

THE CHARTER*

Art. I. Incorporation And Succession

- Sec. 100. Name of city
- Sec. 101. Boundaries
 - Sec. 101.1. Wards—Formula for establishing
 - Sec. 101.2. Same—Boundary changes
 - Sec. 101.3. Same—Increase in number
 - Sec. 101.4. Same—Notice and public hearing
- Sec. 102. Fiscal year
- Sec. 103. Rights of officers and employees preserved
- Sec. 104. Continuance of present officers and employees
- Sec. 105. Transfer of records and property
- Sec. 106. Rights and liabilities
- Sec. 107. Ordinances continued in effect
- Sec. 108. Continuance of contracts and public improvements
- Sec. 109. Pending actions and proceedings
- Sec. 110. Effective date of charter

Art. II. Powers Of The City

- Sec. 200. Enumerated in general terms

Art. III. Form Of Government

- Sec. 300. Council-manager form

Art. IV. City Council

Div. 1. Generally

- Sec. 400. Number, selection and terms of members
- Sec. 401. Qualifications of members
 - Sec. 401.1. Order of filling offices
- Sec. 402. Compensation of members
- Sec. 403. Vacancies
- Sec. 404. Presiding officer; mayor
- Sec. 405. Acting mayor, vice mayor
- Sec. 406. Council judge of elections and qualifications of members
- Sec. 407. Powers and duties as prescribed by law
- Sec. 408. Interference in administrative matters
- Sec. 409. Meetings
- Sec. 410. Quorum
- Sec. 411. Rules and procedures
- Sec. 412. Citizen participation

Div. 2. Ordinances and Resolutions

- Sec. 413. Adoption
- Sec. 414. Enactment
- Sec. 415. Emergency measures
- Sec. 416. Publication
- Sec. 417. When effective
- Sec. 418. Amendments
- Sec. 419. Codification
- Sec. 420. Violation and penalty

*Editor's note—The charter was adopted by the electors on November 4, 1952; and subsequently amended by them on November 2, 1954; April 9, 1957; November 4, 1958; April 2, 1963; and June 7, 1966. The revised edition of 1967 is reprinted herein. Captions of articles, divisions and sections have been inserted, broadened or condensed by the editor to more thoroughly inform the user of the contents following such captions. Material appearing in brackets has been added by the editor to clarify certain provisions. For details of particular amendments please consult the original enactments.

SANTA ANA CODE

Div. 3. Miscellaneous

- Sec. 421. Contracts, purchases, public works—Formalities
- Sec. 422. Same—Competitive bidding
- Sec. 423. Independent audit
- Sec. 424. Publication of legal notices

Art. V. City Manager

- Sec. 500. Appointment, removal and qualifications
- Sec. 501. Powers and duties
- Sec. 502. Seat at council table
- Sec. 503. Absence, disability

Art. VI. Revenue And Taxation

- Sec. 600. Ad valorem assessment and collection system
- Sec. 601. Property tax limits
- Sec. 602. Bonded debt limits
- Sec. 603. Fiscal year
- Sec. 604. Budget—Preparation by the city manager
- Sec. 605. Same—Submission to the city council
- Sec. 606. Same—Public hearing
- Sec. 607. Same—Further consideration and adoption
- Sec. 608. Same—Amount to be raised by property tax and certification to the county
- Sec. 609. Budget appropriations
- Sec. 610. Funds—General fund; stabilization fund
- Sec. 611. Same—Capital improvement funds
- Sec. 612. Same—Working capital revolving funds
- Sec. 613. Claims—Formalities; treasury warrants
- Sec. 614. Same—For money or damages
- Sec. 615. Allotments

Art. VII. Officers And Employees

- Sec. 700. City administrative organization
- Sec. 701. Officers appointed by the city council
- Sec. 702. Clerk of the council; powers and duties
- Sec. 703. City attorney; qualifications, powers and duties
- Sec. 704. Director of finance; qualifications, powers and duties
- Sec. 705. Director of public works; qualifications, powers and duties
- Sec. 706. Director of recreation and parks; qualifications, powers and duties
- Sec. 707. Appointment powers of department heads

Art. VIII. Board Of Education

- Sec. 800. Number, selection and term of members
- Sec. 801. First board under charter; deciding tie in membership election
- Sec. 802. Qualifications of members
- Sec. 803. Compensation of members
- Sec. 804. Vacancies

Art. IX. Appointive Boards And Commissions

- Sec. 900. Established; enumerated
- Sec. 901. Appointments, removals, vacancies, terms
- Sec. 902. Appropriations therefor
- Sec. 903. Existing boards and commissions
- Sec. 904. Meetings; chairman
- Sec. 905. Compensation
- Sec. 906. Attendance of witnesses; oaths and affirmations
- Sec. 907. Board of recreation and parks—Membership
- Sec. 908. Same—Powers and duties

CHARTER

- Sec. 909. Planning commission—Membership
- Sec. 910. Same—Powers and duties
- Sec. 911. Personnel board—Membership
- Sec. 912. Same—Powers and duties

Art. X. Civil Service

- Sec. 1000. Merit basis of appointment
- Sec. 1001. Rules and regulations
- Sec. 1002. Competitive and excepted service
- Sec. 1003. Appointments from competitive service to excepted service
- Sec. 1004. Position classification and pay plan
- Sec. 1005. Recruitment and examinations
- Sec. 1006. Promotions
- Sec. 1007. Eligible lists; certification and appointment
- Sec. 1008. Suspensions; demotions; dismissals
- Sec. 1009. Abolition of positions; lay-offs
- Sec. 1010. Prohibitions
- Sec. 1011. Contract for performance of administrative functions

Art. XI. Miscellaneous Provisions Relating To Officers And Employees

- Sec. 1100. Investigations by the city council or city manager
- Sec. 1101. Publicity of records
- Sec. 1102. Illegal contracts, financial interest
- Sec. 1103. Official bonds
- Sec. 1104. Administering oaths
- Sec. 1105. Oath of office
- Sec. 1106. Officers of the city

Art. XII. Elections

- Sec. 1200. Conducting
- Sec. 1201. General municipal
- Sec. 1202. Special municipal
- Sec. 1203. Procedures for holding
- Sec. 1204. First election under charter
- Sec. 1205. Initiative, referendum and recall

Art. XIII. Franchises

- Sec. 1300. Granting authority
- Sec. 1301. Terms of franchises
- Sec. 1302. Grants to be in lieu of all other franchises
- Sec. 1303. Resolution of intention, notice and public hearing
- Sec. 1304. Duties of grantees
- Sec. 1305. Exercise of privilege without franchise
- Sec. 1306. Effect on eminent domain
- Sec. 1307. City-owned utilities

Art. XIV. Retirement

- Sec. 1400. Employees' retirement system

Art. XV. Legal Provisions

- Sec. 1500. Amendments to charter
- Sec. 1501. Violations
- Sec. 1502. Definitions
- Sec. 1503. Separability

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

ARTICLE I

Incorporation and Succession

Sec. 100. Name of city.

The City of Santa Ana shall continue to be a municipal body politic and corporate and shall be possessed of all the property and interest of which it was possessed at the time this charter takes effect.

Sec. 101. Boundaries.

The boundaries of the city shall be the boundaries as established at the time this charter takes effect, with the power and authority to change the same being as provided by law.

Sec. 101.1. Wards—Formula for establishing.

The city council shall divide the city into five (5) wards, seven (7) wards or nine (9) wards as required by the provisions of Section 101.3 herein, by ordinance according to the following formula:

Each of the wards is to be as nearly equal in number of registered voters as possible. The wards shall be composed of contiguous and compact territory and bounded by natural boundaries or street lines wherever possible; provided however, that in laying out such wards no precinct at the time fixed by the board of supervisors of Orange County shall be divided, and further provided that in event said board of supervisors shall, at least sixty (60) days before a general municipal election, reprecinct the city with the result that any precinct is divided by a ward line, the city council shall, not less than thirty (30) days prior to said general municipal election, modify said ward lines to an extent sufficient to prevent the division of any precinct by a ward line. Any territory hereafter annexed to or consolidated with the city shall become a part of the ward to which it is contiguous, provided however, that if any territory annexed at one time shall contain registered electors in excess of twenty-five hundred (2,500) as deter-

mined by the registration books of the County of Orange at the time of such annexation, the city council shall, within ninety (90) days after said annexation, redistrict the city in the manner prescribed in this section and pursuant to notice and hearing as required by section 101.4.

Sec. 101.2. Same—Boundary changes.

The boundary lines of wards shall be changed every two (2) years by ordinance enacted by the affirmative vote of at least two-thirds ($\frac{2}{3}$) of the members of the city council, not less than ninety (90) days prior to the general municipal election to be held the first Tuesday of April in each odd numbered year. The boundary lines shall be adjusted so that at each adjustment no ward shall vary from any other ward by more than ten (10) per cent of the registered electors of any of said wards. If during the preceding two (2) years there shall not have been a change of registered elector population in any ward to cause it to vary by ten (10) per cent or more from any other ward, then no change of ward lines shall be made. Notice and public hearing shall be provided as required by section 101.4.

Sec. 101.3. Same—Increase in number.

Whenever a decennial federal census, special federal census or population estimate made by an agency of the State of California authorized by state law to make such estimate shall be certified by the clerk of the council as showing the following population totals for the City of Santa Ana, then not less than ninety (90) days prior to the succeeding general municipal election the city council shall redraw the ward boundaries and cause notice to be published in the official newspaper that the ward lines will be redrawn to increase the number of wards as follows:

Population of 120,000—to 7 wards

Population of 240,000—to 9 wards

Notice and public hearing shall be provided as required by section 101.4.

Sec. 101.4. Same—Notice and public hearing.

Before making any change, modification or realignment of ward boundaries or numbers of wards, the city council shall pass a resolution declaring its intention to make such changes. Such resolution shall set forth a convenient day, hour and place when and where any persons having any interest therein, or any objection to the making thereof, may appear before the city council and be heard thereon. The city council shall direct the clerk of the council to give notice by publishing said resolution once a week for two (2) weeks in the official newspaper prior to the date set for hearing. Said hearing in the event of increasing the number of wards shall be held not less than sixty (60) days prior to the succeeding general municipal election. In any event, not less than thirty (30) days prior to the general municipal election, publication shall be made by map diagram in the official newspaper showing the new boundary lines of each and every ward.

Sec. 102. Fiscal year.

The first fiscal year shall begin on the first day the provisions of this charter become effective and shall end on the last day of the following June, and the succeeding fiscal years shall end respectively on the last day of June in each succeeding year.

Cross reference—See also § 603.

Sec. 103. Rights of officers and employees preserved.

Nothing in this charter contained, except as specifically provided, shall affect or impair the rights or privileges of officers or employees of the city in relation to personnel, appointment, ranks, grades, tenure of office, promotion, removal, pension and retirement rights, civil rights, or any other rights or privileges of officers or employees of the city or any office, department, or agency thereof.

Sec. 104. Continuance of present officers and employees.

All officers and employees of the city at the time this charter takes effect shall continue in the performance of

their duties until provision shall have been made in accordance with this charter for the performance or discontinuance of such duties.

Sec. 105. Transfer of records and property.

All records, property, and equipment of any office, department, or agency, or part thereof, all of the powers and duties of which are assigned to any other office, department, or agency by this charter, shall be transferred and delivered to the office, department, or agency to which such powers and duties are so assigned. If part of the powers and duties of any office, department, or agency, or part thereof is by this charter assigned to another office, department, or agency, all records, property, and equipment relating exclusively thereto shall be transferred and delivered to the office, department, or agency to which such powers and duties are so assigned.

Sec. 106. Rights and liabilities.

The City of Santa Ana, as successor in interest of the municipal corporation of the same name, shall own, possess, control, and in every way succeed to and become the owner of all rights and of all property of every kind and nature owned, possessed, or controlled at the time this charter takes effect, and shall be subject to all the debts, obligations, and liabilities then existing of this municipal corporation.

Sec. 107. Ordinances continued in effect.

All ordinances and resolutions and all rules, regulations, and orders legally made by any office, department, agency, or officer of the city, in force at the effective date of this charter, and not inconsistent herewith, shall remain in force until amended, repealed, or superseded as provided herein.

Sec. 108. Continuance of contracts and public improvements.

All contracts entered into by the city, or for its benefit, prior to the taking of effect of this charter, shall continue in full force and effect. Public improvements for which legis-

lative steps have been taken under laws existing at the time this charter takes effect may be carried to completion as nearly as practicable in accordance with the provisions of existing laws or may be continued or perfected under this charter.

Sec. 109. Pending actions and proceedings.

No action or proceeding, civil or criminal, pending at the time when this charter shall take effect, brought by or against the city or any office, department, agency, or officer thereof, shall be affected or abated by the adoption of this charter or by anything it contains; but all such actions or proceedings may be continued notwithstanding that functions, powers, and duties of any office, department, agency, or officer party thereto may by or under this charter be assigned or transferred to another office, department, agency, or office, but in that event the same may be prosecuted or defended by the head of the office, department, or agency to which such functions, powers, and duties have been assigned or transferred by or under this charter.

Sec. 110. Effective date of charter.

For the purpose of nominating and electing members of the city council and the board of education, the provisions of this charter shall become effective from the date of its approval by the Legislature of the State of California. For all other purposes this charter shall be in effect on the first Tuesday next following the first election of members of the city council thereunder, at eight (8:00) o'clock p.m.

ARTICLE II

Powers of the City

Sec. 200. Enumerated in general terms.

The city shall have the power to make and enforce all laws and regulations in respect to municipal affairs, subject only to such restrictions and limitations as may be provided in this

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

The city shall have the power to act pursuant to procedure established by any law of the state, unless a different procedure is established by ordinance.

ARTICLE III

Form of Government

Sec. 300. Council-manager form.

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

ARTICLE IV

City Council

DIVISION 1. GENERALLY

Sec. 400. Number, selection and terms of members.

The city council shall until the provisions of section 101.3 become operative, consist of five (5) members elected at the times and in the manner provided in this charter, each of whom shall serve a term of four (4) years, except the terms of office of the first councilmen elected from ward six and ward eight shall be for two (2) years. Thereafter the terms of office of all councilmen shall be for four (4) years. The term of each member shall begin the first Tuesday following such election and each shall serve except as otherwise provided for in this charter, until his successor is elected and

qualified. Each office of councilman shall be a separate office and one of such offices shall be assigned to each of the wards of the city. Candidates for each office of councilman shall be nominated from such ward by the electors of such ward and shall be residents of such ward, but all councilmen shall be elected by the vote of the electors of the city at large. (The five (5) councilmen in office at the time this charter amendment takes affect [approved 4-2-63] shall continue in office until the expiration of the respective terms for which they were elected and until their respective successors are elected and qualified as provided in this charter).

Sec. 401. Qualification of members.

To be eligible to hold the office of councilman, a person must be a qualified elector of the city, and must be and have been for at least two (2) years immediately preceding the date of his election or appointment, a resident and registered elector of the city. He must also be a resident of the ward from which he is elected at the time he is elected and for a period of one (1) year prior to that time. In the event any councilman shall cease to be a resident of the ward from which he (or, in the case of an appointee, his predecessor) was elected his office shall immediately become vacant and shall be filled in the same manner as herein provided for other vacancies; provided, that where a councilman ceases to be a resident of the ward from which he (or, in case of an appointee, his predecessor) was elected solely because of a change in boundaries of any ward as in this charter provided, he shall not lose his office by reason of such change. If a member of the city council shall be convicted of a crime involving moral turpitude, his office shall immediately become vacant and be so declared by the city council.

No person shall be eligible for nomination for or election to the office of councilman who has served two (2) consecutive terms of four (4) years each. Short or partial terms shall not be considered.

Sec. 401.1. Order of filling offices.

The office for councilmen from ward one, ward three, and ward five shall be filled at the general municipal election

held on the first Tuesday of April, 1957, and the office for councilmen from ward two and ward four shall be filled at the general municipal election held on the first Tuesday of April, 1959. Thereafter the office of councilmen from wards one, three and five and from wards two and four shall be filled at the alternate general municipal elections. The offices of councilmen from wards six and eight shall be filled at the same election as the offices for wards two and four, and the offices for wards seven and nine shall be filled at the same election as for wards one, three and five; except that the first elections for the offices of councilmen from wards six, seven, eight and nine shall be in each instance at the next general municipal election subsequent to the formation of the ward.

The candidate elected from each ward shall be the candidate receiving the highest number of votes cast for any candidate from said ward.

Sec. 402. Compensation of members.

Each member of the city council shall receive as compensation for his services as such a monthly salary in the sum of one hundred and twenty-five dollars (\$125.00). The member elected by the city council to fill the office of mayor shall receive the additional amount of seventy-five dollars (\$75.00) for each month said member shall fill the office of mayor. Further, each member of the city council shall receive reimbursement for required travel and other expenses while on official business of the city as authorized and approved by the city council.

Absence of a member of the city council from all regular and special meetings of the city council during any calendar month shall render him ineligible to receive the monthly salary for such a calendar month unless by permission of the city council expressed in its official minutes.

Sec. 403. Vacancies.

In the event of a vacancy in the city council, for whatever cause, the city council shall declare the office vacant and fill the same by appointment. In each case the person so appoint-

ed shall hold office until the first Tuesday following the next general municipal election and until his successor is elected and qualified for the remainder of an unexpired term. Such appointee must, at the time of his appointment and continuously for one (1) year prior thereto, have been, and be a resident of the ward from which his predecessor was elected. If the city council shall fail to fill a vacancy by appointment within thirty (30) days after such an office shall have become vacant, it shall forthwith cause an election to be held to fill such vacancy.

If a member of the city council absents himself from all regular meetings of the city council for a period of sixty (60) days consecutively from and after the last regular city council meeting attended by such member, unless by permission of the city council expressed in its official minutes, his office shall become vacant and shall be so declared by the city council.

Sec. 404. Presiding officer, mayor.

In the first meeting of the city council following any general or special election at which members of the city council are elected, the city council shall elect one of its members as presiding officer who shall have the title of mayor. The mayor shall have voice and vote in all of the city council's proceedings and shall be recognized as head of the city government for all ceremonial purposes. The mayor shall have no administrative duties but shall perform such other duties as may be prescribed by this charter, or imposed by the city council, consistent with his office. The mayor shall serve in his capacity as mayor at the pleasure of the city council.

Sec. 405. Acting mayor, vice mayor.

In the first meeting of the city council following any general or special election at which members of the city council are elected, the city council shall elect a vice mayor who shall act as mayor during the absence from the city or disability of the mayor.

Sec. 406. Council judge of elections and qualifications of members.

The city council shall be the judge of the election and qualifications of its members as defined in section 401 of this article and shall meet on the first Tuesday after any municipal election at which members of the city council are elected, declare the results thereof, and install elected members, if any.

Sec. 407. Powers and duties as prescribed by law.

All powers of the city and the determination of all matters of policy shall be vested in the city council, subject to the provisions of this charter and to the Constitution of the State of California.

Sec. 408. Interference in administrative matters.

Except for the purpose of inquiry, the city council and its members shall deal with the administrative branch of the city government solely through the city manager or his designated deputy, and neither the city council nor any member thereof shall give orders to any subordinates of the city manager, either publicly or privately. Neither the city council nor any of its members shall direct or request the appointment of any person to, or his removal from, an office by the city manager or by any of his subordinates, or in any manner take part in the appointment or removal of officers and employees in the administrative branch of the city government, except as specifically provided in this charter.

Sec. 409. Meetings.

The city council shall meet regularly and in special session at such times and in the manner as shall be prescribed by ordinance and subject to the provisions of this charter. The city council shall hold regular meetings at least two (2) times each month and may adjourn or readjourn any regular meeting to a certain date which shall be specified in the order of adjournment and, when so adjourned, each adjourned meet-

ing shall be a regular meeting for all purposes. If at any time any regular meeting falls on a holiday, such regular meeting shall be held on the next business day.

Special meetings may be called at any time by the mayor, or by a majority of the members of the city council, by written notice delivered personally to each member of the city council at least twenty-four (24) hours before the time specified for the proposed meeting. If all members of the city council shall give their consent, in writing, to the holding of a special meeting and such consent is on file with the clerk of the council at the time of the holding of such a special meeting, a special meeting shall also be validly called. A telegraphic communication from a member consenting to the holding of such a meeting shall be considered a consent in writing. Only such matters may be acted upon at any special meeting as are referred to in such written notice or consent.

All regular and special meetings of the city council shall be held in the council chambers of the city hall and shall be open to the public. The city council may adjourn to another location within the city hall as publicly announced. 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 designated by the mayor or, if he should fail to act, by a majority of the members of the city council.

Any meeting of the city council may be held at a designated location outside the city hall if ordered by the mayor or a majority of the members of the city council. Notice of such change of location shall be given in the same manner and for the same time as is required for notice of a special meeting and shall contain a statement of the reason for the change of location.

Sec. 410. Quorum.

A majority of the members of the city council shall constitute a quorum to do business but a less number may adjourn from time to time. In the absence of all of the mem-

bers of the city council from any regular meeting, the clerk of the council may declare the same adjourned to a stated day and hour. Notice of such adjourned meeting shall be given or may be waived in the same manner as specified in this charter for giving or waiving of notice of special meetings of the city council.

Sec. 411. Rules and procedures.

The city council shall establish rules for the conduct of its proceedings and to preserve order at its meetings. It shall, through the clerk of the council, maintain a record of its proceedings which shall be open to public inspection.

The city council may organize special committees of its members for the principal functions of the government of the city. It shall be the duty of each such committee to be informed of the business of the city government included within the assigned functions of the committee, and, as ordered by the city council, to report to the city council information or recommendations which shall enable the city council properly to legislate.

Each member of the city council shall have the power to administer oaths and affirmations in any investigation or proceeding pending before the city council. The city council shall have the power and the authority on any investigation or proceeding pending before it to impel the attendance of witnesses, to examine them under oath, and to compel the production of evidence before it. Subpoenas may be issued in the name of the city and may be attested by the clerk of the council. Disobedience of such subpoenas, or the refusal to testify (upon other than constitutional grounds) shall constitute a misdemeanor, and shall be punishable in the same manner as violations of this charter are punishable.

Sec. 412. Citizen participation.

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

DIVISION 2. ORDINANCES AND RESOLUTIONS

Sec. 413. Adoption.

Every ordinance shall be introduced in writing in the form in which it is to be finally passed. The correction of typographical or clerical errors after introduction shall not be included in the meaning of the foregoing sentence. No ordinance shall be passed finally on the day it is introduced, except for emergency ordinances as hereinafter defined, nor within six (6) days thereafter, nor at any time other than at regular or adjourned meetings. 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 six (6) days after the date upon which such ordinance was so altered. 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 members of the city council present. The rights and powers conferred on the city council shall be exercised by ordinance when so provided by this charter or by law. Each act of the city council establishing a fine or other penalty or granting a franchise shall be by ordinance.

Adoption of any ordinance or resolution shall require the affirmative votes of at least a majority of the members of the council unless a higher vote is required by other provisions of this charter. No order for the payment of money shall be adopted or made at any other than a regular or adjourned regular meeting.

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

Sec. 414. Enactment.

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

Sec. 415. Emergency measures.

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 the affirmative votes of at least two-thirds ($\frac{2}{3}$) of the members of the council.

Sec. 416. Publication.

The clerk of the council shall cause each ordinance to be published at least once in the official newspaper within fifteen (15) days after final adoption.

Sec. 417. When effective.

No ordinance finally adopted under the provisions of this charter shall become effective until thirty (30) days from and after the date of its final adoption except:

- (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 charter.

All ordinances of any of the classes heretofore excepted by this section shall take effect upon the date of publication or posting.

Sec. 418. Amendments.

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

Sec. 419. Codification.

Any or all ordinances of the city which have been enacted and published in the manner required at the time of their adoption and which have not been repealed, may be compiled, consolidated, revised, indexed, and arranged in a comprehensive ordinance code, and such code may be adopted by reference by the passage of an ordinance for such purpose. Such code need not be published in the manner required for other ordinances, but not less than three (3) copies thereof shall be filed for use and examination in the office of the clerk of the council prior to the adoption thereof; and, in lieu of the publication of the ordinance, there shall be published a notice in the official newspaper describing the ordinance in brief and in general terms and stating that the code is available for public inspection at the office of the clerk of the council, together with the time and place when and where it will be considered for final passage. Ordinances codified shall be repealed as of the effective date of the code. Subsequent amendments to sections of the code shall be enacted in the same manner as herein required for the amendment of ordinances generally.

Detailed regulations pertaining to any subject such as the construction of buildings, plumbing, wiring, or other subjects which require extensive regulations, after having been arranged as a comprehensive code, may likewise be adopted by reference in the manner provided in this section.

State law reference—For similar provisions, see §§ 50022.1—50022.8, Gov. Code.

Sec. 420. Violation and penalty.

The city council may make the violation of its ordinances a misdemeanor which may be prosecuted in the name of the People of the State of California or may be redressed by civil action and may prescribe punishment for such violation by fine not to exceed five hundred dollars (\$500.00), or by imprisonment not to exceed six (6) months, or by both such fine and imprisonment.

DIVISION 3. MISCELLANEOUS**Sec. 421. Contracts, purchases, public works—Formalities.**

The city shall not be bound by any contract, except as hereinafter provided, unless the same shall be made in writing by order of the city council and signed by some officer in behalf of the city who has been authorized to do so by the city council. The approval of the form of all contracts shall be endorsed thereon by the city attorney.

The city council may authorize, by the affirmative votes of a majority of its members, any officer of the city to bind the city on contracts in writing without advertising and without previous approval by the city council of each specific item for the payment of charges for supplies, labor, or other valuable consideration furnished the city, in amounts not exceeding two hundred dollars (\$200.00) in any one contract. Further, the city council may authorize, by the affirmative votes of a majority of its members, the city manager to bind the city on contracts in writing without advertising and without previous approval by the city council of each specific item for the payment of charges for supplies, labor, or other valuable consideration to be furnished the city, in amounts not exceeding two thousand dollars (\$2,000.00) in any one contract.

Every contract involving an expenditure of more than two thousand dollars (\$2,000.00) for materials, supplies, or equipment, or for public works construction (as hereinafter defined) shall be made by the city council with the lowest and best bidder after the publication for at least two (2) days in the official newspaper of a notice calling for bids and fixing a period during which such bids will be received, which shall be for not less than ten (10) days after the first publication of said notice. The city council may reject any and all such bids presented and may readvertise in its discretion. After rejecting such bids, or if no bids are received, the city council may determine and declare that, in its opinion based on estimates submitted by the city manager, the work may be performed better or more economically by the city

with its own employees, and after the adoption of a resolution to this effect by the affirmative votes of at least two-thirds ($\frac{2}{3}$) of the members of the council may proceed to have said work done in the manner stated, without further observance of the provision of this section. Such contracts likewise may be let without advertising for bids, if such work shall be deemed by the city council to be of urgent necessity for the preservation of life, health, or property, and shall be authorized by motion passed by the affirmative votes of at least two-thirds ($\frac{2}{3}$) of the members of the city council and containing a declaration of the facts constituting such urgency.

For purposes of this section, public works construction shall be defined as a project for the erection or improvement of public buildings, streets, drains, sewers, parks, or playgrounds. Maintenance and repair of public buildings, streets, drains, sewers, parks, or playgrounds shall not be considered as public works construction.

The city manager shall recommend and the city council shall consider and adopt by ordinance rules and regulations governing the contracting and purchasing of all services, supplies, materials, and equipment required by any office, department, agency, officer, or employee of the city government.

Sec. 422. Same—Competitive bidding.

Subject to the provisions of this charter and rules and regulations prescribed by the city council by ordinance, ample opportunity shall be given for competitive bidding before making purchases of, or contracts for, supplies, materials, or equipment.

Sec. 423. Independent audit.

Prior to the beginning of each fiscal year the city council shall designate a qualified certified public accountant who shall make an independent audit of the accounts and other evidences of financial transactions of the city government during the ensuing fiscal year and shall submit his report to the city council and the city manager at the end of such

fiscal year. Three (3) copies of his report shall be placed in the office of the clerk of the council where the copies of the report shall be made available for inspection by the general public. Such certified public accountant shall have no personal interest, direct or indirect, in the fiscal affairs of the city government or of any of the officers of the city.

Sec. 424. Publication of legal notices.

All ordinances finally adopted under the provisions of this charter shall be published in the English language by at least one (1) insertion in the official newspaper as herein-after defined. In the event there is no official newspaper of general circulation published and circulated in the city, such ordinances and other legal notices pertaining to city affairs may be published by posting for at least ten (10) days in at least three (3) public places in the city within fifteen (15) days after final adoption of the ordinances. No ordinance shall be valid or take effect without publication or posting, but no defect or irregularity in proceedings taken under this section, or failure to designate an official newspaper, shall invalidate any publication or posting where the same is otherwise in conformity with this charter or law or ordinance.

In the event there is more than one newspaper of general circulation published in the city, the city council, annually, prior to the beginning of each fiscal year, shall publish a notice inviting bids and contracts for the publication of all legal notices or other matters required to be published, in a newspaper of general circulation published and circulated in said city during the ensuing fiscal year. In the event there is only one newspaper of general circulation published in the city, then the city council shall have the power to contract for the ensuing fiscal year with such newspaper for the printing and publishing of such legal notices without being required to advertise for bids therefor. The newspaper with which the city council makes a contract for the ensuing fiscal year shall be designated as the official newspaper for the publication of ordinances and other legal notices and matters.

ARTICLE V

City Manager

Sec. 500. Appointment, removal and qualifications.

The city council shall appoint a city manager who by virtue of his position as city manager shall be an officer of the city and who shall have the powers and shall perform the duties in this charter provided. No member of the city council shall receive such appointment during the term for which he shall have been elected, nor within one (1) year after the expiration of his term.

The city council shall appoint the city manager for an indefinite term and may remove him by motion adopted by the affirmative votes of at least two-thirds ($\frac{2}{3}$) of the members of the council. At least thirty (30) days before such removal shall become effective, the city council shall by resolution adopted by the affirmative votes of at least two-thirds ($\frac{2}{3}$) of the members of the council state the reasons for the removal of the city manager. The city manager may reply in writing and any member of the city council may request a public hearing, which, if requested, shall be held not earlier than twenty (20) days nor later than thirty (30) days after the filing of such request. After such public hearing, if one be requested, and after full consideration, the city council may remove the city manager by motion adopted by the affirmative votes of at least two-thirds ($\frac{2}{3}$) of the members of the council. The resolution stating the reasons for the removal of the city manager may provide for the suspension of the city manager from duty, but shall in any case cause to be paid him forthwith any unpaid balance of his salary and his salary for the next calendar month following the date of adoption of the resolution.

The city manager shall be chosen on the basis of his executive and administrative qualifications. He shall be paid a salary commensurate with his responsibilities as chief administrative officer of the city.

Sec. 501. Powers and duties.

The city manager shall be the chief administrative officer and the head of the administrative branch of the city government. He shall be responsible to and under the direction of 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) Subject to the civil service provisions of this charter, appoint and remove all department heads and officers of the city except those officers the power of appointment of whom is vested in the city council and as otherwise provided in this charter, and pass upon and approve all proposed appointments and removals of subordinate employees, by all officers and heads of officers, agencies, and departments;
- (b) Prepare the budget annually and submit it to the city council and be responsible for its administration after adoption;
- (c) Prepare and submit to the city council as of the end of the fiscal year a complete report on the finances and administrative activities of the city for the preceding year;
- (d) Keep the city council advised of the financial condition and future needs of the city and make such recommendations as to these matters as may seem to him desirable;
- (e) Keep himself informed of the activities of the several agencies, offices, and departments of the city and see to the proper administration of their affairs and the efficient conduct of their business;
- (f) Be vigilant and active in causing all provisions of the law to be executed and enforced;
- (g) Perform all such duties as may be prescribed by this charter or required of him by the city council, not inconsistent with this charter;
- (h) Submit a monthly report to the city council covering significant activities of the city agencies, offices, and

departments under his supervision and any significant changes in administrative rules and procedures promulgated by him;

- (i) Submit special reports in writing to the city council in answer to any requests for information filed with him by a member of the city council.

Sec. 502. Seat at council table.

The city manager shall be accorded a seat at the city council table and shall be entitled to participate in the deliberations of the city council, but shall not have a vote. He shall attend all regular and special meetings of the city council unless physically unable to do so or unless his absence has received prior approval by a majority of the council.

Sec. 503. Absence, disability.

To perform his duties during his temporary absence or disability, the city manager may designate by letter filed with the clerk of the council one of the other officers or department heads of the city to serve as acting city manager during such temporary absence or disability. Such designation shall be subject to change thereof by the city council. In the event of failure of the city manager to make such designation, the city council may by resolution appoint an officer or department head of the city to perform the duties of the city manager until he shall be prepared to resume the duties of office.

ARTICLE VI

Revenue and Taxation

Sec. 600. Ad valorem assessment and collection system.

For the purpose of ad valorem municipal taxation, the county system of assessment and tax collection as such system is now in effect or may hereafter be amended, and insofar as such provisions are not in conflict with this charter, shall continue to be used unless otherwise provided by ordinance.

Sec. 601. Property tax limits.

Exclusive of special levies permitted by this charter, the city council shall not levy for municipal purposes a property tax in excess of one and one-fourth dollars (\$1.25) on each one hundred dollars (\$100.00) of the assessed value of taxable property in the city, unless authorized by the affirmative votes of two-thirds ($\frac{2}{3}$) of the electors voting on the proposition at any election at which the question of such increased levy for municipal purposes is submitted to the electors. The number of years in which such increased levy is to be made shall be specified in such proposition.

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

- (a) 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, if no other provision for the payment thereof is made;
- (b) A tax sufficient to meet all obligations of the city to the State Employees' Retirement System, or other system for the retirement of city employees, due and unpaid or to become due during the ensuing fiscal year, if no other provision for the payment thereof is made.

Special levies, in addition to the above but not to exceed a total of thirty cents (30¢) on each one hundred dollars (\$100) of the assessed value of taxable property in the city, may be made annually by the city council, based on budget requirements approved by the city council for the following specific purposes: libraries and recreation and parks. Additional special levies for purposes of library and park and recreation activities over and above the thirty cents (30¢) limitation contained in this paragraph may be authorized by the affirmative votes of two-thirds ($\frac{2}{3}$) of the electors voting on the proposition at any election at which the question of such increased special levy is submitted to the electors. The number of years in which such increased levy is to be made

shall be specified in such proposition. The proceeds of any such special levy shall be used for no other purpose than those specified in the proposition submitted to the electors.

Sec. 602. Bonded debt limits.

The city shall not incur an indebtedness evidenced by general obligation bonds which shall in the aggregate exceed ten (10) 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 ($\frac{2}{3}$) of the electors voting on such proposition at any election at which the question is submitted to the electors and unless in full compliance with the provisions of the Constitution of the State of California and this charter.

Bonds, which are payable solely and exclusively out of the revenues of the revenue-producing utilities owned, controlled, or operated by the city, may be issued when the city council, by ordinance, shall have authorized a proposition therefor, only with the assent of the majority of the voters, voting upon such proposition, at an election at which such proposition shall have been duly submitted to the qualified electors of the city. Such revenue bonds shall be excluded from the debt limit hereinbefore established and shall not constitute an indebtedness of the city.

Such proposition shall specify:

- (a) The property to be acquired and/or the improvements or additions to be made to the equipment for such revenue-producing utility, or utilities, and the estimate of the cost thereof,
- (b) The maximum amount of bonds to be issued for such purposes,
- (c) The regulations and procedures for the sale and issuance of the bonds, and

- (d) The provision to be made from the revenue of the utilities for the payment of interest on, and retirement of, the bonds.

Sec. 603. 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 (30th) day of June the following year.

Cross reference—See also § 102.

Sec. 604. Budget—Preparation by the city manager.

At such time as the city manager may prescribe, but not later than sixty (60) days prior to the beginning of each fiscal year, each head of any office, agency, or department of the city government shall submit, through the director of finance, to the city manager on forms and in the manner prescribed by the city manager a detailed financial plan for the proper conduct of the office, agency, or department under his control. With this financial plan shall be submitted such summaries, schedules, and supporting data as may be prescribed by the city manager. In preparing the proposed city budget, the city manager shall review the financial plans submitted, hold conferences thereon with the office, agency, and department heads, respectively, and revise such plans as he may deem advisable.

Sec. 605. Same—Submission to the city council.

On or before the fifteenth (15th) day of June of each year the city manager shall recommend and submit to the city council a proposed budget for the next ensuing fiscal year and a proposed appropriation ordinance as prepared by him.

Sec. 606. Same—Public hearing.

Upon receipt of the proposed budget from the city manager, the city council shall proceed to the consideration of the proposed budget and, by the affirmative vote of at least a majority of its members, may increase, decrease, or omit any item or insert new items therein. Before adopting the budget

the city council shall fix the time and place for holding a public hearing upon the proposed budget and shall cause to be published a notice thereof not less than ten (10) days prior to said hearing, by at least one insertion in the official newspaper. Copies of the proposed budget shall be available for inspection by the public in the office of the clerk of the council at least ten (10) days prior to said hearing. At the time and place so advertised, or at any time and place to which such public hearing shall from time to time be adjourned, the city council shall hold a public hearing on the proposed budget, at which interested persons desiring to be heard shall be given such opportunity.

Sec. 607. Same—Further consideration and adoption.

After the conclusion of the public hearing, the city council may further consider the proposed budget and make any revisions thereof that it may deem advisable. On or before the thirty-first (31st) day of July the city council shall adopt the budget with revisions, if any, by the affirmative votes of at least a majority of its members. Upon final adoption, the budget shall be in effect for the ensuing fiscal year. Between the first (1st) day of July and any subsequent date on which the budget is adopted the several offices, departments and divisions shall be authorized to expend, each calendar month subject to the controls established in other sections of this charter, amounts of money equal to the expenditures of each such office, department or division during the preceding June.

The budget adopted by the city council shall provide for the support of public recreation programs at least the equivalent of six cents (6¢) on each one hundred dollars (\$100) of the assessed value of taxable property in the city on the legal assessment date for the previous fiscal year.

A copy of the adopted budget, certified to by the clerk of the council, shall be filed with the director of finance and a further copy shall be placed, and shall remain on file, in the office of the clerk of the council where it shall be available for inspection. The budget so certified shall be reproduced

and copies made available for the use of all officers, offices, departments, and other agencies of the city and for the use of civic organizations.

Sec. 608. Same—Amount to be raised by property tax and certification to the county.

The city council shall determine the amount of money required to be raised by ad valorem municipal taxation and shall fix the ad valorem municipal taxation and shall fix the ad valorem municipal tax rate and certify the same to the county authorities if the county system of ad valorem assessment and tax collection is used by the city.

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

Sec. 609. Budget appropriations.

From the effective date of the budget, the several amounts stated therein as proposed expenditures shall be and become appropriated to the several offices, agencies, and departments for the respective objects and purposes therein specified as stated in an appropriation ordinance. 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 two-thirds ($\frac{2}{3}$) of the members so as to authorize the transfer of unused balances appropriated for one purpose to another purpose, or to appropriate available revenue not included in the budget; except that the city council shall not reduce that portion of the budget providing for the support of public recreation programs below the amount specified in section 607 of this article.

Sec. 610. Funds—General fund; stabilization fund.

All money paid into the city treasury shall be credited to and kept in separate funds in accordance with the provisions of this charter, state law, or ordinance. For the purpose of this charter, the "General Fund" is established as a medium of control and accounting for city activities other than activities authorized or contemplated by special funds. All revenues and receipts which are not by this charter, state law, or ordinance pledged for special purposes shall be credited to the general fund.

The city council shall maintain a revolving fund to be known as the "Stabilization Fund", for the purpose of placing the payment of running expenses of the city during the fiscal year on a cash basis. A reserve shall be built up in this fund from any available sources in an amount which the city council deems sufficient with which to meet all lawful demands against the city for the first five (5) months, or other necessary period, of the succeeding fiscal year prior to the receipt of ad valorem tax revenues. Transfers may be made by the city council from such fund to any other fund or funds of such sum or sums as may be required for the purpose of placing such funds, as nearly as possible on a cash basis. All moneys so transferred from the stabilization fund shall be returned thereto before the end of the fiscal year.

Sec. 611. Same—Capital improvement funds.

A fund for capital improvements generally is hereby created to be known as the "Capital Improvement Fund". The city council may create by ordinance a special fund or funds for a special capital improvement purpose. The city council may levy and collect taxes for capital improvements 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 a majority of the electors voting on the proposition at any election at which such question is submitted. The number

of years in which such increased levy is to be made shall be specified in such proposition. The city council may transfer, subject to the provisions of this charter, 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, and if for a special capital improvement, then for such purpose only, unless the use of such fund for some other 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 capital improvement 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 improvements generally, established by this charter.

Sec. 612. Same—Working capital revolving funds.

The city council may provide, by ordinance, for the establishment and maintenance of working capital funds for budgeted activities which are largely of a service nature for offices, departments, or agencies of the city. Such funds shall be operated on a revolving fund basis.

Sec. 613. Claims—Formalities; treasury warrants.

Any claim against the city shall be in writing and may be in the form of a bill, invoice, payroll, or formal demand. The director of finance, with approval of the city manager, may prescribe the form, or forms, on which claims against the city shall be presented to him. Each such claim shall be presented to the director of finance, who shall examine and audit it. If the claim is correct in all respects, has not previously been paid nor certified for payment, is provided for by an appropriation for the purpose or object that gave rise to it, and if sufficient funds for the payment thereof remain unencumbered in such appropriation, and if the claim is otherwise legally due and payable, the director of finance shall

so certify on the original form evidencing the claim and shall draw his warrant on the treasury, and against the proper fund, for the payment thereof.

All claims certified for payment by the director of finance, and warrants drawn by him for the payment thereof, shall be transmitted by him to the city manager together with a list of such warrants payable from each fund, showing for each warrant the number, date, and amount of the warrant and the name of the payee. The city manager may approve or disallow any of the claims so certified for payment. Any person dissatisfied with the refusal of the director of finance and/or the city manager to approve any claim, in whole or in part, may present such claim to the city council. The city council, after examination into the matter, may approve or disapprove the claim in whole or in part, and, if properly payable under an existing appropriation, may order the director of finance to draw his warrant on the treasury in payment thereof. For any such claim for which no provision, by way of appropriation, exists, but which is approved for payment by the city council, appropriation by the city council shall be made therefor before the director of finance is ordered to draw his warrant in payment thereof.

Warrants on the city treasury 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 date of registration at such rate as shall be fixed by the city council by resolution.

Sec. 614. Same—For money or damages.

Except in those cases where a shorter time is otherwise provided by law, all claims for money or damages against the city must be presented to the director of finance within ninety (90) days after the occurrence, event, or transaction from which the damages allegedly arose, and shall set forth in detail the name and address of the claimant, the time, date, place, and circumstances of the occurrence, and the extent of the injuries or damages received. All other claims or demands shall be presented to the director of finance within

ninety (90) days after the last item of the account or claim accrued. In all cases such claims shall be approved or rejected in writing and the date thereof given. Failure to act upon any claim or demand within sixty (60) days from the day the same is filed with the director of finance shall be deemed a rejection thereof.

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

Sec. 615. Allotments.

For the purpose of exercising continuous budgeting and for exercising budgetary control the city council may establish by ordinance, an allotment system which shall entail the designation of how much of the budget appropriations may be spent during fixed periods of the year by the various offices, agencies, and departments of the city.

ARTICLE VII

Officers and Employees

Sec. 700. City administrative organization.

The city council may provide by ordinance not inconsistent with this charter, for the organization, conduct, and operation of the several offices, departments, and other agencies of the city as established by this charter, for the creation of additional departments, divisions, offices, and agencies and for their alteration or abolition, for their assignment and reassignment to departments, and for the number, titles, qualifications, powers, duties, and compensation of all officers and employees.

The city council by ordinance may assign additional functions or duties to offices, departments, or other agencies established by this charter, but shall not discontinue or assign to any other office, department, or other agency any function or duty assigned by this charter to a particular office, depart-

ment, or agency. No office provided in this charter, to be filled by appointment by the city manager, shall be combined with an office provided in this charter to be filled by appointment by the city council.

Notwithstanding the foregoing, the city council may transfer or consolidate functions of the city government to or with appropriate functions of the state or county government and, in case of any such transfer or consolidation, the provisions of this charter providing for the functions of the city government so transferred or consolidated, shall be deemed suspended during the continuance of such transfer or consolidation, to the extent that such suspension is made necessary or convenient and is set forth in the ordinance establishing such transfer or consolidation. Any such transfer or consolidation may be repealed by ordinance.

Subject to the civil service provisions of this charter, all officers and department heads of the city except the city attorney and the clerk of the council, shall be appointed by the city manager and shall serve at the pleasure of the city manager.

Sec. 701. Officers appointed by the city council.

In addition to the city manager the city council shall appoint the city attorney who shall serve at the pleasure of the city council and may be removed by motion of the city council adopted by the affirmative votes of at least two-thirds ($\frac{2}{3}$) of the members of the council. Subject to the civil service provisions of this charter, the city council shall appoint the clerk of the council who shall serve at its pleasure.

Sec. 702. Clerk of the council; powers and duties.

The clerk of the council shall have the power and be required to:

- (a) Receive all documents addressed to the city council and present these documents to the city council;
- (b) Attend all meetings of the city council and its committees and be responsible for the recording and maintaining of an accurate journal of council proceedings

and the recording of the ayes and noes in the final action upon the questions of granting franchises, making of contracts, approving of bills, disposing or leasing city property, the passage or reconsideration of any ordinance, or upon any other act that involves the payment of money or the incurring of debt by the city, and in all other cases upon the call of any member of the city council;

- (c) Maintain the journal of council proceedings in books which shall bear appropriate titles and which shall be available for public inspection;
- (d) Maintain separate books in which shall be recorded respectively all ordinances and resolutions, with the certificate of the clerk of the council annexed to each thereof stating the same to be the original or a correct copy, and as to an ordinance requiring publication, stating that the same has been published or posted in accordance with this charter; and maintain all such books properly indexed and available for public inspection when not in actual use;
- (e) Have charge of the repository for contracts, surety bonds, agreements, and other related documents of city business;
- (f) Maintain custody of the city seal;
- (g) Administer oaths or affirmations, take affidavits and depositions pertaining to the affairs and business of the city, and issue certified copies of official city records;
- (h) Conduct all city elections.

Sec. 703. City attorney; qualifications, powers and duties.

To become eligible for the position of city attorney the person appointed shall be an attorney-at-law duly licensed as such under the laws of the State of California. He shall devote such time to the duties of his office as may be specified in the ordinance or resolution fixing the compensation of such office. He shall have the power and be required to:

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

- (b) Attend all 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 officers and boards of the city;
- (c) Prepare or approve all proposed ordinances or resolutions for the city, and amendments thereto;
- (d) Prosecute on behalf of the people such criminal cases for violation of this charter, of city ordinances, and of misdemeanor offenses arising upon violations of the laws of the state as in his opinion, or that of the city council, or of the city manager, warrant his attention;
- (e) Represent and appear for the city and any city officer or employee, or former city officer or employee, in any or all actions and proceedings in which the city or any such officer or employee, in or by reason of his official capacity, is concerned or is a party;
- (f) Approve the form of all bonds given to, and all contracts made by, the city, endorsing his approval thereon in writing;
- (g) On vacating the office, 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.

Sec. 704. Director of finance; qualifications, powers and duties.

To become eligible for the position of director of finance, the person appointed by the city manager shall be qualified to administer and direct an integrated department of finance. The director of finance shall have power and be required to:

- (a) Have charge of the administration of the financial affairs of the city under the direction of the city manager;
- (b) Supervise and be responsible for the disbursement of all moneys and have control over all expenditures to insure that budget appropriations are not exceeded;

- (c) Supervise a system of financial internal control including the auditing of all purchase orders before issuance, the auditing and approving before payment of all invoices, bills, payrolls, claims, demands, or other charges against the city, and, with the advice of the city attorney, when necessary, determine the regularity, legality, and correctness of such charges;
- (d) Settle claims, demands, or other charges, including the issuing of warrants therefor;
- (e) Maintain general and cost accounting systems for the city government and each of its offices, departments, and other agencies; keep separate accounts for the items of appropriation contained in the city budget, each of which accounts shall show the amount of appropriations, the amounts paid therefrom, the unpaid obligations against it, and the unencumbered balance; and require reports of the receipts and disbursements from each receiving and expending agency of the city government; to be made daily or at such intervals as he may deem expedient;
- (f) Submit to the city council through the city manager a monthly statement of all receipts and disbursements and other financial data in sufficient detail to show the exact financial condition of the city, and, as of the end of each fiscal year, submit a complete financial statement and report;
- (g) Administer the license and business tax program of the city;
- (h) Direct treasury administration for the city, including the receiving and collecting of revenues and receipts from whatever source; have custody of all public funds belonging to or under the control of the city or any office, department, or other 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, by the city manager, 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;

- (i) Direct centralized purchasing and a property control system for the city government under rules and regulations to be prescribed by ordinance.

Sec. 705. Director of public works; qualifications, powers and duties.

To become eligible for the position of director of public works, the person appointed by the city manager subject to the civil service provisions of this charter shall be duly licensed as a registered civil engineer under the laws of the State of California and be qualified to administer and direct an integrated department of public works. The director of public works shall have power and be required to:

- (a) Have charge of the administration of the public works affairs of the city under the direction of the city manager;
- (b) Have the powers and perform the duties, in person or by deputy, imposed by law upon the street superintendent and the city engineer;
- (c) Direct all of the engineering work of the city, whether it is performed by the forces of the city or by outside contractors, in making the necessary preliminary, construction, and general surveys and in preparing designs, plans, estimates, and specifications for public works improvements and betterments; keep the engineering records of the city; and perform the engineering work requested by other departments of the city;
- (d) Conduct research in public works methods, procedure, practices, and equipment, and develop better and more efficient means of conducting the work of the department;
- (e) Supervise the public works improvements and betterments of the city; whether such construction work is done by contractors or by the forces of the city, except

- for certain specialized kinds of construction work that can, as designated by the city manager, be better handled by other city departments;
- (f) Supervise the operation and maintenance of the water supply and distribution systems of the city, and generally manage the water utility operations;
 - (g) Operate and maintain the sanitary and storm water sewer systems of the city;
 - (h) Supervise the collection and disposition of all garbage and trash approved for municipal collection, whether such collection or disposition is done by contractors or by city forces, and the cleaning of the streets of the city;
 - (i) Supervise the maintenance of the streets of the city including the pavement, sidewalks, and curbs; the operation and maintenance of the ornamental light system; the operation and maintenance of the overhead street lighting system; and the cleaning of weeds from private lots as may be specified by ordinance;
 - (j) Control the excavation in city streets, the encroachment in the streets, the movement of oversize loads over city streets, and the construction or maintenance by utility companies, other city departments, or private citizens of structures or improvements in the streets;
 - (k) Recommend to the city council through the city manager as to (1) the amount of bond required to be given by public works contractors; (2) the approval or disapproval of such bonds prior to or at the time of executing contracts for such work or improvement; (3) the time when such work or improvement shall commence; (4) the time within which the same shall be completed; and (5) the extensions of time for completion thereof by the contractor therefor (when such times are not specified by ordinance).
 - (l) Exercise all powers and duties that are now or may hereafter be imposed by law to estimate or determine the benefits, damages, and costs incident to a proposed change of grade of, or any improvement of, any public street.

Sec. 706. Director of recreation and parks; qualifications, powers and duties.

To become eligible for the position of director of recreation and parks, the person appointed by the city manager subject to the civil service provisions of this charter shall be qualified by experience in recreation and park administration. The director of recreation and parks shall have power and be required to:

- (a) Have charge of the promotion, development, and administration of the recreation program and park affairs of the city under the direction of the city manager;
- (b) Develop, manage, and maintain recreation areas, parks, parkways, playgrounds, gardens, and other areas owned, leased, or used for recreation purposes, and facilities in connection therewith;
- (c) Supervise recreation activities not conducted by the city but conducted in parks and other recreation areas of the city;
- (d) Render landscape development and maintenance services required by other city departments to the extent practicable;
- (e) Develop and carry out a planned program for beautification of the city;
- (f) Look to the board of recreation and parks for counsel and advice on public recreation and park matters;
- (g) Solicit to the fullest extent practicable the cooperation of school authorities and other public and private agencies concerned with the recreation and park programs of the city.

Sec. 707. Appointment powers of department heads.

Subject to the approval of the city manager and subject to civil service provisions of this charter and the civil service rules and regulations established thereunder, each head of a department, office, or other agency shall have the power to appoint and remove such deputies, assistants, subordinates, and employees as are provided for by the city council for his department, office, or other agency.

ARTICLE VIII

Board of Education

Sec. 800. Number, selection, and term of members.

The board of education serving as the governing board of the Santa Ana Unified and Junior College districts shall consist of five (5) members elected at large by electors qualified to vote in such districts' elections, as provided by law, at the times and in the manner provided in this charter for a term of four (4) years. The term of each member shall begin the first (1st) Tuesday following such election and each shall serve, except as otherwise provided for in this charter, until his successor is elected and qualified.

Sec. 801. First board under charter; deciding tie in membership election.

The members of the board of education of the existing school districts holding office when this charter takes effect shall continue in office until their successors shall be elected and qualified under this charter.

The three (3) members elected to the board of education at the first special election to be held for the election of the members of the city council and the members of the board of education under this charter as provided in article XII, receiving the highest number of votes shall hold office until the second (2nd) Tuesday of April 1957, and the two (2) members receiving the lowest number of votes shall hold office until the second (2nd) Tuesday of April, 1955. If, at any municipal election for members of the board of education, there shall be no choice between candidates by reason of two (2) or more candidates having received an equal number of votes, then the board of education shall proceed to determine the election of such candidates by lot.

Sec. 802. Qualifications of members.

Each member of the board of education shall be a qualified elector of the school districts as provided by law and shall have

resided in said school district for at least two (2) years next preceding the date of his election or appointment. If a member of the board of education shall cease to be a qualified elector of said school districts or shall be convicted of a crime involving moral turpitude, his office shall immediately become vacant and be so declared by the board of education.

Sec. 803. Compensation of members.

Members of the board of education shall receive no compensation for their services as such.

Sec. 804. Vacancies.

In the event of a vacancy in a membership on the board of education, for whatever cause, the board of education shall declare the office vacant and fill the same by appointment. In each case the person so appointed shall hold office until the first (1st) Tuesday following the next general municipal election and until his successor is elected and qualified for the remainder of an unexpired term.

If a member of the board of education absents himself from all regular meetings of the board of education for a period of sixty (60) days consecutively from and after the last regular board of education meeting attended by such member, unless by permission of the board of education expressed in its official minutes, or if a member is convicted of a crime involving moral turpitude or shall cease to be a qualified elector of the school districts, his office shall become vacant and shall be so declared by the board of education.

ARTICLE IX

Appointive Boards and Commissions

Sec. 900. Established; enumerated.

The following enumerated appointive boards and commissions are here established and shall have the powers and duties contained in this article:

- (a) Board of recreation and parks
- (b) Planning commission
- (c) Personnel board

The city council may create by ordinance such other appointive boards or commissions as in its judgment are required and may grant to them powers and duties as are consistent with the provisions of this charter. The city council, by motion adopted by the affirmative votes of at least a majority of its members, may appoint from time to time temporary committees as deemed advisable to render counsel and advice to the appointing authorities on any designated matters or subjects within the jurisdiction of such authorities.

Sec. 901. Appointments, removals, vacancies, terms.

Except as otherwise specified in this charter, the member of each of the appointive boards and commissions shall be appointed, and may be removed, by the city council, subject in both appointment and removal by the affirmative votes of a majority of the members. Vacancies from whatever cause arising shall be filled in the same manner. 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 (3) regular meetings of such board or commission, consecutively, unless by permission of such board or commission expressed in its official minutes, or is convicted of a crime involving moral turpitude, or ceases to be a qualified elector of the city, his office shall become vacant and shall be so declared by the city council.

The members of such boards and commissions shall serve for a term of four (4) years and until their respective successors are appointed and qualified, but in no event shall any person be eligible for reappointment who has served two (2) consecutive terms of four (4) years each. 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 first (1st). Where the total number of the members of a board or commission to be ap-

pointed exceeds four (4), 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 (2) shall expire in each succeeding year. Thereafter, any appointment to fill an unexpired term shall be for such an unexpired period.

Sec. 902. Appropriations therefor.

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 appointive boards and commissions.

Sec. 903. Existing boards and commissions.

Members of existing appointive boards and commissions at the time this charter takes effect shall continue in office and shall perform their duties until other provisions shall have been made as provided in this charter for the performance of such duties and for the discontinuance of such boards or commissions.

Sec. 904. Meetings; chairman.

As soon as practicable after this charter takes effect, each of the various boards and commissions enumerated in this article shall organize by electing one of its members chairman and one vice-chairman, which officers shall hold office until August first (1st), 1954, and until their successors are elected, unless their membership on the board or commission sooner expires. The election of each succeeding chairman and vice-chairman shall be held at the meetings of the respective boards and commissions during the month of July of each year. The board or commission, in the event of a vacancy in the office of the chairman or vice-chairman, shall elect one of its members for the unexpired term.

Each board or commission shall hold a regular meeting at least once a month with reasonable provision for attendance by the public. The city manager shall designate a secretary for the recording of minutes for each of such boards and com-

missions, who shall keep a record of its proceedings and transactions. Each board and commission shall prescribe rules and regulations governing its operations which shall be consistent with this charter and shall be filed with the clerk of the council for public inspection.

Sec. 905. Compensation.

The members of appointive boards and commissions shall receive such compensation, if any, as may be prescribed by ordinance and may receive reimbursement for necessary traveling and other expenses when on official duty of the city when such expenditure has been so authorized by the board or commission and subject to rules and regulations prescribed by ordinance on order of the city council.

Sec. 906. Attendance of witnesses; oaths and affirmations.

Each appointive board or commission shall have the same power as the city council to compel the attendance of witnesses to examine them under oath, and to compel the production of evidence before it. Each member of any such board or commission shall have the power to administer oaths and affirmations in any investigation or proceeding pending before such board or commission.

Sec. 907. Board of recreation and parks—Membership.

The members of the board of recreation and parks shall be appointed from the qualified electors of the city. Seven (7) members shall be appointed by the city council not more than five (5) of these seven (7) members shall be of the same sex. One additional member shall be appointed by the governing board of each school district operating one or more elementary schools located within the City of Santa Ana, except that there shall not be more than four (4) such additional members. If more than four (4) school districts operate elementary schools within the city, appointment of the additional members shall be made by the governing boards of those districts having the largest assessed value of property lying within

the City of Santa Ana. No member of the board of recreation and parks shall hold any paid office or employment in the city government.

Sec. 908. Same—Powers and duties.

The board of recreation and parks shall have power and be required to:

- (a) Consider matters that may be referred to it by the city council, the city manager; or the director of recreation and parks and render such counsel and advice in regard thereto as may be requested by the referring authorities;
- (b) By its own motion, make such studies and investigations as it may deem necessary for the formulation of recreation and park policies, or to determine the wisdom and efficacy of the policies, plans, and procedures dealing with recreation and park matters and report its findings and recommendations to the city council, the city manager, or the director of recreation and parks, or to any or all such authorities as it may see fit;
- (c) Recommend to the city council and the city manager as to the acceptance or rejection of offers of donations of money, personal property, or real estate to be used for recreation and park programs;
- (d) Consider the annual budget during the process of its preparation by the director of recreation and parks and make recommendations with respect thereto to the city manager and the city council;
- (e) Solicit to the fullest extent possible the cooperation of school authorities and other public and private agencies concerned with recreation and park programs of the city.

Sec. 909. Planning commission—Membership.

The planning commission shall consist of seven (7) members to be appointed by the city council from the qualified electors of the city, and no member of said commission shall hold any paid office or employment in the city government.

Sec. 910. Same—Powers and duties.

The planning commission shall have power and be required to:

- (a) Prepare and maintain a master plan for the physical development of the city and of any land outside the boundaries thereof which, in the commission's judgment bears relation to the planning for the physical development of the city, including a general plan for streets and highways, and submit such plan annually to the city council for consideration and approval;
- (b) Make studies and plans for future civic land use, including use as public recreation facilities;
- (c) Prepare a ten (10) year capital improvement program, revised annually, which shall set forth all of the capital improvements contemplated by the several offices, departments, and other agencies of the city according to a logical order of priority with the amount of funds required for each capital improvement and the planned method of financing and submit such a program annually to the city manager and the city council;
- (d) Exercise such functions as to land subdivisions, zoning, and other city planning as may be prescribed by ordinance.
- (e) By its own motion, make such studies and investigations as it may deem necessary for the formulation of planning and land use policies and report its findings and recommendations to the city council or the city manager, or to both such authorities, as it may see fit.

Sec. 911. Personnel board—Membership.

The personnel board shall consist of seven (7) members to be appointed by the city council from the qualified electors of the city. None of the members shall hold public office or employment or be a candidate for any other public office or position, be an officer of any local, state, or national partisan political club or organization, or, while a member of the personnel board or for a period of one (1) year after he has

ceased for any reason to be a member, be eligible for appointment to any salaried office or employment in the service of the city.

Sec. 912. Same—Powers and duties.

The personnel board shall have power and be required to:

- (a) Hear appeals as provided for in article X pertaining to the suspension, demotion, or dismissal of any officer or employee having permanent status in any office, position, or employment in the competitive service;
- (b) Consider matters that may be referred to it by the city council or the city manager and render such counsel and advice in regard thereto as may be requested by the referring authorities;
- (c) By its own motion, make such studies and investigations as it may deem necessary for the formulation of civil service policies, or to determine the wisdom and efficacy of the policies, plans, and procedures dealing with civil service matters and report its findings and recommendations to the city manager or the city council, or to both such authorities, as it may see fit;
- (d) Recommend to the city council, after a public hearing thereon held after at least a five (5) day public notice, the adoption, amendment, or repeal of civil service rules and regulations.

ARTICLE X

Civil Service

Sec. 1000. Merit basis of appointment.

Appointments and promotions in the competitive service of the city shall be made according to merit and fitness and from eligible lists to be established in accordance with civil service rules and regulations adopted in the manner provided in this charter.

Sec. 1001. Rules and regulations.

Civil service rules and regulations as provided for in this article shall have the force and effect of law only after having been adopted in an ordinance or ordinances by the city council.

The civil service rules and regulations shall provide for such matters as the city council and the personnel board may deem necessary, proper, or expedient to carry out the intent and purpose of the civil service provisions of this charter.

Sec. 1002. Competitive and excepted service.

The civil service of the city shall be divided into the competitive service and the excepted service.

- (a) The excepted service shall comprise the following offices and positions:
 - (1) The individual offices held by all elective officers;
 - (2) The city manager and administrative assistants, if any;
 - (3) The city attorney and his legal assistants, if any;
 - (4) The director of finance;
 - (5) The director of personnel, if any;
 - (6) One private secretary to the city manager;
 - (7) All posts as members of boards and commissions;
 - (8) Positions occupied by persons employed to render professional, scientific, technical, or expert service of an occasional and exceptional nature;
 - (9) Positions in any class or grade created for a special or temporary purpose, and which are to exist for a period of not longer than ninety (90) days;
 - (10) Positions of any class or grade exempted from the competitive service for a maximum period of six (6) months in any calendar year provided that the personnel board upon application of the city manager and after public notice and hearings recommends to the city council such exemption and the city council grants such exemption by motion adopted by two-thirds ($\frac{2}{3}$) of its members. Any such exemption shall not affect the tenure of any person whose appointment has become final under civil service;

- (11) Part-time positions or employments requiring less than twenty regular hours of employment per week;
- (12) School crossing guards;
- (13) All positions occupied by persons employed to replace employees ordered to active duty, enlisted, or drafted for military service during a national emergency or when this country has declared war and until the expiration of the time when such replaced employee could demand his former position of employment under Federal or State statutes.
- (b) The competitive service shall comprise all positions not specifically included by this section in the excepted service.
- (c) Any person who, on the effective date of this charter, holds a position or employment included in the competitive service as defined in this section or who is on an eligible or reemployment list for a position or class of position in such competitive service, shall retain all status previously held prior to the effective date of this charter in such position, employment, eligible list, or reemployment list.
- (d) The person holding the position of city clerk, city treasurer, or city marshal, each formerly an elective officer, if he shall have served continuously in such position for the period of six (6) months immediately prior to such effective date, shall assume regular status in the competitive service under this charter; as to the person formerly holding the position of city clerk, in the position of clerk of the council; as to the person formerly holding the position of city treasurer, in a position having similar duties in the department headed by the director of finance; and as to the person formerly holding the position of city marshal, in a position of chief of police, the duties of which position shall be prescribed by the city council by ordinance.

Sec. 1003. Appointments from competitive service to excepted service.

In the event an officer or employee of the city holding a position in the competitive service is appointed to a position in the excepted service, and should subsequently be removed therefrom, he shall revert to his former position in the competitive service without loss of any rights or privileges and upon the same terms and conditions as if he had remained in said position continuously.

Sec. 1004. Position classification and pay plan.

The city manager shall prepare, install, and maintain a position classification and pay plan covering all positions in both the competitive and the excepted services of the city, subject to civil service rules and regulations and the approval of the city council.

Sec. 1005. Recruitment and examinations.

Examinations of applicants for positions in the competitive service shall be practical and relate to those matters which fairly test the relative capacity of the applicants to discharge the duties of the positions to which they seek to be appointed.

No person may be an applicant who is not a citizen of the United States, or who has not resided in the City of Santa Ana for at least one year next preceding the date of such examination. The residential requirement may be waived by the city manager, upon approval of the personnel board as to particular examinations, whenever he believes such waiver is in the public interest, but in each instance he must declare in the proceedings the reasons therefor.

In all examinations for entrance into the competitive service of the city, veterans who attain a passing grade shall be allowed an additional preferential credit of five (5) per cent, and disabled veterans obtaining a passing grade shall be allowed a preferential credit of ten (10) per cent, of the maximum possible grade for such examination. The term "veteran" means a person who has served on active duty in the armed forces of the United States in time of war or

armed intervention (and prior to the cessation of hostilities, as declared by the president or the congress of the United States) for a period of at least ninety (90) days and has received an honorable discharge or release from active duty.

Sec. 1006. Promotions.

Vacancies in positions of the higher classes in the competitive service of the city shall, as far as practicable, be filled by promotion of employees occupying positions of lower classes having duties and responsibilities which can reasonably be considered as affording training and experience for the performance of the duties of the higher class; provided that the city manager, with the approval of the personnel board, may hold examinations for positions of such higher classes on the basis of open competitive examinations or both open and promotional competitive examinations in the manner to be provided in the civil service rules and regulations. Eligibility for promotional examination shall be subject to civil service rules and regulations.

In promotional examinations where all applicants are employees of the city, civil service rules and regulations may provide for additional preferential credit based upon years of service to the city, such preferential credit not to exceed five (5) per cent of the maximum possible grade for such examination.

Sec. 1007. Eligible lists; certification and appointment.

Upon completion of any examination, the city manager shall cause to be prepared and shall approve an eligible list with the persons who passed such examination being listed in relative order of the points they received, from highest to lowest. Such eligible list shall remain in effect for two (2) calendar years unless within such period, the city manager, or such person under the city manager having charge of personnel administration, shall not be able to certify for appointment the number of persons required under the provisions of this section.

Upon receipt of notice of a vacancy in the competitive service, the city manager or such person under the city manager having charge of personnel administration, shall certify to the appointing power the names of the three (3) highest candidates on the eligible list for such position. The appointing power may appoint, of the three (3) thus certified, whichever one in his opinion is best qualified for such position. No candidate may be certified more than four (4) times for any one class or classified position from an eligible list resulting from any one examination.

If no eligible list for the classification exists, or an existing list for the classification contains less than the required three (3) persons who are eligible and available for appointment, the city manager, or such person under the city manager having charge of personnel administration, shall so notify the appointing officer who may appoint one of the lesser number of persons or may make a temporary appointment to the vacancy, at his discretion. Such temporary appointment may not be for a longer period than one hundred and eighty (180) calendar days after the first day of such temporary appointment, nor may temporary appointments be made to any position a cumulative total of more than one hundred and eighty (180) calendar days in one calendar year following the first (1st) day on which the position is filled by a temporary appointment.

Upon appointment to a position in the competitive service, other than a temporary appointment, the person so appointed or promoted shall hold probationary status in such position and in the class to which it has been allocated. The duration of the period of probationary status shall be determined by the civil service rules and regulations provided for in this article but in no instance shall extend over a period of more than one (1) year. During such probationary period the employee may be rejected at any time without right of a hearing before the personnel board. When an employee has been retained continuously in probationary status for the required period, he shall achieve permanent status.

An employee rejected during the probationary period from a position to which he has been promoted shall be reinstated

to the position from which he was promoted, unless he is dismissed from the service of the city in addition to the rejection, in which event he shall have the right of a hearing before the personnel board as to such order of dismissal in the manner prescribed in section 1008 of this article.

Sec. 1008. Suspensions; demotions; dismissals.

The board or officers having appointive power are vested with the right to exercise the disciplinary and removal powers hereinafter provided.

An employee serving a probationary period in a position in the competitive service shall be subject to suspension without pay for a period not to exceed thirty (30) days or to dismissal by the officer having the power of appointment, and the employee so disciplined or discharged shall not have a right of appeal, except that an employee who held permanent status in some other position or employment included within the competitive service immediately prior to his appointment to probationary status shall not be discharged from the service of the city without right of appeal to the personnel board in the manner prescribed in this section.

An employee, other than one serving a probationary period, holding a position in the competitive service shall be subject to suspension without pay for a period not to exceed thirty (30) days in any one calendar year, or to demotion, or to dismissal from his position and from the municipal service, subject to the right of hearing by or appeal to the personnel board as provided in this article. Each or any of these actions relating to suspension, demotion, or dismissal may be taken by the officer having power of appointment to the position on the grounds of incompetency, inefficiency, dishonesty, misconduct, insubordination, failure to observe department or city rules or the rules and regulations as provided for in this article, or failure to cooperate reasonably with his superiors or fellow employees.

Such employee shall be entitled to receive, upon his request, at the office of the board or officer taking such action, not later than the third (3rd) business day thereafter, a written

statement in which shall be separately stated each of the charges against him upon which such suspension, demotion, or removal is based, a copy of which statement shall be filed by the appointing power bringing the charges with the personnel board, the clerk of the council, and the city manager. The employee shall have ten (10) days after receipt of such statement within which to file an answer to the charges should he desire to do so.

The answer shall be filed in the offices of the personnel board, the clerk of the council, and the city manager. In his answer, or otherwise if no statement of charges has been made available to him as required, such employee may request a hearing by the personnel board to review such suspension, demotion, or dismissal which hearing shall be called and held in the manner provided for in the civil service rules and regulations. If a hearing is requested, the personnel board shall thereupon set a date for hearing the matter, which date shall not be sooner than five (5) nor longer than ten (10) days after the filing of the request for hearing. Hearings may be conducted informally and the rules of evidence need not apply. Such employee shall have an opportunity at such hearing to be heard in person or by counsel and the right to subpoena witnesses. All hearings held under the provisions of this section shall be open to the public.

The personnel board shall make written findings which shall state as to each charge whether or not such charge is sustained. The personnel board shall also set forth in writing its conclusions and recommendation based upon such findings and within ten (10) days after concluding the hearing, it shall certify its findings, conclusions, and recommendation to the board or officer from whose action the appeal was taken, and to the city manager and the city council.

If, with respect to a suspension, demotion, or dismissal, the personnel board shall conclude that the employee charged was not guilty of the act resulting in such suspension, demotion, or dismissal, a recommendation by it of reinstatement without loss of pay shall be binding upon the appointing power who forthwith shall order such reinstatement. In the

event that the personnel board shall conclude that the employee was guilty of the act resulting in such suspension, demotion, or dismissal but that the penalty was not warranted under the circumstances, a recommendation by it of reinstatement with loss of pay shall be binding upon the appointing power who forthwith shall order such reinstatement with loss of pay. The conclusions and recommendations of the personnel board as to reinstatement with or without loss of pay shall be final and no appeal may be taken therefrom.

If, with respect to a suspension, demotion, or dismissal, the personnel board concludes that such suspension, demotion, or dismissal was warranted, any recommendation by it shall be advisory only and shall not be binding on the appointing power and, in such instance, the decision of the appointing power shall be final and no appeal may be taken therefrom.

Vacancies created under this section may be filled by the appointing power by temporary appointment pending the completion of any proceedings taken hereunder.

A reduction in pay shall be treated as a demotion under this section, unless the reduction in pay is part of a plan to reduce salaries and wages in connection with a general economy or curtailment program. A failure to grant an increase in pay at a time when an increase would otherwise have been granted as part of a plan to increase salaries and wages throughout the city service shall likewise be treated as a demotion under this section.

Sec. 1009. Abolition of positions; lay-offs.

No provisions of this article shall be construed as interfering with the power of the city council by stating in its proceedings its reasons therefor, to abolish a position, combine the duties of two (2) or more positions, or reduce the number of employees in a given class except as specifically provided in article VII of this charter. Should an abolished position be renewed or a combined position be separated or any position or positions involving substantially the same duties be created or filled within two (2) years, the employee or employees discharged shall be entitled to be appointed thereto.

All lay-offs occasioned by the abolishment of a position, the combination of duties of two (2) or more positions, or the reduction in number of employees in a given class shall be governed by seniority in service and shall be in the reverse order of employment. Re-employment shall be in the reverse order of lay-offs.

Sec. 1010. Prohibitions.

No person in a position, office, or employment in the service of the City of Santa Ana or who is an applicant for appointment thereto shall in any way be favored or discriminated against because of his race, religion, or political opinions.

No person holding any position in the service of the city, excepting elective officers and members of appointive boards and commissions, or on an eligible list, shall take an active part in any municipal political campaign in behalf of any candidate, or contribute thereto, nor shall such person seek signatures to any petition to advance the candidacy of any person for any municipal office. Nothing in this section shall be construed to prevent any such persons from seeking election or appointment to public office. Upon becoming a candidate for public office, any such person shall request and be granted a leave of absence, without pay, to remain in effect during the period of time such person is a candidate.

No officer or employee of the city and no candidate for any city office shall, directly or indirectly, solicit any assessment, subscription, or contribution, whether voluntary or involuntary, for any political candidate, from anyone on an eligible list or holding any position in the service of the city, excepting elective officers and members of appointive boards and commissions.

No person shall wilfully or through culpable negligence make any false statement, certificate, mark, rating, or report in regard to any application, test certification, or appointment held or made under the provisions of this article or in any manner commit or attempt any fraud preventing the impartial execution of such provisions or of the rules and regulations made hereunder. In addition to the penalties

provided for in this charter for violations of its provisions, any person who by himself or with others wilfully or corruptly violates any of the provisions of this article shall upon conviction thereof be ineligible for a period of three (3) years for employment in the service of the city and shall immediately forfeit his office or position if he be an officer or employee of the city.

Sec. 1011. Contract for performance of administrative functions.

The city council, upon recommendation of the city manager, may contract with the governing body of any other city or of any county within this state, or with any state department or other state agency for the preparing or conducting of competitive examinations for positions in the service of the city or for the performance of any other personnel administration service.

ARTICLE XI

Miscellaneous Provisions Relating to Officers and Employees

Sec. 1100. Investigations by the city council or city manager.

The city council, the city manager, or any person or committee authorized by either of them, shall have power to inquire into the conduct of any office, department, agency, or officer of the city and to make investigation as to city affairs, and for that purpose may subpoena witnesses, administer oaths, and compel the production of books, papers, and other evidence.

Sec. 1101. Publicity of records.

All records and accounts of every office, department, or other agency of the city shall be open to inspection by any citizen, any representative of a citizens' organization, or any representative of the press at all reasonable times and under reasonable regulations established by the city manager, except

records and documents the disclosure of which would tend to defeat the lawful purpose which they are intended to accomplish.

Sec. 1102. Illegal contracts, financial interest.

No member of the city council or officer of the city 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 on which pertains to the department, office, or other agency of the city with which such board or commission is connected.

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

No member of the city council, 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 by reasons of ownership of stock in such corporation unless said stock so owned by him shall amount to at least three (3) per cent of all the stock of such corporation issued and outstanding.

If any member of the city council, 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.

Sec. 1103. Official bonds.

The city council shall, by ordinance, fix the amounts and terms of the official bonds of all officers and employees of the city who are required by this charter or by ordinance to give such bonds. All bonds shall be executed by a responsible

surety, shall be approved by the city attorney as to form, and shall be filed with and remain in the keeping of the director of finance, provided that the bond of the director of finance shall be filed with and remain in the keeping of the clerk of the council. The premium on any official bond furnished under the provisions of this section and executed by a corporate surety 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 subordinates, unless such superior officer was a party to, or conspired in, such wrongful act or omission.

Sec. 1104. Administering oaths.

Each head of an office, department, or other agency and his deputies shall have the power to administer oaths and affirmations in connection with any official business pertaining to his department.

Sec. 1105. Oath of office.

Each member of the city council and of every board and commission and each officer and full-time city employee shall, before entering upon the duties of his office, take and subscribe to the following oath or affirmation, to be filed and kept in the office of the clerk of the council: "I do solemnly swear (or affirm, as the case may be) that I will support the Constitution of the United States and the Constitution of the State of California, and that I will faithfully discharge the duties of the office of (here inserting name of office) according to the best of my ability."

Sec. 1106. Officers of the city.

The officers of the city shall be:

Members of the city council,
Members of the board of education,
City manager,
City attorney,

Clerk of the council,
Director of finance,
Director of public works,
Director of recreation and parks,
Members of appointive boards and commissions as provided in this charter,
Such other officers as shall be named by ordinance.

ARTICLE XII

Elections

Sec. 1200. Conducting.

The conduct of all municipal elections by the clerk of the council shall be under the control of the city council which shall, by ordinance, provide for the holding of all municipal elections.

Sec. 1201. General municipal.

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 of Santa Ana on the first (1st) Tuesday in April in each odd numbered year commencing with the year 1955.

Sec. 1202. Special municipal.

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

Sec. 1203. Procedures for holding.

Unless otherwise provided by ordinance, hereafter enacted, all elections shall be held in accordance with the provisions of the elections code of the State of California, as the same now exist or may hereafter be amended, for the holding of elections in cities of the sixth (6th) class insofar as the same are not in conflict with this charter.

Sec. 1204. First election under charter.

A special municipal election shall be held for the election of the first (1st) members of the city council and the board of education under this charter, on the first (1st) Tuesday of April, 1953, or the tenth (10th) Tuesday following the approval of this charter by the legislature, whichever is later.

Sec. 1205. Initiative, referendum and recall.

The powers of the initiative and referendum and of the recall of elected municipal officers are hereby reserved to the electors of the city. Unless otherwise provided by ordinance, hereafter enacted, the provisions of the elections code of the State of California, as the same now exist or may hereafter be amended, governing the initiative, the referendum, and the recall of the municipal officers shall apply to use thereof in the city insofar as such provisions of the elections code are not in conflict with this charter.

ARTICLE XIII**Franchises****Sec. 1300. Granting authority.**

The term "the streets of the city" as used in this article shall include streets, ways, alleys, avenues, highways, boulevards, concourses, driveways, bridges, parks, parkways, and public grounds or waters within or belonging to the city.

Subject to the provisions of this charter, the city council shall have the power in behalf of the city to grant franchises or rights or make contracts providing for the furnishing of the city and its inhabitants with transportation, communications, terminal facilities, water, light, heat, power, refrigeration and storage, or any other public utility or service, or using the streets of the city for the operation of plants, works, or equipment for the furnishing thereof, or traversing any portion of the streets of the city for the transmitting or conveying of any such service elsewhere.

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

No grant of any franchise may be transferred or assigned by the grantee except by consent in writing of the city council and unless the transferee or assignee thereof shall covenant and agree to perform and be bound by each and all of the terms and conditions imposed in the grant or by procedural ordinance and by this charter.

The city may issue permits for the construction of spur or side tracks in and over the streets of the city and the running of cars thereon for the purpose of connecting warehouses, factories, or other business industries and enterprises with any line of railroad within the city, upon such terms and subject to such regulations and conditions as shall be prescribed from time to time by ordinance. Such tracks shall be used for the transportation of freight only and shall not be used as a main line or part thereof. Such tracks must be laid and operated in such manner and under such restrictions as not to interfere with the use of the streets of the city by the public. All such permits shall be revocable at the pleasure of the city council.

Sec. 1301. Terms of franchises.

Every franchise shall state the term for which it is granted, which, unless it be indeterminate as provided for herein, shall not exceed twenty-five (25) years.

A franchise grant may be indeterminate, that is to say, it may provide that it shall endure in full force and effect until the same, with the consent of the public utilities commission or its successors of the State of California, or the interstate commerce commission as the case may be, shall be voluntarily surrendered or abandoned by its possessors, or until the State of California, or some municipal or public

corporation, thereunto duly authorized by law, shall purchase by voluntary agreement or shall condemn and take, under the power of eminent domain, all property actually used and useful in the exercise of such franchise and situate within the territorial limits of the state, municipal, or public corporation purchasing or condemning such property, or until the franchise shall be forfeited for noncompliance with its terms by the possessor thereof.

Sec. 1302. Grants to be in lieu of all other franchises.

Any franchise granted by the city with respect to any given utility service shall be in lieu of all other franchises, rights, or privileges owned by the grantee, or by any successor of the grantee to any right under such franchise, for the rendering of such utility service within the limits of the city as they may now or hereafter exist, except any franchises derived under section 19 of Article XI of the Constitution of the State of California as said section existed prior to amendment thereof adopted October 10, 1911. The acceptance of any franchise hereunder, shall operate as an abandonment of all such franchises, rights, and privileges within the limits of the city as such limits shall at any time exist, in lieu of which such franchise shall be granted.

Any franchise granted hereunder shall not become effective until written acceptance thereof shall have been filed by the grantee thereof with the clerk of the council. Such acceptance shall be filed within thirty (30) days after the adoption of the ordinance granting the franchise, or any extension thereof granted by the city council, and when so filed, such acceptance shall constitute a continuing agreement of such grantee that if and when the city shall thereafter annex, or consolidate with, additional territory, any and all franchises, rights, and privileges owned by the grantee therein, except a franchise derived under said constitutional provision, shall likewise be deemed to be abandoned within the limits of such territory.

Sec. 1303. Resolution of intention, notice and public hearing.

Before granting any franchise, the city council shall pass a resolution declaring its intention to grant the same, stating

the name of the proposed grantee, the character of the franchise, and the terms and conditions upon which it is proposed to be granted. Such resolution shall fix and set forth the day, hour, and place when and where any persons having any interest therein, or any objection to the granting thereof, may appear before the city council and be heard thereon. The city council shall direct the clerk of the council to publish said resolution at least once within fifteen (15) days of the passage thereof, in the official newspaper. The time fixed for such hearing shall not be less than twenty (20) nor more than sixty (60) days after the passage of said resolution. At the time set for the hearing, the city council shall proceed to hear and pass upon all protests and its decision thereon shall be final and conclusive. Thereafter, it may grant, or deny, the franchise, subject to the right of referendum of the people.

Sec. 1304. Duties of grantees.

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

- (a) Comply with all lawful ordinances, rules, and regulations theretofore or thereafter adopted by the city council in the exercise of its police power governing the construction, maintenance, and operation of the grantee's plants, works, or equipment;
- (b) Pay to the city on demand the cost of all repairs to the public property made necessary by any of the operations of the grantee under such franchise;
- (c) Indemnify and hold harmless the city and its officers from any and all liability for damages proximately resulting from any operations under such franchise;
- (d) Remove and relocate without expense to the city any facilities installed, used, and maintained under the franchise if and when made necessary by any lawful change of grade, alignment, or width of any public street, way, alley, or place that is not a freeway to which all rights of access have been acquired by the

State of California, including the construction of any subway or viaduct, or if the public health, comfort, welfare, convenience, or safety so demands;

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

Sec. 1305. Exercise of privilege without franchise.

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

Sec. 1306. Effect on eminent domain.

No franchise grant shall in any way, or to any extent, impair or affect the right of the city to acquire the property of the grantee thereof either by purchase or through the exercise of the right of eminent domain and nothing herein contained shall be construed to contract away or to modify or to abridge, either for a term or in perpetuity, the city's right of eminent domain with respect to any public utility.

Sec. 1307. City-owned utilities.

In the event that any public utility shall be taken over by the city, by purchase or through the exercise of the right of eminent domain, the franchise shall have no value.

No public utility owned by the city shall be sold, leased, or otherwise transferred unless authorized by the affirmative votes of two-thirds ($\frac{2}{3}$) of the electors voting on such proposition at a general or special election at which such proposition is submitted.

ARTICLE XIV

Retirement

Sec. 1400. Employees' retirement 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, or exercise any authority granted, permitted, or required under the provisions of the state employees' retirement law, as it now exists or may hereafter be amended, to enable said city to continue as a contracting city participating in the state retirement system. The city council is directed to levy all necessary taxes to ensure the continuance of the city as a contracting member of the state employees' retirement system in accordance with the provisions of section 601 of this charter.

The city council may not terminate any such contract with the board of administration of the state employees' retirement system and may not amend any such contract in a manner which would decrease or eliminate any benefit accruing to personnel employed by the city at the time of such contract termination or amendment, unless such amendment shall substitute an equal or greater benefit for said employees, unless the proposition for such contract termination or amendment shall be approved by ordinance adopted by a two-thirds ($\frac{2}{3}$) vote of the electors of the city voting on such proposition at a general or special municipal election.

ARTICLE XV

Legal Provisions

Sec. 1500. Amendments to charter.

Amendments to this charter shall be proposed and submitted to the electors of the city in the manner provided by the Constitution of the State of California.

Sec. 1501. Violations.

The violation of any provision of this charter shall be deemed a misdemeanor and be punishable upon conviction by a fine of not exceeding five hundred dollars (\$500.00) or by imprisonment for a term not exceeding six (6) months or by both such fine and imprisonment.

Sec. 1502. Definitions.

Unless the provisions or the context otherwise requires as used in this charter:

- (a) Whenever the term "city" occurs in this charter, it means the City of Santa Ana, and whenever the term office, department, agency, board, commission, officer, or employee, as the case may be, is used, it means an office, department, agency, board, commission, officer, or employee of the City of Santa Ana;
- (b) "Shall" is mandatory, and "may" is permissive;
- (c) "County" is the County of Orange;
- (d) "State" is the State of California.

Sec. 1503. Separability.

If any section or part of section of this charter, or the application thereof to any person or circumstance, shall be held invalid by a court of competent jurisdiction, such holding shall not affect the remainder of this charter, or the context in which such section or part of section so held invalid may appear, except to the extent that an entire section or part of section may be inseparably connected in meaning and effect with the section or part of section to which such holding will directly apply, or the application of such provision to other persons or circumstances.

PART II**THE CODE****Chapter 1****GENERAL PROVISIONS****Sec. 1-1. How Code designated and cited.**

The ordinances embraced in the following chapters and sections shall constitute and be designated the "Santa Ana Municipal Code" and may be so cited.

Charter reference—Authority to codify ordinances, § 419.

State law reference—For authority of cities to adopt codes by reference procedure for adoption and amending, see §§ 50022.1—50022.8, Civ. Code.

Sec. 1-2. Rules of construction.

The provisions of this Code and all proceedings under it are to be construed to effect its objects and to promote justice.

In the construction of this Code, and of all ordinances, the following rules shall obtain, unless the context clearly indicates otherwise:

State. The words "the state" or "this state" shall mean the State of California.

County. The words "the county" or "this county" shall mean the County of Orange, in the State of California.

City. The words "the city" or "this city" shall be construed as if the words "of Santa Ana, California" followed it and shall extend to and include its several departments, commissions, agencies, officers, agents and employees.

Amendments. Whenever a reference is made to any portion of this Code, or to any ordinance of this city, the reference applies to all amendments and additions thereto.

City council. Whenever the words "city council" or "the council" are used, they shall mean the city council of the City of Santa Ana.