

DRAFT
CITY OF CARSON
CITY CHARTER
AS OF JUNE 14, 2018

The City of Carson, incorporated as a California general law city on February 20, 1968. On _____, with the city's voters approval, the City of Carson became a California chartered city.

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PREAMBLE

We, the People of the City of Carson, State of California, declare our intent to protect and preserve the values that have guided and sustained our City since it was formed in 1968. We hold dear the historic doctrine of home rule; the right to determine the structure of our government, our land uses and forms, and the character of our community. Our City has special resources with a strong industrial base and unique development opportunities; the City can be an economic power house at the center of major transportation corridors. Proper development would allow us to provide the highest quality of life and services for our residents. We believe fiscal responsibility and the prudent stewardship of public funds is essential for confidence in government, that ethics and integrity are the foundation of public trust; and that just governance is built upon these values. The express purpose of this Charter is to secure and exercise for the City of Carson the full scope of control over its municipal affairs that is authorized by law. We do hereby exercise the express home rule rights granted by the Constitution of the State of California for the people and adopt this Charter for the citizens of the City of Carson.

ARTICLE I – INCORPORATION AND SUCCESSION

SECTION 100. Name and Boundaries.

The City of Carson, hereinafter termed the City, shall continue to be a California municipal corporation under its present name of “City of Carson.” The boundaries of the City shall be the boundaries established at the time this Charter takes effect, and as such boundaries may be changed thereafter from time to time in the manner authorized by law.

SECTION 101. Succession, Rights and Liabilities.

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

SECTION 102. Ordinances.

All lawful ordinances, resolutions, rules and regulations, and portions thereof, in force at the time this Charter takes effect, and not in conflict or inconsistent herewith, are hereby continued in force until they are repealed, amended, changed or superseded.

SECTION 103. Continuance of Present Officers and Employees.

The present officers and employees of the City shall continue to perform the duties of their respective offices and employments without interruption and for the same compensations and under the same conditions until the appointment or election and qualification of their successors, but subject to removal, amendment, change, or control as provided by this Charter. Nothing contained in this Charter, unless specifically otherwise provided herein, shall affect or impair the personnel, pension, or retirement rights or privileges of officers or employees of the City, or of any office, department, or agency thereof, existing at the time this Charter takes effect.

SECTION 104. Continuance of Contracts and Franchises.

All contracts entered into by the City or for its benefit prior to the effective date of this Charter and then in effect, shall continue in full force and effect according to their terms.

SECTION 105. Pending Actions and Proceedings.

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

SECTION 106. Seal.

The official seal of the City at the time this Charter takes effect shall continue to be the official seal of the City for its acts and business unless and until changed by ordinance of the city council.

SECTION 107. Severability.

If any article, sections, sentence, clause or portion of this Charter is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and severable and such holding shall not affect the validity of the remaining portions of this Charter.

SECTION 108. Effective Date of Charter.

This Charter shall take effect upon its approval and ratification by the qualified voters of the City and, if approved, after filing and acceptance by the Secretary of State, in accordance with State general law.

SECTION 109. Amendment.

Any proposal for the amendment, revision, or repeal of this Charter or any portion thereof may be proposed by a **super**majority vote of the members of the city council, or by initiative by the People of the City of Carson. No such proposal shall be effective until approved by a majority vote of the voters voting at a statewide general election, for proposals by the city council, or at a statewide general, statewide primary, or regularly scheduled municipal election, for proposals by initiative, and filed with the Secretary of State, in accordance with State general law.

ARTICLE II – POWERS OF THE CITY

SECTION 200. Powers.

The City shall have the power to make and enforce all laws and regulations in respect to municipal affairs, subject only to such restrictions and limitations as may be provided in this Charter and in the Constitution of the State of California and to avoid enactments of the State of California contrary thereto. The City shall also have the power to exercise, or act pursuant to any and all rights, powers, privileges or procedures, heretofore, or hereafter established, granted or prescribed by any law of the State, by this Charter, or by other lawful authority, or which a municipal corporation might or could exercise, or act pursuant to, under the Constitution of the State of California. The enumeration in this Charter of any particular power shall not be held to be exclusive of, or any limitation upon, the generality of the foregoing provisions. This Charter shall be liberally construed to vest the City with all legal authority and powers necessary to protect the health, safety, and general welfare of all of the citizens of the City.

SECTION 201. Procedures.

The City shall have the power to and may act pursuant to any procedure established by any law of the State, unless a different procedure is required by this Charter.

SECTION 202. Form of Government.

The municipal government established by this Charter shall continue to be the form of government known as the "Council-Manager" form of government so that the city council shall establish the policies of the City, and the City Manager shall administer the government of the City in accordance with such policies.

SECTION 203. Intergovernmental Relations.

The City may exercise any of its authority and may perform any of its powers jointly, or in cooperation with, one or more other cities, counties, states, the United States, or any

political subdivisions, civil divisions, or agencies thereof, or other governmental entity by entering into joint powers agreements with such entities or in such other manner as authorized by law.

SECTION 204. Establishment of Specialized Agencies or Authorities.

The City shall have the power to establish a housing authority, economic development authority, special district, commission, board, or other agency or authority of specialized expertise or application to the full extent as may be permitted by state or federal law, in order to carry out the business of the City or otherwise advance the health, safety, or general welfare of its citizens. Any such entity specified herein, including the Carson Reclamation Authority, Planning Commission, _____, may only be disbanded by amendment to this Charter. All specialized agencies created by the City and in existence on the effective date of this Charter shall continue to perform their duties and operate pursuant to their existing legal authority and, in addition, any authority granted hereunder, unless and until city council may otherwise provide by ordinance or resolution.

SECTION 205. [TBD]

SECTION 206. Enterprise Funds.

- (a) The City may not impose a fee or charge for water or sewer service, hook-ups, permitting, transfer or any other service that exceeds the cost of providing that service.
- (b) The City may not collect for its own general fund in-lieu taxes, fees or charges from any enterprise fund for administration or any other purposes except for administration of the fund.
- (c) The City may not borrow funds held in reserve in any enterprise fund for its use or the use of any other department or program of the City except in the case of a declared emergency in accordance with state law.

SECTION 207. Economic Development, Goals and Objectives.

The City is centrally located at the junction of the I-405, I-110, and I-91 Freeway corridors with excellent access to Downtown Los Angeles, the West Los Angeles economic hub and the Pacific Rim hub of Los Angeles/Long Beach port system, one of the largest in the world. Carson was originally seen as an excellent location for large scale industrial projects with Shell and Tesoro Refineries and major warehousing and logistics industries. Prior to incorporation and in the post second world war housing boom it became a site for county landfills and disfavored uses. The extensive landfill areas have left major sites needing cleanup, but also available for economic development. Accordingly, the city's location, major industries and employers, and significant undeveloped properties give it special development opportunities. Moreover, the State of California in 2011 dissolved redevelopment agencies pursuant to ABx1 26 and thereby eliminated the authority created in the 1950s to general law cities to undertake economic development.

The City has found that its previous redevelopment program was essential to redeveloping the vacant, contaminated, and blighted parcels scarred by decades of oil and gas production, refuse dumps and landfills, auto dismantling centers, and other similar uses. Other constants have included: (i) being a low property tax city with its property taxes reallocated to other agencies; (ii) undeveloped infrastructure; (iii) the existence of wells and other oil and gas pipelines, tanks and facilities which must be removed for development, or active facilities that must be incorporated into any development plan; and (iv) the existence of essential facility-related contamination requiring significant remediation costs under current environmental and health and safety standards. The City of Carson must design and implement a local program within the authority under this charter to accomplish the City's economic develop purposes.

It is a significant goal of adopting this Charter to allow the City to pursue economic development to the maximum degree permitted by the California Constitution. To this end for purposes of eliminating blight, including private investment, providing public infrastructure, and causing the development and redevelopment pf property the city shall have the powers to:

- A. Receipt of Financial Assistance. The city may seek or accept financial or any other assistance from public or private sources, including from the state or federal government, for the city's activities, powers, and duties hereunder.
- B. Acquisition of Property. The city may purchase, lease, obtain option upon, acquire by gift, grant, bequest, devise, or otherwise, any real or personal property, any interest in property, and any improvements on it, including repurchase of developed property previously owned by the city.
- C. Eminent Domain. The city may acquire real property by eminent domain, and may acquire every estate, interest, privilege, easement, franchise and rights in land, including encumbrances by way of mortgage or indebtedness, or any interest arising from covenants and conditions. Any such proceeding shall be undertaken only in accordance with the eminent domain law (Code of Civil Procedure § 1230.010 et seq.). No property currently zoned and used for residential purposes may be acquired by eminent domain for the purposes provided in this chapter.
- D. Management of Property. The city may rent, maintain, manage, operate, repair and clear real property and may insure or provide for the insurance of any operations of the city against risks or hazards.
- E. CC&Rs. The city may provide for the retention of controls and the establishment of any restrictions or covenants running with the land for such periods of time and under such conditions as shall be necessary to effectuate the purposes hereof.
- F. Non-Discrimination. The city shall include in all deeds, leases or contracts for sale, lease, sublease or transfer of land, non-discrimination clauses.
- G. Issuance of Bonds. The city may issue its bonds or other financial instruments permitted by law and expend the proceeds from their sale to carry out the purposes hereof. The bonds and obligations issued by the city also may be purchased, invested in, or used for security.
- H. Site development. The city may clear or move buildings, structures or improvements from real property; may grade any site; and may develop as a

building site any property owned by it. It may cause or make provisions with other agencies for the installation of streets, utilities, parks and other public improvements.

- I. Property Disposition. The city may sell, lease, exchange, subdivide, transfer, assign, pledge, encumber or otherwise dispose of any real or personal property or any interest in property acquired by it.
- J. Remediation. The city may investigate and evaluate the condition of the property, prepare remediation plans and obtain approval thereof from regulatory agencies, and undertake remediation in accordance with such plans.
- K. Relocation. The city may provide (i) relocation assistance to persons displaced by governmental action, and (ii) aid and assistance to property owners in connection with rehabilitation loans and grants.
- L. Cooperation. The city shall cooperate with other public agencies in the formulating and administration of its economic development assistance programs. The planning commissions and the legislative bodies of the city and the cooperating public agencies may hold joint hearings and meetings regarding the projects assisted hereunder.
- M. Any powers exercised hereunder to carry out the purposes of this section must be carried out in accordance with any applicable state and federal law. Nothing herein shall permit the waiver of any applicable legal procedure or process.
- N. Special Districts. The financing of both the development of infrastructure and services through community service districts, landscape and lighting districts, assessment districts, school facility improvement bonds, and similar special district financing mechanisms permitted by law;
- O. Public Property. The use of ground leases or sale of publicly owned land, including at less than fair market value as provided herein, contractual development agreements in accordance with law, lease-lease back financing, design-build contracts, and the use of eminent domain to acquire property for the foregoing purposes;

- P. Tax Rebate Agreements. The use of tax rebate or similar agreements permitted by law including for sales taxes, transient occupancy taxes, utility taxes or other taxes shared with the generator, and rebates or waivers of franchise fees, business license fees, development impact fees, or other revenue sources but any such tax may only be imposed in accordance with law;
- Q. Regulatory Relief. The modification or suspension of zoning and other land use restrictions affecting the feasibility of development , density bonuses, expedited processing of entitlements, the establishment of clear and consistent regulatory regimes, creating procedures to quickly resolve disputes, clear definition of scope of environmental review and use of scoping processes.

In exercising the powers granted pursuant hereto, the City Council may by ordinance exercise the above authorities, or create a subordinate economic development authority, and/or enable the Reclamation Authority to so act to incentivize private investment by the sharing of public resources by the public agency, the reduction of regulatory burdens, asset monetization, fee producing infrastructure, alternative procurement, concession agreements, leasing arrangements, securitization of obligations, or other measures, the risks to the private person or entity can be reduced to a level whereby the development entity and investors can earn a commercially reasonable return on investment and will accordingly proceed with the project. Any program to undertake the above shall establish that any public assistance or subsidy provided to a project by the City must include a comprehensive report identifying the nature of the project, the necessity of the assistance, that the project would not occur without the assistance , the amount of the assistance, and the public benefits of the project, the payback of the project, and the regulations and conditions governing the project. The project would only be approved after a duly noticed public hearing and compliance with CEQA (Public Resources Code 21000 *et seq.*) The City shall adopt a comprehensive ordinance concerning the foregoing.

Programs may include design build contracts; tax credits; infrastructure finance districts; environmental sustainability programs; development zones; and similar legislation. Any

legal structure existing currently, or enacted hereafter which permits the city legally to carry out these purposes is permitted hereunder.

SECTION 208. General Land Use Authority, Goals and Objectives.

The City of Carson while taking advantage of its location and economic opportunities, as described in Section 207, prides itself in providing exceptional services to the residents and business community it serves. It is the goal of the City to be a balanced community, providing employment opportunities, retail services, recreational activities, and quality neighborhoods, and to serve the needs of those who reside, work and recreate in the City. All such industrial, commercial, and residential development shall be undertaken with a high degree of environmental quality. In promoting balance and livability, it is the goal of the City that residents be able to reside, work, purchase goods and services, attend school, recreate, and otherwise enjoy the civil society, natural environment and other amenities of Carson.

The City shall have the full power to enact regulatory land use measures, including but not limited to the following:

- (a) Creation of a general plan for the long-term growth and orderly development of the City consistent with the foregoing policies.
- (b) Creation of a zoning ordinance which shall be consistent with the general plan and provides the City's general land use regulations.
- (c) Enact specific plans, overlay control districts or other similar matters for the regulation and development of land.
- (d) Abate public nuisances which depreciate property values.
- (e) Make determinations pursuant to the California Environmental Quality Act to protect the quality of the environment.
- (f) Approve the subdivision or re-subdivision of property.
- (g) Establish a site design and review process for development applications to assure high development quality and compatibility with adjacent uses.

- (h) Establish procedures to approve conditional uses, variances and other land use entitlements in an efficient manner.
- (i) Establish regulations which are sensitive to the industrial history of the City and allow the City to remediate, redevelop, address such issues in the benefit of public health and general welfare and to increase property values within the City.
- (j) Establish procedures for preserving mobilehome parks through zoning issues.
- (l) Establish measures to mitigate for the impacts of development on adjacent property and the City generally through land use regulations, requirements that the developer provide appropriate infrastructure improvements, imposition of impact mitigation fees, assessments for construction of infrastructure improvements, and similar measures.
- (m) Condition development to provide for the maintenance in a first class condition of all improvements and public safety through recorded covenant agreements, assessments and other measures to assure new development is adequately maintained and pays its fair share of the costs imposed.

SECTION 209. Oil and Gas Regulation.

SECTION 210. Cannabis Regulation.

The City of Carson regulates cannabis activities in a manner that is necessary to protect the public health, safety, and welfare. By Ordinance No. 17-1637, outdoor personal cannabis cultivation is prohibited, indoor personal cannabis cultivation is restricted, and commercial cannabis operations which involve the retail sale or delivery of cannabis or cannabis products is prohibited. The City has authorized up to four (4) commercial cannabis operation centers, which may be comprised of one to one of each of the activities of cultivation, manufacturer, testing, or distributor. An increase to the type of authorized commercial cannabis operations beyond cultivation, manufacturer, testing, or distributor and/or an increase to the number of authorized commercial cannabis operation centers may be proposed by a majority vote of the members of the city

council, or by initiative by the People of the City of Carson. No such proposal shall be effective until approved by a majority vote of the voters voting at a statewide general election. A decrease to the type of authorized commercial cannabis operations and/or the number of authorized commercial cannabis operation centers may be adopted by a majority vote of the city council.

ARTICLE III – CITY COUNCIL

SECTION 300. Powers Vested in the City Council.

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

SECTION 302. Mayor; Mayor Pro Tempore.

The Mayor shall be elected from the city at large. The mayor shall serve as a member of the city council for all purposes and shall only have the rights, powers and duties of a member of the city council, unless otherwise provided for in this Charter or by ordinance. Unless otherwise expressly provided to the contrary, any provision in this Charter which relates to the city council or to members of the city council shall be interpreted to include the mayor as a member of the city council. The mayor pro tempore shall perform the duties of the mayor during any period of the mayor's absence or disability.

The mayor shall be the head of the City for all ceremonial purposes. The mayor shall serve as the primary, but not exclusive, spokesperson of the City. The mayor shall assure that city council meetings are conducted in an orderly and fair manner in accordance with law. The mayor shall sign written contracts and conveyances made or entered into by the City. The mayor shall not have the veto power over any actions of the city council. The mayor shall perform such duties consistent with his or her office as may be prescribed by this Charter, or as imposed by the city council at the time this Charter takes effect.

SECTION 303. Eligibility.

No person shall be eligible to hold an elective office unless he or she is, at the time of issuance of nomination papers for the elective office, a qualified elector of the City, or of territory legally annexed thereto, and shall have been domiciled in the City for at least thirty days immediately preceding his or her nomination.

SECTION 304. Compensation and Expenses.

All members of the city council shall receive as compensation for their services a monthly salary which is either the amount established by city council ordinance or the in an amount established in accordance with, and limited by, the provisions of law applicable to the salaries of city council members in general law cities as set forth in Section 36516 of the Government Code of the State of California or any successor provision thereto. The City shall not provide any additional compensation to members of the city council for attendance at other meetings of City or City-affiliated commissions, committees, subcommittees, and boards of directors.

All of the members of the city council, including the mayor, shall continue to be entitled to reimbursement for their actual and necessary expenses incurred in the performance of their official duties as stated in, and limited by, the provisions of law applicable to the reimbursement for expenses city council members in general law cities as set forth in Section 36514.5, 53232.2 and 53232.3 of the Government Code of the State of California or any successor provision thereto. The city manager shall be responsible for collecting any receipts from the members of the city council for reimbursable expenses within sixty days of the incurrence of any eligible expense, and shall submit quarterly reports to the city council regarding said expenses.

SECTION 307. Interference in Administrative Service.

Except as otherwise provided in this Charter, neither the city council nor any of its members shall interfere with the execution by the city manager of his or her powers and duties, or order, directly or indirectly, the appointment by the city manager or by any of the department heads in the administrative service of the City, of any person to an office or employment, or his or her removal therefrom. Except for the purpose of inquiry, the city council and its members shall deal with the administrative service under the city manager solely through the city manager, and neither the city council nor any member

thereof shall give orders to any subordinates of the city manager, either publicly or privately.

ARTICLE IV – CITY MANAGER AND CITY ATTORNEY

SECTION 400. City Manager.

There shall be a city manager who shall be the chief administrative officer of the City. City council shall appoint, by an affirmative vote of at least three of its members, the person that it believes to be best qualified on the basis of his or her executive and administrative qualifications, with special reference to experience in, and knowledge of, accepted practice in respect to the duties of the office. The city manager shall serve at the pleasure of the city council.

SECTION 401. Eligibility.

No person shall be eligible to receive appointment as city manager while serving as a member of the city council nor within six years after he or she has ceased to be a member of the city council.

SECTION 402. Compensation and Bond.

The city council shall be authorized to enter into a contract of employment with the city manager. The city manager shall have no vested or procedural rights in connection with his or her employment as city manager, except as may be granted by city council through contract or ordinance. The city manager shall be paid a salary commensurate with his or her responsibilities as chief administrative officer of the city, which salary shall be established by resolution of the city council, or by contract with the city manager.

The city manager shall furnish a corporate surety bond conditioned upon the faithful performance of his or her duties in such form and in such amount as may be determined by the city council. Any premium for such bond shall be a proper charge against the City.

SECTION 403. City Manager Powers and Duties.

The city manager shall be the administrative head of the government of the City under the direction and control of the city council. The city manager shall be responsible for the efficient administration of all the affairs of the City which are under the city manager's control. In addition to his or her general powers as administrative head, and not as a limitation thereon, the city manager shall have the powers and duties as set forth by ordinance of the city council including the following:

- (a) **Ordinances.** To recommend to the city council for adoption such measures and ordinances as deemed appropriate, and to enforce all laws and ordinances of the city and see that all franchises, contracts, permits and privileges granted by the city are faithfully observed;
- (b) **Management Authority.** To maintain management control, and provide direction to all department heads, subordinate officers and employees of the city. To effect such administrative organization of offices, positions or units in the interest of efficient, effective and economical conduct of the city's business with concurrence of the city council.
- (c) **Power of Appointment and Removal.** To appoint, remove, promote and demote all city officers and employees, except for elected officials and the city attorney, subject to the following, (i) all applicable personnel ordinances, rules and regulations of city; and (ii) all other ordinances of the city council.
- (d) **Council Meetings.** To participate in meetings of the city council unless excused or as otherwise directed by the mayor or city council.
- (e) **Financial Reports.** To keep the city council at all times advised as to the financial condition and needs of the city;
- (f) **Budget.** To prepare and submit the proposed balanced annual budget to the city council for consideration and approval;
- (g) **Purchasing Agent.** To purchase all supplies for all the departments or divisions of the city in accordance with the purchasing ordinance as approved by the city council.

- (h) Investigations and Complaints. To make investigations into the affairs of the city and any department or division thereof, and any contract or the proper performance of any obligations of the city; to investigate all complaints in relation to matters concerning the administration of the city government and the service maintained by public utilities in the city; to create processes to receive complaints from citizens, vendors, and other aggrieved persons; to report on any investigative activities and make recommendations to the city council. At the city council's discretion, the council may decide to conduct/oversee specific resident, contractor and/or other non-employee complaints and investigations.
- (i) Public Buildings. To exercise general supervision over all public buildings, public parks and all other public property which are under the control and jurisdiction of the city council;
- (j) Other Duties. To perform such other duties or exercise such other powers as may be delegated to the city manager from time to time by ordinance, resolution or other official action of the city council.

SECTION 404. Removal.

Unless for cause, the city manager shall not be removed from office by action taken by the city council during the period of ninety days following any municipal election at which a member of the city council is elected. At any other time the city manager may be removed only at a regular meeting of the city council and upon the affirmative votes of at least three members of the city council. In removing the city manager, the city council shall have absolute discretion, and its actions shall be final. The city manager is an at will employee and shall not have any procedural rights entitling him or her to a hearing or other notice prior to termination, except as may be provided by ordinance or contract.

SECTION 405. Acting City Manager.

When the city manager will be away from the office for more than one day (temporary illness, disability, scheduled absence, etc.), the city council shall be so notified and the assistant city manager or other departmental director, as the city manager may designate in writing filed with the city clerk, shall be designated and delegated "acting" city manager authority. If the city manager fails to designate an "acting city manager," the acting position shall be filled in this order: assistant city manager, then finance director, unless the city council designates a qualified city administrative officer to exercise the powers and perform the duties of manager during the temporary absence or disability.

SECTION 406. City Attorney.

There shall be a city attorney, who shall be appointed by and serve at the pleasure of the city council. An affirmative vote of three members of the city council shall be required to appoint or remove the city attorney. To become and remain eligible for city attorney the person appointed shall be an attorney-at-law duly licensed as such under the laws of the State of California.

SECTION 407. City Attorney, Powers and Duties.

The city council is authorized to enter into a contract with the city attorney. The city attorney shall have no vested or procedural rights in connection with his or her service/employment as city attorney, except as may be granted by city council, through ordinance, contract or otherwise. The city attorney shall have 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) Represent and appear for the City in any or all actions or proceedings in which the City is concerned or is a party, and represent and appear for any city officer or employee, or former city officer or employee, in any or all actions and

proceedings in which any such officer or employee is concerned or is a party for any act arising out of his employment or by reason of his or her official capacity.

- (c) Attend all meetings of the city council and give advice or opinions in writing whenever requested to do so by the city council or by any of the advisory boards, committees, commissions or officers of the City.
- (d) Approve the form of contracts made by and bonds given to the City, and all deeds or covenants recorded for or on behalf of the City.
- (e) Approve any and all proposed ordinances and resolutions for the City and amendments thereto.
- (f) Surrender to his or her successor all books, papers, files and documents pertaining to the City's affairs.
- (g) Prosecute on behalf of the people of the City any or all criminal cases arising from violation of city ordinances, and such State misdemeanors as the City has the power to prosecute.
- (h) Recommend and oversee the hiring and supervise the work of any and all other attorneys employed by the City to perform legal work on any litigation or other matter, or to otherwise assist the city attorney.
- (i) To otherwise serve as the legal counselor to the City, and to perform other duties consistent with the Charter, as directed by the city council.

ARTICLE V – EMPLOYEES

SECTION 500. Administrative Departments.

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

The city council, by ordinance or resolution, may assign additional functions or duties to offices, departments or agencies not inconsistent with this Charter. Where the positions are not incompatible, the city council may combine in one person the powers and duties of two or more offices created or authorized by this Charter. The city council shall provide for the number, titles, qualifications, powers, duties and compensation of all officers and employees.

SECTION 501. City Clerk; Powers and Duties.

There shall be a city clerk who shall be **elected from the city at large**. The city clerk shall have power and shall be required to:

- (a) Attend in person or through authorized representative, all meetings of the city council and be responsible for the recording and maintaining of a full and true record of all of the proceedings of the city council in books that shall bear appropriate titles and be devoted to such purpose.
- (b) Maintain records, in which shall be recorded respectively all ordinances, with the certificate of the clerk annexed to each thereof stating the same to be the original or a correct copy, and as to an ordinance requiring publication, stating that the same has been published or posted in accordance with this Charter; and keep all books properly indexed and open to public inspection when not in actual use.
- (c) Have the responsibility for records management of official actions of the city council, including contracts, bonds, deeds, and other recorded instruments.

- (d) Be the custodian of the seal of the City.
- (e) Administer oaths or affirmations, take affidavits and depositions pertaining to the affairs and business of the City and certify copies of official records.
- (f) Be ex-officio assessor, unless the city council has availed itself, or does in the future avail itself, of the provisions of the general laws of the State relative to the assessment of property and the collection of city taxes by county officers, or unless the city council by ordinance provides otherwise.
- (g) Serve as the election official of the City and have charge of all City elections.
Serve as the City's agent for service of process.
- (h) Perform such other duties not inconsistent with this Charter as may be required by ordinance or resolution of the city council.

SECTION 502. City Treasurer.

There shall be a city treasurer who shall be elected from the city at large. It shall be the duty of the City Treasurer to receive and safely keep all moneys which shall come into their hands as City Treasurer. They shall comply with all provisions of law governing the deposit and securing of public funds. They shall also comply with all the provisions of the general laws of the State governing the handling of such trust funds as may come into his possession. They shall pay out moneys only on warrants signed by persons designated by law, or ordinance, as the proper persons to sign warrants and as to trust funds which may come into his possession or control by virtue of some law, ordinance or resolution, by warrant or other order, in accordance with the provisions of such law, ordinance or resolution. They shall at regular intervals, at least once each month, submit to the Director of Finance a written report and accounting of all receipts, disbursements and fund balances, a copy of which report he shall file with the City Council.

The City Treasurer may appoint a deputy, or deputies, and such deputy or deputies shall receive such compensation as may be provided by the City Council. .

SECTION 503. Department Heads.

Each department head shall have the authority to administer their department, to oversee the employees in their department, and manage the department under the direction of the city manager and in accordance with the ordinances, resolutions and policies of the city council.

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

SECTION 504. Compensation.

The city council shall determine, by ordinance or resolution, the amount and type of compensation to be paid to all City officers, department heads, and employees. The city council may provide for the amount of compensation based on salary ranges, certification pay, and/or longevity pay. The city council may provide for benefits as an element of compensation in the form of insurance, CalPERS contributions, and accrued sick leave and vacation benefits.

SECTION 505. Indemnification of Employees.

Upon request by any employee or former employee of the City named in any claim or action against him or her for an injury arising out of an act or omission occurring within the scope of his or her employment as an employee of the City, made in writing not more than thirty (30) days after the employee or former employee became aware of the action and not less than sixty (60) days before the day of trial, and so long as the employee or former employee (i) was acting in the course and scope of employment, (ii) was not acting with fraud, corruption or malice, and (iii) cooperates reasonably and in good faith in the defense of the claim or action, the City shall pay any judgment based thereon or any compromise or settlement of the claim or action to which the City has agreed. Where the City conducts the defense of the claim or action pursuant to an agreement with the employee or former employee, reserving the City's rights not to pay

the judgment, compromise, or settlement until it is established the injury arose out of act or omission occurring within the scope of his or her employment as a City employee, the City shall be required to pay for the defense or the judgment, compromise, or settlement only if it is established the injury arose out of an act or omission occurring within the scope of the reservation of rights agreement. The City may indemnify any employee or former employee for any part of a claim or judgment that is for punitive or exemplary damages only upon a vote to do so by a majority of the membership of the city council. The city council may, by ordinance or resolution, provide for equitable relief from the time limitations upon making of a request for indemnity.