

DRAFT  
CITY OF RANCHO PALOS VERDES  
CITY CHARTER  
AS OF APRIL 16, 2018

The City of Rancho Palos Verdes incorporated as a California general law city on September 7, 1973. Subsequently, the area known as “Eastview” was annexed to the City on January 5, 1983. On \_\_\_\_\_, with the city’s voters approval, the City of Rancho Palos Verdes became a California chartered city.

TABLE OF CONTENTS

PREAMBLE..... 6

ARTICLE I – INCORPORATION AND SUCCESSION..... 7

    SECTION 100. Name and Boundaries. .... 7

    SECTION 101. Succession, Rights and Liabilities..... 7

    SECTION 102. Ordinances. .... 7

    SECTION 103. Continuance of Present Officers and Employees. .... 7

    SECTION 104. Continuance of Contracts and Franchises. .... 8

    SECTION 105. Pending Actions and Proceedings. .... 8

    SECTION 106. Seal..... 8

    SECTION 107. Severability. .... 8

    SECTION 108. Effective Date of Charter..... 9

    SECTION 109. Amendment. .... 9

ARTICLE II – POWERS OF THE CITY ..... 10

    SECTION 200. Powers..... 10

    SECTION 201. Procedures. .... 10

    SECTION 202. Form of Government..... 10

    SECTION 203. Intergovernmental Relations. .... 11

    SECTION 204. Establishment of Specialized Agencies or Authorities. .... 11

    SECTION 205. Enterprise Funds..... 11

    SECTION 206. General Land Use Authority, Goals and Objectives..... 12

    SECTION 207. Preservation of Public Parkland..... 13

ARTICLE III – CITY COUNCIL..... 15

    SECTION 300. Powers Vested in the City Council..... 15

    SECTION 301. Elective Officers..... 15

    SECTION 302. Mayor; Mayor Pro Tempore..... 15

    SECTION 303. Eligibility..... 16

    SECTION 304. Compensation and Expenses..... 16

    SECTION 305. Limitation of Terms..... 17

    SECTION 306. Vacancies..... 17

    SECTION 307. Interference in Administrative Service..... 19

    SECTION 308. Meetings..... 19

SECTION 309. Special Meetings.....	20
SECTION 310. Quorum; Proceedings.....	21
SECTION 311. Oaths; Subpoenas.....	21
SECTION 312. Citizen Participation.....	<del>22</del> 24
SECTION 313. Adoption of Ordinances and Resolutions.....	22
SECTION 314. Ordinances; Publication.....	23
SECTION 315. Codification of Ordinances.....	23
SECTION 316. Ordinances; When Effective.....	24
SECTION 317. Ordinances; Violation; Penalty.....	24
SECTION 318. Publishing of Legal Notices.....	<del>25</del> 24
SECTION 319. Contracts; Execution.....	25
ARTICLE IV – CITY MANAGER AND CITY ATTORNEY .....	27
SECTION 400. City Manager.....	27
SECTION 401. Eligibility.....	27
SECTION 402. Compensation and Bond.....	27
SECTION 403. City Manager Powers and Duties.....	28
SECTION 404. Removal.....	29
SECTION 405. Acting City Manager.....	30
SECTION 406. City Attorney.....	30
SECTION 407. City Attorney, Powers and Duties.....	31
ARTICLE V – EMPLOYEES.....	33
SECTION 500. Administrative Departments.....	33
SECTION 501. City Clerk; Powers and Duties.....	33
SECTION 502. Director of Finance and Treasurer.....	34
SECTION 503. Department Heads.....	36
SECTION 504. Compensation.....	36
SECTION 505. Indemnification of Employees.....	36
ARTICLE VI – APPOINTIVE ADVISORY BOARDS, COMMITTEES AND COMMISSIONS .....	38
SECTION 600. In General.....	38
SECTION 601. Appropriations.....	38
SECTION 602. Appointments; Terms.....	38
SECTION 603. Meetings, Chairs.....	39
SECTION 604. Compensation.....	40
SECTION 605. Removal; Vacancies.....	40

SECTION 606. Indemnification of Members.....	41
SECTION 607. Planning Commission; Powers and Duties. ....	42
ARTICLE VII – PERSONNEL SYSTEM.....	43
SECTION 701. Personnel Rules and Policies .....	43
SECTION 702. Contracts with Employees; State Employees Retirement System. ...	44
SECTION 703.....	44
SECTION 704. Eligibility for Appointed Office. ....	44
SECTION 705. Illegal Contracts; Financial Interest; Incompatible Employment. ....	45
ARTICLE VIII – ELECTIONS .....	47
SECTION 800. General Municipal Elections. ....	47
SECTION 801. Special Municipal Elections. ....	47
SECTION 802. Procedure for Holding Elections. ....	47
SECTION 803. Initiative , Referendum and Recall. ....	47
ARTICLE IX – FISCAL ADMINISTRATION.....	48
SECTION 900. Fiscal Year.....	48
SECTION 901. Annual Budget. ....	48
SECTION 902. Proposed Budget, Submission to City Council.....	48
SECTION 903. Budget, Public Hearing. ....	48
SECTION 904. Budget; Adoption. ....	49
SECTION 905. Budget; Appropriations. ....	49
SECTION 906. Municipal Finance Authority.....	50
Section 907. Limits on Tax Authority. ....	50
SECTION 907. Tax Procedure. ....	51
SECTION 908. Bonded Debt.....	51
SECTION 909. Election for Major Capital Projects.....	51
SECTION 910. Presentation of Demands. ....	52
SECTION 911. Independent Audit.....	54
SECTION 912. Purchasing Ordinance. ....	54
SECTION 913. Contracts; Execution.....	55
SECTION 914. Outsourcing. ....	56
ARTICLE X – FRANCHISES.....	57
SECTION 1000. Granting of Franchises.....	57
SECTION 1001. Resolution of Intention; Notice and Public Hearing. ....	57
SECTION 1002. Term of Franchise.....	58

|

SECTION 1003. Franchise Inapplicable to City.....	59
SECTION 1004. Eminent Domain. ....	59

DRAFT

PREAMBLE

We, the People of the City of Rancho Palos Verdes, State of California, declare our intent to protect and preserve the values that have guided and sustained our City since it was formed in 1973. We hold dear the historic doctrine of home rule; the right to determine land use to maintain the low-density, semi-rural character of our community; and the protection of coastal resources, canyons, open space areas and views and seek to protect these values from forces which would encroach on them. 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 Rancho Palos Verdes 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 Rancho Palos Verdes.

## ARTICLE I – INCORPORATION AND SUCCESSION

### SECTION 100. Name and Boundaries.

The City of Rancho Palos Verdes, hereinafter termed the City, shall continue to be a municipal corporation under its present name of “City of Rancho Palos Verdes.” 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 majority vote of the members of the city council, or by initiative by the People of the City of Rancho Palos Verdes. 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 laws, the budget and the policies of the City, and the city manager shall implement the laws, budget and 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, 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. 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. 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 206. General Land Use Authority, Goals and Objectives.

The City of Rancho Palos Verdes is a low-density, semi-rural residential community that prides itself in providing exceptional service to the residents and business community it serves. The City's unique topography, coastal areas, natural open spaces and views have made it one of the most desirable communities in the state. It is the goal of the City to maintain its low-density, semi-rural legacy; to promote commercial development that is in harmony with the environment; to maintain a sound financial base; to protect neighborhood character; and, to serve the needs of those who reside, work and recreate in the City. 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 Rancho Palos Verdes.

Except as otherwise provided by ordinance of the city council, 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.
- (i) Establish regulations which are sensitive to the unique topography of the City and the protection of the magnificent views of properties within the City.
- (j) Establish regulations for landslide areas which will assist in limiting land movement and protect property and public health and safety.
- (k) Establish measures to protect and preserve open space and natural areas.
- (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 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 207. Preservation of Public Parkland.

No public park or beach or portion thereof now or hereafter owned or operated by the City shall be sold, leased, exchanged or otherwise transferred or disposed of unless

authorized by the affirmative votes of at least three members of the city council and by the affirmative vote of at least a majority of the electors voting on such proposition at a general municipal election at which such proposition is submitted or a special municipal election called as an urgency matter by at least four members of the city council.

This section shall not apply where the city council by resolution finds:

- (a) Any lease, franchise, or contract (including concession agreement) in existence prior to the adoption of this Charter, but the lease, franchise, or contract shall not be amended to relocate it on the same or different public park or beach, or increase the intensity of use or the amount of parkland dedicated to or used by the holder of the lease, franchise, or contract;
- (b) Any utility or public works construction, maintenance and repair which does not negatively impact long-term recreational opportunities;
- (c) Any land deed restricted as a nature or habitat preserve; and,
- (d) Any real property or land the City may acquire from time to time for uses other than parkland or beach, such as for public facilities, streets or access, or other public works, or for emergency preparedness, or other public purpose.
- (e) Vacation of public streets or rights of way in accordance with state law.
- (f) Any temporary contract, lease or concession agreement having a term of less than five years and entered into for the purpose of maintaining, protecting or enhancing the parkland or beach, or promoting the public use or enjoyment thereof.
- (g) Any lease, franchise or contract with a term of ten years or less which is approved by four or more members 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 301. Elective Officers.

The elective officers of the City shall consist of a city council of five members, one of whom shall be the mayor. The members of the city council shall be elected from the city at large at the time and in the manner provided in this Charter. [Except for the three year terms commencing in 2017 and 2019 which shall be three years,] all members of city council shall serve for a term of four years and until their respective successors are elected and qualified.

The five members of the city council in office at the time this Charter takes effect shall continue in office until the termination of their current terms.

The term of each member of the city council shall commence no later than five days from the certification of the election results by the city council. Ties in voting among candidates for office shall be settled [by special municipal election pursuant to Section 801 of this Charter.

### SECTION 302. Mayor; Mayor Pro Tempore.

At the first regular city council meeting the month following a general municipal election, in which newly elected council members are sworn and seated, and at the first regular city council meeting twelve months thereafter, the city council shall designate one of its members as mayor and one of its members as mayor pro tempore, whom shall serve in such capacity at the pleasure 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 meetings are conducted in an orderly and fair manner in accordance with law. The mayor shall perform such other duties consistent with his or her office as may be prescribed by this Charter, or as may be imposed by the city council by resolution or ordinance.

### 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 election.

Any elective officer of the City who shall accept or retain any other elective public office, or any other public office whose duties are incompatible with the duties of a member of the city council of the City, except as may be otherwise provided by this Charter, shall be deemed thereby to have immediately vacated his or her council office in accordance with the rules of Government Code Section 1125 or any successor provision thereto.

### SECTION 304. Compensation and Expenses.

All members of the city council, including the mayor, shall receive as compensation for their services a monthly salary which is the lesser of 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 305. Limitation of Terms.

No person shall serve more than two consecutive terms of office as a member of the city council.

For the purpose of this section, a "term" shall mean any period of service on the city council that exceeds two years, and "consecutive" shall mean immediately following, without an intervening hiatus in service.

Any person who has served two consecutive terms as a member of the city council shall not be eligible to serve again until the expiration of at least six years after the end of that person's last term of office and this provision shall supersede any conflicting provisions of Measure C adopted by the voters in 2003.

#### SECTION 306. Vacancies.

- (a) Vacancy. If a member of the city council (i) is absent from all regular meetings of the city council for a period of sixty days consecutively from and after the last regular city council meeting attended by such member, unless such absence is by permission or excused by the city council expressed in its official minutes; (ii) ceases to be domiciled in the City or ceases to be an elector of the City; or (iii) is

convicted of any felony or criminal offense involving a violation of his or her official duties, or a crime involving moral turpitude, the office shall become vacant. The city council by resolution shall declare the existence of any such vacancy, and the office shall be deemed vacant from the date of such declaration.

- (b) **Filling Vacancy.** A vacancy on the city council, from whatever cause, that occurs more than ninety days before or after a general municipal election may be filled by appointment by a majority of the remaining members of the city council, or by the calling of a special election if no appointment is made within forty-five days of the commencement of the vacancy. No person shall be eligible to fill a vacancy unless he or she is, at the time of appointment or issuance of nomination papers for the special election, a qualified elector of the City has been domiciled in the City for at least one year immediately preceding his or her appointment or election, and has not held elected office in the City for at least six years immediately preceding his or her appointment or election to fill a vacancy. Any person appointed or elected to fill a vacancy in the city council shall serve the remaining unexpired term of the office. In the event it shall fail to fill a vacancy by appointment within [forty-five days] after such office shall become vacant, the city council shall cause an election to be held [forthwith] to fill such vacancy.
- (c) **Filling at Time of Election.** If a vacancy on the city council occurs for any reason after the adoption of a resolution by the city council calling for a general municipal election to elect members to the city council, but not more than ninety days after the date of that general municipal election, the person who received the highest number of votes in said election, but was not elected, shall be appointed by the city council to fill that vacancy. The person appointed pursuant to this provision shall serve the remaining unexpired term of the office. Persons eligible for appointment shall meet the criteria of subsection (b) above.
- (d) **Interim Appointment.** If the city council calls a special election to fill a vacancy, the city council may make an interim appointment to fill the vacancy until the date

of the special election. No person shall be eligible to fill an interim vacancy unless he or she is, at the time of appointment, a qualified elector of the City, has been domiciled in the City for at least one year immediately preceding his or her appointment, and has not held elected office in the City for at least six years immediately preceding his or her interim appointment to fill the vacancy. The times and procedures for the calling of any special election to fill a city council vacancy may be established by ordinance consistent with state law.

#### 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.

#### SECTION 308. Meetings.

- (a) **Compliance with State Law.** Unless otherwise expressly provided in this Charter, all meetings of the city council shall be called and conducted in accordance with state law, as specified in the "Brown Act", California Government. Code Sections 54950, et seq.
- (b) **Regular Meetings.** Unless otherwise provided by ordinance, or resolution of the city council, the city council shall hold regular meetings at least twice each month. City council meetings shall be held at such times as it shall fix by ordinance or resolution and city council may adjourn or re-adjourn any regular

meeting to a date and hour certain which shall be specified in the order of adjournment and when so adjourned each adjourned meeting shall be a regular meeting for all purposes. If the hour to which a meeting is adjourned is not stated in the order of adjournment, such meeting shall be held at the hour for holding regular meetings. If at any time any regular meeting falls on a holiday or Rancho Palos Verdes municipal election, such regular meeting shall be held on the next business day.

- (c) Notice and Posting Agenda. The notice and agenda shall be posted at least seventy two hours before the regular meeting in at least 3 locations designated by resolution of the City Council, and one of which is city hall (hereinafter the "Designated Locations") freely accessible to the public twenty four hours a day during the seventy two hour period prior to the meeting, and where the notice and agenda is not likely to be removed or obscured by other posted material. Specifically, the notice and agenda shall also be placed on the city's official website. The city clerk may also use additional technological means to disseminate information to the public.
- (d) Place of Meetings. Unless otherwise provided by ordinance or resolution of the city council, all meetings shall be held in the council chambers as such location is designated by ordinance or resolution of the city council, or in such place to which any such meeting may be adjourned, and, except for any closed sessions permitted under state law, shall be open to the public. If, by reason of fire, flood or other emergency, it shall be unsafe to meet in the place designated, the meetings may be held for the duration of the emergency at such place as is designated by the mayor, or, if he or she should fail to act, by three members of the city council.

#### SECTION 309. Special Meetings.

Special meetings may be called at any time by the mayor, or by a majority of the city council members, by delivering written notice to each council member and the local

media in accordance with Government Code Section 54956. The notice for a special meeting shall specify the subject(s) to be considered, and only the matters specified in the notice may be discussed at special meetings. The notice for a special meeting shall be conspicuously posted at least twenty four hours prior to the special meeting at the Designated Locations and in the manner for posting of the regular agendas set forth in Section 308.

#### SECTION 310. Quorum; Proceedings.

Three members of the city council shall constitute a quorum to do business, but a lesser number may adjourn from time to time. In the event none of the members of the city council are present at any regular meeting or adjourned regular meeting, the city clerk may declare the meeting adjourned to a stated day, hour, and place. Notice of a meeting adjourned by less than a quorum or by the clerk shall be given by the clerk or may be waived by consent in the same manner as specified in this Charter for the giving or waiving of notice of special meetings of the city council, but need not specify the matters to be acted upon.

#### SECTION 311. Oaths; Subpoenas.

Each member of the city council shall have the power to administer oaths and affirmations in any investigation or proceeding pending before the city council. The city council shall have the power and authority to compel the attendance of witnesses, to examine them under oath and to compel the production of evidence before it. Subpoenas shall be authorized by resolution of the city council and issued by the mayor in the name of the City and shall be attested by the city clerk. Disobedience of such subpoenas, or the refusal to testify upon other than constitutional grounds or statutory privileges, shall constitute a misdemeanor.

SECTION 312. Citizen Participation.

No person shall be denied the right, personally or through counsel, to address the city council at any regular meeting, adjourned regular meeting or special meeting regarding any item within its subject matter jurisdiction and if such item is on the agenda, prior to such item being acted upon by the city council,. City council may, by ordinance or resolution, establish time limitations for speaking and impose other reasonable regulations on the exercise of such right to preserve the orderly nature of its proceedings.

SECTION 313. Adoption of Ordinances and Resolutions.

With the sole exception of ordinances which take effect upon adoption, referred to in this section, all ordinances shall be first introduced by the city council, and shall have a second reading no sooner than fourteen days after the date of their introduction and prior to their adoption. All ordinances shall be introduced, deliberated, and passed upon at a regular or adjourned regular meeting of the city council. At the time of its introduction, an ordinance shall become a part of the proceedings of such meeting, and a copy of the introduced ordinance shall be kept in the custody of the city clerk. A proposed ordinance shall be read by title only unless a council member disagrees that the ordinance can be read by title only and requests a full reading. In the event that any ordinance is altered after its introduction, the same shall not be finally adopted except after a second reading at a regular or adjourned regular meeting held not less than fourteen days after the date upon which such ordinance was so altered. The correction of typographical or clerical errors shall not constitute the making of an alteration within the meaning of the foregoing sentence.

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

Unless a higher vote is required by other provisions of this Charter, or by the laws of the State of California which supercede this Chapter, the affirmative votes of at least three members of the city council shall be required for the enactment of any ordinance, or the

|

making or approving of any order for the payment of money, or for entering into any contract where the amount to be paid by the City exceeds twenty five thousand dollars, or such other amount as city council may establish by ordinance.

All ordinances and resolutions shall be signed by the mayor or in the mayor's absence, the mayor pro tempore, and attested by the city clerk.

Any ordinance declared by the city council to be necessary as an emergency measure for preserving the public peace, health or safety, and containing a statement of the reasons for its urgency, may be introduced and adopted at one and the same meeting if passed by at least four affirmative votes. Any ordinance that carries an emergency clause shall be effective for no more than six months from the date of adoption, unless reintroduced and passed in the normal manner by the city council at a regular or adjourned regular meeting.

#### SECTION 314. Ordinances; Publication.

The city clerk shall cause each ordinance or a summary of each ordinance to be published at least once in a newspaper of general circulation in the City, and posted on the City's official website within fifteen days after its adoption. If there is no newspaper of general circulation in the City, the clerk shall cause it to be published in at least one public place in the City. The city clerk may also use additional technological means available to disseminate information to the public.

#### SECTION 315. Codification of Ordinances.

Any or all ordinances of the City which have been enacted and published in the manner required at the time of their adoption, and which have not been repealed, may be compiled, consolidated, revised, indexed and arranged as a comprehensive ordinance code, and such code may be adopted by reference, with the same effect as an ordinance, by the passage of an ordinance for such purpose. Such code need not be

published in the manner required for other ordinances, but not less than three copies thereof shall be filed for use and examination by the public in the office of the city clerk prior to the adoption thereof. Amendments to the code shall be enacted in the same manner as ordinances.

Detailed regulations pertaining to the construction of buildings, plumbing and wiring, mechanical devices, abatement of dangerous buildings, or similar matters consisting of part of a uniform code adopted by the County of Los Angeles, or generally adopted on a state-wide or region-wide basis, when arranged as a comprehensive code, may likewise be adopted by reference to the full extent permitted by the general laws of the State of California, and pursuant to procedures established therein. Maps, charts and diagrams also may be adopted by reference in the same manner.

#### SECTION 316. Ordinances; When Effective.

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

- (a) An ordinance calling or otherwise relating to an election.
- (b) An assessment district ordinance adopted under some special law or procedural ordinance relating thereto.
- (c) An ordinance declaring the amount of money necessary to be raised by taxation, or fixing the rate of taxation, or levying a tax upon property.
- (d) An emergency ordinance adopted in the manner provided for in this article.

#### SECTION 317. Ordinances; Violation; Penalty.

City council may designate the violation of any ordinance of the City to constitute a misdemeanor or an infraction. Unless specifically designated as an infraction, a violation of any ordinance of the City shall constitute a misdemeanor and may be prosecuted in the name of the people of the State of California or may be redressed by civil action. The maximum fine or penalty for any violation of a City ordinance, whether

a misdemeanor or an infraction, shall be as established by ordinance or resolution of the city council.

#### SECTION 318. Publishing of Legal Notices.

The city clerk shall cause all legal notices to be published in a newspaper of general circulation within the City, posted in the Designated Locations and on the City's official website all as designated in Section 308. The city clerk may also utilize other technological means available for dissemination of information to the public. In the event no newspaper of general circulation is published and circulated in the City, then all legal notices or other matters may be published by posting copies thereof in the Designated Locations in accordance with Section 308 and on the city's official website.

No defect or irregularity in proceedings taken under this section, or failure to designate an official newspaper, shall invalidate any publication where the same is otherwise in conformity with this Charter, or ordinance, or other law.

#### SECTION 319. Contracts; Execution.

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

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

|

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

Contracts for the sale of the products, commodities or services of any department or public utility owned, controlled or operated by the City may be made by the manager of such utility or by the city manager upon forms approved by the city manager and at rates fixed by the city council.

The provisions of this section shall not apply to services rendered by any person in the employ of the City.

DRAFT

## 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 deputy 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 or deputy 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.

[CP: The committee decided not to include Section 4406a, Council Advice on Appointment of Certain Managers; Section 406b, Council-Manager Relations; Section 406c, Department Cooperation; and Section 406d, Terms of Employment, from RPV Municipal Code Section 2.08.95, .80, .90 and .105, respectively]

#### 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 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.

DRAFT

## 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 appointed by the city manager, and the city manager shall have the authority to discipline or dismiss the city clerk. 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. Director of Finance and Treasurer.

There shall be a director of finance who shall also be the city treasurer who shall be appointed by the city manager, and whose appointment, suspension or removal by the city manager shall be **subject to the advice and consent of the city council.** The director of finance and treasurer shall be qualified by sufficient technical accounting training, skill, and experience to be proficient in the discharge of the responsibilities of the office. The director of finance and treasurer shall have power and shall be required to:

- (a) Serve as the chief fiscal officer of the City as well as exercising all the functions of the office of treasurer under state law.
- (b) Have charge of the administration of the financial affairs of the City under the direction of the city manager, and to assist and advise the city council and city manager in all matters pertaining to City finances.

- |
- (c) Compile annual expense and income estimates for the city manager.
  - (d) Maintain a general accounting system for the City government and each of its offices, departments and agencies, and perform all financial and accounting duties.
  - (e) Supervise and be responsible for the disbursement of all moneys and have control of all expenditures to insure that budget appropriations are not exceeded; audit all purchase orders before issuance; audit and approve before payment, all bills, invoices, payrolls, demands or charges against the City government and, with the advice of the city attorney, when necessary, determine the regularity, legality and correctness of such claims, demands or charges.
  - (f) Submit to the city council through the city manager a periodic statement of all receipts and disbursements in sufficient detail to show the exact financial condition of the City; and, as of the end of each fiscal year, submit a complete financial statement and report.
  - (g) Supervise the keeping of current inventories of all property of the City by all City departments, offices and agencies.
  - (h) Receive all taxes, assessments, license fees and other revenues of the City, or for whose collection the City is responsible, and receive all taxes or other money receivable by the City from the county, state or federal government, or from any court, or from any office, department or agency of the City.
  - (i) Have custody of all public funds belonging to or under control of the City or any office, department or agency of the City government and deposit all funds coming into his or her hands in such depository as may be designated by resolution of the city council, or, if no such resolution be adopted, then in such depository designated in writing by the city manager, and in compliance with all of the provisions of the State Constitution and laws of the State governing the handling, depositing and securing of public funds.

- (j) Perform such other duties not inconsistent with this Charter as may be required 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 of compensation to be paid to all City officers, department heads, and employees.

#### 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 sixty days after the employee or former employee became aware of the action and not less than 10 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.

ARTICLE VI – APPOINTIVE ADVISORY BOARDS, COMMITTEES AND COMMISSIONS

SECTION 600. In General.

To assist the city council in the governance of city, there shall be a planning commission and such other boards, committees or commissions as the city council may establish by ordinance or resolution. The city council shall set the purposes and size of such boards, committees and commissions and may grant to them such powers and duties as it deems appropriate and are consistent with the provisions of this Charter.

SECTION 601. Appropriations.

The city council shall include in its annual budget such appropriations of funds as in its opinion shall be sufficient for the efficient and proper functioning of such advisory boards, committees and commissions. The city council may, by ordinance or resolution, set reasonable fees and charges for defraying the costs of hearings or other administrative proceedings of the City's appointive advisory boards, committees and commissions

SECTION 602. Appointments; Terms.

The members of each City advisory board, committee or commission shall be appointed by at least three (3) affirmative votes of the city council. Each member shall be an qualified elector of the City, or of territory legally annexed thereto, shall be domiciled in the City for ninety days immediately preceding his or her appointment and shall continue to reside in the City for the duration of his or her tenure, unless otherwise provided by ordinance. The city council, for good cause, may waive the requirement of residency for ninety days prior to appointment, in individual cases. Notice of the availability of a position for appointment or to fill a vacancy shall be subject to the provisions of the Maddy Act (Govt. Code Section 54970 - 54974) and posted in the Designated Locations pursuant to Section 308 and shall also be posted on the City's

official website. The city clerk may also utilize other technological means available to disseminate information to the public. The city council may, by resolution, adopt additional procedures to receive and consider applicants for City advisory boards, committees and commissions. No member of a City advisory board, committee or commission shall hold any paid office or employment in the City government. The members thereof shall serve for a term of four (4) years, unless the city council establishes a different term by ordinance or resolution, and until their respective successors are appointed and qualified. The respective terms of office of all members of the advisory boards, committees and commissions in existence at the time this Charter takes effect shall continue upon the effective date of this Charter.

#### SECTION 603. Meetings, Chairs

As soon as practicable, following the first day of every calendar year, or such other time as may be designated by resolution of the city council, the city council shall appoint a member to serve as chair of each advisory board, committee and commission. Each advisory board, committee or commission may organize by electing one or more of its members to serve as vice-chair(s) who shall serve at the pleasure of such advisory board, committee or commission. Unless otherwise provided by ordinance or in the rules of proceeding promulgated by the applicable advisory board, committee or commission, each advisory board, committee or commission shall hold regular meetings at least once each month, and may hold special meetings as such advisory board, committee or commission may require. All proceedings shall be open to the public, except for such closed sessions as may be authorized by law, and shall be conducted in accordance with open meeting laws of the State of California.

Except as may be otherwise provided in this Charter, the city manager shall designate a secretary for the recording of minutes for each of such advisory boards, committees and commissions, who shall keep a record of its proceedings and transactions and shall provide staff support for such board or commission. Each advisory board, committee or

commission may by resolution adopt such other rules and regulations which shall be consistent with this Charter and the rules and policies of the city council.

#### SECTION 604. Compensation.

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

#### SECTION 605. Removal; Vacancies.

Any member of an advisory board, committee or commission shall serve at the pleasure of the city council and may be removed at any time by a vote of a majority of the membership of the city council,

Causes for removal include but are not limited to:

- (a) Excessive absenteeism, to be defined as absence from three consecutive meetings of such board, committee, or commission or for twenty five percent (25%) of the duly scheduled meetings of the board or commission within any fiscal year, unless by permission of such board or commission expressed in its official minutes;
- (b) Upon conviction of any felony or crime involving moral turpitude;
- (c) The member ceases to be a qualified elector of the City;

The city council may declare the office of any board or commission member vacant, and the vacancy shall be effective from the date of the declaration unless otherwise specified in the declaration.

|

Any vacancies in any board or commission shall be filled by appointment by a majority of the membership of the city council. Upon a vacancy occurring leaving an unexpired portion of a term, any appointment to fill such vacancy shall be for the unexpired portion of such term.

#### SECTION 606. Indemnification of Members.

Upon request by any member or former member of any appointed advisory board, commission or commission established in this article, 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 duties as a member of such board, committee or commission of the City, made in writing not more than sixty days after the member or former member became aware of the action and not less than 10 days before the day of trial; and so long as the member or former member (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 provide for the defense and pay any judgment based thereon or any compromise or settlement of the claim or action to which the City has agreed. Where the City provides the defense of the claim or action, it may do so pursuant to an agreement with the member or former member of such board or commission 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 duties as a member of such board, committee or commission, and without fraud, corruption, or malice, and 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 member or former member of such board or commission 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.

SECTION 607. Planning Commission; Powers and Duties.

There shall be a planning commission consisting of no fewer than five members. The director of community development or his or her designated representative, shall attend all planning commission meetings. The planning commission may meet with and receive advice from the city attorney as it or the city attorney may deem necessary. The planning commission shall have all of the following powers and duties, which powers and duties may be modified by ordinance of the city council:

- (a) All duties set out in the State Planning and Zoning Law for a planning agency as same now exists and as same may hereafter be amended.
- (b) After public hearing, recommend to the city council any amendment to the general plan or any part thereof, or any zoning ordinance amendments.
- (c) Exercise authority granted to it by ordinance over subdivisions, use permits, or other matters not inconsistent with this Charter.
- (d) Review the quality and nature of development within the City in accordance with the general plan and make recommendations to the city council to assure development is carried out in accordance with the general plan and the City's planning standards.
- (e) Make recommendations to the city council concerning the annual capital improvement plan and as to the acquisition and disposal of real property in terms of consistence of such with the general plan.
- (f) Perform other duties specified by the city council not inconsistent with this Charter.

## ARTICLE VII – PERSONNEL SYSTEM

### SECTION 701. Personnel Rules and Policies

City council may by ordinance or resolution establish a system of personnel rules and policies, governing the terms of employment of any or all employees of the City.

The personnel rules and policies may govern, without limitation, the following aspects of the personnel system:

- (a) Classification of employment by employment position between exempt and non-exempt appointments, and determination of "at will" categories of employment positions.
- (b) The preparation, installation, revision and administration of a position classification plan covering all positions in the competitive service.
- (c) The preparation, installation, revision and administration of a plan of compensation corresponding to the position classification plan, providing a rate or range of pay for each class.
- (d) The public announcement of examinations and application for and acceptance of applications for employment and establishing of criteria related thereto.
- (e) The preparation and administration of examinations and the establishment and use of resulting employment lists containing names of persons eligible for appointment.
- (f) The certification and appointment of persons from employment lists, and the making of temporary, emergency, and provisional appointments.
- (g) The establishment of hours of work, attendance and leave regulations, training programs, benefits, conduct guidelines and other conditions of work.
- (h) The evaluation of employees during the probationary period and at periodic intervals.

- (i) The transfer, promotion, demotion, reinstatement, separation, or any other change of status of employees in the competitive service.
- (j) The discipline of employees.
- (k) A system or systems for submission to and review by the city manager, personnel manager or other designated person or persons, of designated types of discipline and personnel decisions, for fact-finding, recommendations, final decision or other designated purposes or effects.

SECTION 702. Contracts with Employees; State Employees Retirement System.

- (a) Memorandum of Understanding. City may enter into any contracts or collective bargaining agreements with its employees, and shall meet and confer with the duly authorized representative of such employees regarding wages, hours and other terms and conditions of employment to be included in any such agreement. City may by resolution establish conditions for the recognition of employee bargaining groups, but shall retain management rights necessary authority to administer the city organization.
- (b) Calpers contract. Plenary authority under this Charter shall be vested in the City and the city council, and by delegation of the city council, to its several officers, agents, and employees, to do all acts and exercise all authority granted, permitted, or required to enable the City to continue as a contracting city under the Public Employees' Retirement System, and shall terminate such contract only in accordance with state law.

SECTION 703.

SECTION 704. Eligibility for Appointed Office.

No person holding or retaining any elective public office, and no person holding any appointed office whose duties are incompatible with the duties to be discharged for the

City, shall be eligible for appointment as city manager, city attorney, or a member of any appointed advisory board, committee or commission. No person shall be eligible for appointment as city manager, city attorney, or a member of any appointed advisory board, committee or commission who is a relative by blood or marriage within the third degree of any one or more members of the city council. The city manager, respective department heads, and all other persons empowered by this Charter or ordinance to appoint any person to any appointed position in the City government shall not appoint any person who is a relative by blood or marriage within the third degree of the person making the appointment.

**SECTION 705. Illegal Contracts; Financial Interest; Incompatible Employment.**

- (a) Conflicts of Interest. All officers and employees of the city shall fully comply with all state laws regarding conflicts of interest and incompatible employment, including that:
- (i) No member of the city council, department head or other officer of the City (except a member of any board or commission), shall be financially interested, directly or indirectly, in any contract, sale or transaction to which the City is a party; and (ii) No member of any board or commission shall be financially interested, directly or indirectly, in any contract, sale or transaction to which the City is a party and which comes before the board or commission of which such person is a member for approval or other official action or which pertains to the department, office or agency of the City with which such board or commission is connected. Any contract, sale or transaction in which there shall be such an interest, as specified in this section, shall become void at the election of the City when so declared by resolution of the city council. The general laws of the State of California shall be used in determining what constitutes a financial interest for the purpose of this section, which general laws may be supplemented or modified by regulations of the city council adopted by ordinance.

- |
- (b) Forfeit Office. If any member of the city council, department head or other officer of the City, or member of a board or commission shall be financially interested as aforesaid, upon conviction thereof he or she shall forfeit his or her office in addition to any other penalty which may be imposed for such violation of this Charter.
  - (c) Incompatible Employment. No city council member, department head, or other officer or employee of the City shall engage in any employment activity or enterprise which is inconsistent, incompatible, or in conflict with his or her duties with the City. City council may, by ordinance, resolution, or regulation, adopt rules for determining those outside activities which are inconsistent, incompatible, or in conflict with the official duties for the City for the various offices or employment.

DRAFT

## ARTICLE VIII – ELECTIONS

### SECTION 800. General Municipal Elections.

General municipal elections for the election of city council members and for such other purposes as the city council may prescribe shall be held in the City on the first Tuesday in November in each even numbered year. This section shall not apply to the general municipal election scheduled to be held in November 2019.

### SECTION 801. Special Municipal Elections.

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

### SECTION 802. Procedure for Holding Elections.

All elections shall be held in accordance with the provisions of the Elections Code of the State of California, as the same now exist or hereafter may be amended, for the holding of municipal elections, so far as the same are not in conflict with this Charter. The city council may in its discretion determine to conduct mail ballot elections by such procedure as it may prescribe by ordinance.

### SECTION 803. Initiative , Referendum and Recall.

There are hereby reserved to the electors of the City the powers of the initiative and referendum and of the recall of municipal elective officers. The provisions of the Elections Code of the State of California, as the same now exist or hereafter may be amended, governing the initiative and referendum and the recall of municipal officers, shall apply to the use thereof in the City so far as such provisions of the Elections Code are not in conflict with the provisions of this Charter.

## ARTICLE IX – FISCAL ADMINISTRATION

### SECTION 900. Fiscal Year.

The fiscal year of the City government shall be as specified by ordinance of the city council.

### SECTION 901. Annual Budget.

The city council shall establish by ordinance the procedures for the preparation, review, adoption, distribution and administration the annual budget. The city council may establish other policies and procedures regarding the annual budget, such as reserve policies and adoption deadlines, by resolution. The city manager shall be responsible for the preparation of the budget in accordance with such policies.

### SECTION 902. Proposed Budget, Submission to City Council.

At least sixty days prior to the beginning of each fiscal year, the city manager shall submit to the city council the proposed budget and make copies of same available for inspection by the public in the office of the city clerk, on the City's official website and the Designated Location(s) per Section 308, and may use such other technological means available to disseminate information to the public as the city clerk may determine. After reviewing the proposed budget and making such revisions as it may deem advisable, the city council shall determine the time for the holding of a public hearing thereon and shall cause to be published a notice thereof not less than ten days prior to said hearing. Copies of the proposed budget shall be available for inspection by the public in the office of the city clerk at least ten days prior to said hearing.

### SECTION 903. Budget, Public Hearing.

At the time and place specified in the notice, the city council shall hold a public hearing on the proposed budget, at which interested persons shall be given the opportunity to

be heard and present evidence. The hearing may be continued from time to time by the city council.

#### SECTION 904. Budget; Adoption.

On or before the first date of the fiscal year, city council shall adopt such budget as it deems appropriate for that fiscal year by resolution. If because of an emergency the city council does not adopt the budget in a timely fashion, one-twelfth of the amount of the total prior fiscal year's budget may be expended each month until the budget is adopted, provided that, if the city manager's estimates project a decrease in revenues from the prior fiscal year, the amount which may be expended in any month shall be reduced by one-twelfth of the total revenue decrease projected. A copy of the approved budget, certified by the city clerk, shall be filed with the director of finance and treasurer and a further copy shall be placed, and shall remain on file, in the office of the city clerk where it shall be available for public inspection. The budget so certified shall be reproduced and copies made available for the use of the public and of departments, offices and agencies of the City.

#### SECTION 905. Budget; Appropriations.

From the effective date of the budget, the several amounts stated therein as proposed expenditures shall be and become appropriated to the several departments, offices and agencies for the respective objects and purposes stated. 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 by resolution amend or supplement the budget by motion adopted by the affirmative votes of at least three members so as to authorize the transfer of unused balances appropriated for one purpose to another purpose, or to appropriate available funds not included in the budget, or to cancel any appropriation not expended or encumbered.

SECTION 906. Municipal Finance Authority.

The city council is specifically authorized to regulate municipal finance and adopt ordinances, resolutions and orders within the municipal affairs of the City to the extent permitted to charter cities under the State Constitution. The City may in its discretion comply with state laws regulating municipal finance or avoid enactments of the State of California contrary to its ordinances

Section 907. Limits on Tax Authority.

Notwithstanding the above authority to enact taxes, the following limitations shall apply:

- (a) General Tax. The City Council shall not impose, extend, or increase any general tax for general government purposes unless and until that tax is submitted to the electorate and approved by a majority vote. A general tax shall not be deemed to have been increased if it is imposed at a rate not higher than the maximum rate so approved.
- (b) Special Tax. The City Council shall not impose, extend, or increase any special tax for specific purposes unless and until that tax is submitted to the electorate and approved by a two-thirds vote. A special tax shall not be deemed to have been increased if it is imposed at a rate not higher than the maximum rate so approved.
- (c) Property Tax. The maximum amount of any ad valorem tax on real property shall not exceed one percent (1%) of the full cash value of such property as provided by the State Constitution, except for the City with respect to bonded indebtedness for the acquisition or improvement of real property, approved by two-thirds of the votes cast by the voters voting on the proposition or except as may be permitted by the California Constitution with respect to water, stormwater and wastewater facilities. (allows future changes to 2/3 voter for water facilities).

SECTION 907. Tax Procedure.

The procedure for the assessment, levy and collection of taxes upon property, taxable for municipal purposes, or establishment of property assessments or imposition of fees may be prescribed by ordinance of the city council, subject to applicable provisions of the State Constitution.

SECTION 908. Bonded Debt.

The city shall have full power to incur bonded indebtedness for the purpose of raising revenue to the full extent permissible to charter cities under the State Constitution. No bonded indebtedness which shall constitute a general obligation of the City may be created unless authorized by the affirmative votes of two-thirds of those electors voting on such proposition at any election at which the question is submitted to the electors, in full compliance with the provisions of the State Constitution and of this Charter provided, however that to the extent the State Constitution in the future allows for a lesser requirement than a two-thirds vote of the electors with respect to water, wastewater and storm water or other municipal facilities, the provisions of the State Constitution shall apply. This requirement shall not apply to other forms of municipal finance including taxation, assessments and fees, which may be enacted in accordance with Section 907.

SECTION 909. Election for Major Capital Projects

The appropriation and/or expenditure of city funds in excess of twenty million dollars by the City or any entity thereof, such as a public financing authority, for the development of public improvements or facilities must be approved by the voters of the City at an election called for such purpose. For purposes of this section, the \$20,000,000 trigger only applies to the City's funding of the project, and not any grant or other non-city funding which does not count towards the limit and does not include financing costs, but

would apply if City funds are spent over multiple years to carry out the project. In addition, the foregoing requirements for an election does not apply to:

- (a) The conduct of feasibility studies, design work, or other planning or preconstruction activity, so long as no commitment has been made to construct the public improvements or facility;
- (b) The maintenance, repair, or operation of any public improvement or facility;
- (c) The redesign or modification of any public improvement or facility which has already received voter approval.

#### SECTION 910. Presentation of Demands.

- (a) Presentation of Claims for Damages.

All claims for damages against the City shall be governed by the general laws of the State of California, so far as such general laws are applicable and except as otherwise provided herein. For all claims not otherwise covered by the general laws of the State of California, all claims for damages against the City must be verified and presented to the city clerk within ninety days after the occurrence, event or transaction from which the damages allegedly arose, or within such shorter time as is otherwise provided by law, and shall set forth in detail the name and address of the claimant, the time, date, place and circumstances of the occurrence and the extent of the injuries or damages sustained. All such claims shall be approved or rejected by order of the city council and the date thereof given. City council may delegate its authority to reject claims to the city manager, city attorney, risk manager or other appropriate officer or department head. Any claim not approved or rejected by the city council within forty-five days of presentation of the claim to the city clerk shall be deemed rejected by operation of law.

- (b) Other Claims.

All other demands against the City must be in writing and may be in the form of a bill, invoice, payroll, or formal demand. Each such demand shall be presented to the director of finance within ninety days after the last item of the account or claim accrued, but claims presented after ninety days may be honored in the discretion of the director of finance. The director of finance and treasurer shall examine all claims presented. If the amount thereof is legally due and there remains on the books an unexhausted balance of an appropriation against which the same may be charged, the demand shall be approved and a warrant drawn therefor, payable out of the proper fund. Otherwise the claim shall be rejected, but any such rejection may be overruled by the city council.

(c) Presentation to Council.

The director of finance shall transmit such demand, with his approval or rejection thereof endorsed thereon, and warrant, if any, to the city manager. If a demand is one for an item included within an approved budget appropriation, it shall require the approval of the city manager, otherwise it shall require the approval of the city council, following the adoption by it of an amendment to the budget authorizing such payment. Any person dissatisfied with the refusal of the city manager to approve any demand, in whole or in part, may present the same to the city council which, after examining into the matter, may approve or reject the demand in whole or in part.

(d) Lawsuits.

No suit shall be brought for money or damages against the City or any board, commission or officer thereof whether such claim is for tort or contract damages, until a claim or demand for the same has been presented as provided herein and such claim and demand has been rejected in whole or in part. Suits must be brought within the time established in state law, unless the timeliness is waived by the council. If rejected in part, suit may be brought to recover the whole. Any amounts owed to city pursuant to ordinance or resolution must be timely paid, before suit is commenced, though the claimant may pay under protest and contest the payment. The city attorney shall respond to any suit filed hereunder on behalf of the City.

SECTION 911. Independent Audit.

The city council shall employ, at the beginning of each fiscal year, a qualified certified public accountant who shall, at such time or times as may be specified by the city council, and at such other times as the accountant shall determine, examine the books, records, inventories and reports of all officers and employees who receive, handle or disburse public funds and of all such other officers, employees or departments as the city council may direct. No later than one hundred and eighty days after the end of the fiscal year, a final audit and a report shall be submitted by such accountant to the city council, one copy thereof to be distributed to each member, one to the city manager, director of finance and treasurer and city attorney, respectively, and sufficient additional copies of the audit shall be placed on file in the office of the city clerk where they shall be available for the general public, and a copy of the financial statement as of the close of the fiscal year shall be available on the City's official website and at Designated Locations pursuant to Section 308. The city clerk may also use other technological means available to disseminate information to the public.

In addition to the annual audit report, the auditor shall submit a management letter to the city manager that identifies suggested improvements in internal controls and other financial procedures that the auditor identified during the audit. The city manager will prepare a written response stating actions taken or proposed that will remedy the problems. The management letter and the city manager's response shall be presented to the city council with the annual audit report. The auditor shall present and briefly explain the audit report results at a regular or adjourned regular meeting of the city council.

SECTION 912. Purchasing Ordinance.

The city council may, by ordinance, establish procedures for the procurement of supplies, services, construction of public works, and the like. Such ordinance may

provide requirements and procedures for competitive bidding, and award to the lowest responsive and responsible bidder except that no competitive bidding shall be required for sole source contracts, contracts for professional services, design build contracts, or contracts undertaken in response to emergency situations or other situations authorized by ordinance of the city council. Formal bids need not be obtained for professional services, but informal bids shall be obtained from at least three individuals or firms, and a report shall be prepared documenting the process used and the reasons for selecting the provider. Such ordinance may also establish standards or qualifications for the screening of contractors or providers of goods and services by a prequalification process, so that in specified circumstances factors other than price may be considered, and a competitive registration process may be utilized based upon demonstrated competence and qualifications in planning, design, development, finance, construction, maintenance, improvement, repair and operational characteristics. On call contracts can also be let where after a bid process is completed, contractors can be on standby to carry out maintenance, repair work and public improvements as the need occurs. Appropriate contract controls can be prescribed by the city council in the purchasing ordinance. The purchasing ordinance shall also establish criteria for insurance, bonding, liability, transferability, changes, terms, enforcement and other factors.

#### SECTION 913. Contracts; Execution.

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

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

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

The provisions of this section shall not apply to services rendered by any person in the employ of the City.

Any easement, deed, covenant or other document subject to recordation shall be approved by the city council and city attorney provided that by ordinance or resolution the city council may delegate its authority therefor, and the authority to execute such documents, to the city manager.

#### SECTION 914. Outsourcing.

The City may enter into a contract for any services which can be performed in a superior and cost effective manner by such contractor, unless limited by the Constitution of the State of California. The City shall periodically review its existing operations and services to consider whether said operations and/or services may be performed as or more efficiently and effectively by a third party. Any contract entered into, pursuant to this provision, shall be approved by the City Council.

## ARTICLE X – FRANCHISES

### SECTION 1000. Granting of Franchises.

Any person, firm or corporation furnishing the City or its inhabitants with transportation, communication, terminal facilities, water, light, heat, electricity, gas, power, television, refrigeration, storage or any other public utility or service, or using the public streets, ways, alleys or for the operation of plants works or equipment for the furnishing thereof, or traversing any portion of the City for the transmitting or conveying of any such service elsewhere, may be required by ordinance to have a valid and existing franchise therefor. The city council is empowered to grant such franchise to any person, firm or corporation, whether operating under an existing franchise or not, and to prescribe the terms and conditions of any such grant to protect public health and safety, minimize environmental impacts, mitigate impacts on property, prevent interference with city operations, and assure cost recovery. It may also provide, by procedural ordinance, the method of procedure and additional terms and conditions of any such grant or the making thereof, all subject to the provisions of this Charter.

Nothing in this section, or elsewhere in this article, shall apply to the City, or to any department thereof, when furnishing any such utility or service.

### SECTION 1001. Resolution of Intention; Notice and Public Hearing.

Unless otherwise provided by ordinance of the city council, before granting any franchise, the city council shall pass a resolution declaring its intention to grant the same, stating the name of the proposed grantee, the character of the franchise and the terms and conditions upon which it is proposed to be granted. Such resolution shall fix and set forth the day, hour and place when and where any persons having any interest therein or any objection to the granting thereof may appear before the city council and be heard thereon. It shall direct the city clerk to publish said resolution at least once, within fifteen days of the passage thereof, in a newspaper of general circulation in the City, posted on the City's official website and at other location(s) as the city clerk may

designate using the most modern means available to disseminate information to the public. Said notice shall be published at least ten days prior to the date of hearing.

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 by ordinance grant the franchise on the terms and conditions specified in the resolution of intention to grant the same, subject to the right of referendum of the people, or it may deny the same. If the city council shall determine that changes should be made in the terms and conditions upon which the franchise is proposed to be granted, a new resolution of intention shall be adopted and like proceedings had thereon. In connection with granting any franchise, city council may set and collect any franchise fee it deems reasonable, so long as such fee is not arbitrary or confiscatory.

#### SECTION 1002. Term of Franchise.

Every franchise shall state the term for which it is granted, which shall not exceed ten years with a maximum of two opportunities to extend the franchise for an additional five years each. Any extensions shall be subject to the approval of a majority of the city council. Any franchise agreement entered into by the city and effective on the effective date of this Charter, whose term extends beyond twenty years after the effective date of this Charter, shall continue in effect for a period of fifteen years beyond the effective date of the Charter, and no further, provided that any franchisee whose franchise is in effect on the effective date of this Chapter may seek an extension of the franchise from city council beyond the fifteen year limit. The city council may grant a longer term on a case by case basis if it finds the ten year limit would impair the franchisee's ability to realize a reasonable return on investment of funds invested prior to the effective date of this Charter, in reliance on the franchise. City council may promulgate rules and regulations for the making and consideration of applications for such longer term franchises.

SECTION 1003. Franchise Inapplicable to City.

No franchise requirement of the City shall apply to the City, nor any subdivision, department, or division thereof.

SECTION 1004. Eminent Domain.

No franchise grant shall in any way, or to any extent, impair or affect the right of the City to acquire the property of the grantee thereof either by purchase or through the exercise of the right of eminent domain, and nothing therein contained shall be construed to contract away or to modify or to abridge, either for a term or in perpetuity, the City's right of eminent domain with respect to any public or private utility. In such a proceeding, no value shall be assigned to the franchise rights themselves, but only to any fixtures or equipment, or other interests arising out of the exercise of the franchise rights, as may be compensable under the general laws of the State of California.