

458

CHARTER  
OF THE  
CITY OF MONTEREY  
—  
1910

Assembly Concurrent Resolution No. 10.

Adopted in Assembly, February 17, A. D. 1911.

L. B. Mallory,  
Chief Clerk of the Assembly.

Adopted in Senate, February 23, A. D. 1911.

Walter N. Parrish  
Secretary of the Senate.

This resolution was received by the Governor, this.....<sup>2nd</sup>

day of.....March....., A. D. 1911.

Alexander McCabe  
Private Secretary of the Governor.

CHAPTER 29

*Assembly Concurrent Resolution No. 10, approving the charter of the city of Monterey, State of California, voted for and ratified by the qualified voters of said city at a special municipal election held therein for that purpose on the 12th day of December, 1910.*

WHEREAS, The city of Monterey, a municipal corporation of the county of Monterey, State of California, now is and was at all times herein referred to, a city containing a population of more than three thousand five hundred, but less than ten thousand inhabitants; and

WHEREAS, At a special election duly held in said city on the 25th day of July, 1910, under and in accordance with law and the provisions of section 8 of article XI of the constitution of the State of California, a board of fifteen freeholders, duly qualified, was elected in and by said city, by the qualified electors thereof to prepare and propose a charter for the government of said city; and

WHEREAS, Said board of freeholders did, within ninety days after said election, prepare and propose a charter for the government of said the city of Monterey; and

WHEREAS, Said charter was on the 13th day of October, 1910, signed in duplicate by the members of said board of freeholders and was thereupon duly returned and filed, one copy with the president of the board of trustees of the city of Monterey, and the other copy with the county recorder of the said county of Monterey and filed in the office of the said county recorder; and

WHEREAS, Said proposed charter was thereafter published in the "Monterey Daily Cypress" a daily newspaper of general circulation in said the city of Monterey, for a period of twenty days and more, the first publication thereof having been made within twenty days after the completion of said proposed charter; and

WHEREAS, Said proposed charter was within thirty days after the completion of said publication submitted by the board of trustees of the city of Monterey to the qualified electors of said city at a special election, previously duly called and therein held on the 12th day of December, 1910; and

WHEREAS, At said last mentioned special election a majority of said qualified electors of said the city of Monterey, voting

at said special election, voted in favor of the ratification and duly ratified said charter as proposed as a whole; and

WHEREAS, Said board of trustees, after canvassing the returns of said last mentioned special election, duly found and declared that the majority of said qualified electors voting at said special election had voted for and ratified said charter as above specified; and

WHEREAS, The same is now submitted to the legislature of the State of California for its approval and ratification as a whole without power of alteration or amendment in accordance with section 8 of article XI of the constitution of the State of California; and

WHEREAS, Said charter was ratified in the words and figures following, to wit:

CHARTER PREPARED AND PROPOSED FOR THE  
CITY OF MONTEREY BY THE BOARD OF FREE-  
HOLDERS, ELECTED ON THE 25TH DAY OF  
JULY, A. D. 1910.

## CHARTER OF "THE CITY OF MONTEREY."

### ARTICLE I.

#### NAME AND RIGHTS OF THE CITY.

##### *Name of the city.*

SECTION 1. The municipal corporation now existing and known as The City of Monterey shall remain and continue a body politic and corporate in name and in fact, by the name of The City of Monterey, and by such name shall have perpetual succession.

##### *Rights and liabilities.*

SEC. 2. The city of Monterey shall remain vested with and continue to have, hold and enjoy all property, rights of property and rights of action of every nature and description now pertaining to this municipality, and is hereby declared to be the successor of the same. It shall be subject to all the liabilities that now exist against this municipality.

### ARTICLE II.

##### *Boundaries.*

SEC. 3. The boundaries of the city of Monterey shall be as follows:

Beginning at a point near Point Aulones on the S. W. shore line of Monterey Bay where the same is intersected by the S. E. boundary line of the Point Pinos Rancho; thence following said S. E. line of said rancho S. 58°45' W. 5280 feet; thence leaving said rancho line and running S. 24°10' E.

12,568 feet; thence N. 73°15' E. 7445 feet; thence N. 11°27' W. 2916.5 feet to the S. W. corner of the Del Monte Hotel grounds; thence following the western boundary line of said grounds N. 11° 27' W. 2363.5 feet to the northerly side of the county road; thence along the north side of said road N. 88°03' W. 1458.85 feet; thence N. 89°15' W. 1094 feet; thence N. 0°45' E. 475 feet to the shore line of Monterey bay; thence north into said Monterey bay 1 marine league; thence in a western direction to the intersection of a line drawn north from the place of beginning (the said Point Aulones); thence south to said place of beginning.

### ARTICLE III.

#### ELECTIONS.

##### *General and special municipal elections.*

SEC. 4. A municipal election shall be held in the city on the second Monday in April, A. D. 1911 and on the second Monday in April every second year thereafter, and shall be known as the general municipal election.

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

##### *Nomination and election of city officers.*

SEC. 5. The mode of nomination and election of all elective officers of the city to be voted for at any municipal election shall be as follows and not otherwise.

SEC. 6. The name of a candidate shall be printed upon the ballot when a petition and nomination shall have been filed in his behalf in the manner and form and under the conditions hereinafter set forth.

##### *Form of nomination petition.*

SEC. 7. The petition of nomination shall consist of not less than twenty-five nor more than one hundred individual certificates, which shall read substantially as follows:

##### *Individual certificate.*

#### SEC. 8. PETITION OF NOMINATION.

STATE OF CALIFORNIA,  
COUNTY OF MONTEREY, }  
CITY OF MONTEREY. } ss.

I, the undersigned, do solemnly swear (or affirm) that I am a qualified elector of precinct No. .... of The City of Monterey, and I hereby join in a petition for nomination of ..... whose residence is at No. .... street, Monterey, for the office of ..... to be voted for at the municipal election to be held in The City of Monterey on the ..... day



of ..... and I further declare that I am not at this time a signer of any other petition for the above named office, or in case there are several places to be filled in the above named office, that I have not signed more petitions than there are places to be filled in the above named office.

Subscribed and sworn to before me, this ..... day of .....

.....  
Notary or verification deputy.

The petition of nomination of which this certificate forms a part shall, if found insufficient, be returned to ..... at No. .... street, Monterey, California.

*Forms to be supplied by city clerk.*

SEC. 9. It shall be the duty of the city clerk to furnish upon application a reasonable number of forms of individual certificates of the above character.

*Requirements of certificate.*

SEC. 10. Each certificate must be a separate paper. All certificates must be of a uniform size as determined by the city clerk. Each certificate must contain the name of the signer thereto and no more. Each signer must be a qualified elector, must not at the time of signing a certificate have his name signed to any other certificate for any other candidate for the same office, nor in case there are several places to be filled in the same office, signed to more certificates for candidates for that office than there are places to be filled in such office. In case an elector has signed two or more conflicting certificates, all such certificates shall be rejected. Each signer must verify his certificate and make oath that the same is true before a notary public or a verification deputy, as provided for in this article. Each certificate shall further contain the name and address of the person to whom the petition is to be returned in case said petition is found insufficient.

*Verification deputies.*

SEC. 11. Verification deputies, under this article, must be qualified electors of the city and shall be appointed by the city clerk upon application in writing signed by not less than five qualified electors of the city. The application shall set forth that the signers thereto desire to procure the necessary signatures of electors for the nomination of candidates for municipal office at an election therein specified and that the applicants desire the person or persons whose names and addresses are given, appointed as verification deputies, who shall upon appointment be authorized and empowered to take the oath of verification of the signers of petitions of nomination. Such

verification deputies need not use a seal, and shall not have power to take oaths for any other purpose whatsoever, and their appointments shall continue only until all petitions of nomination, under this article, shall have been filed by the city clerk.

*Date of presenting petition.*

SEC. 12. A petition of nomination, consisting of not less than twenty-five nor more than one hundred individual certificates for any one candidate, may be presented to the city clerk not earlier than forty-five days nor later than thirty days before the election. The clerk shall endorse thereon the date upon which the petition was presented to him.

*Examination of petitions by city clerk.*

SEC. 13. When a petition of nomination is presented for filing to the city clerk, he shall forthwith examine the same, and ascertain whether it conforms to the provisions of this article. If found not to conform thereto, he shall then and there in writing designate on said petition the defect or omission or reason why such petition can not be filed, and shall return the petition to the person named as the person to whom the same may be returned in accordance with this article. The petition may then be amended and again presented to the clerk as in the first instance. The clerk shall forthwith proceed to examine the petition as hereinbefore provided. If necessary the council shall provide extra help to enable the clerk to perform satisfactorily and promptly the duties imposed by this article.

*Withdrawal of signature.*

SEC. 14. Any signer to a petition of nomination and certificate may withdraw his name from the same by filing with the city clerk a verified revocation of his signature before the filing of the petition by the clerk, and not otherwise. He shall then be at liberty to sign a petition for another candidate for the same office.

*Withdrawal of candidate.*

SEC. 15. Any person whose name has been presented under this article as a candidate may, not later than twenty-five days before the day of election, cause his name to be withdrawn from nomination by filing with the city clerk a request therefor in writing, and no name so withdrawn shall be printed upon the ballot. If upon such withdrawal the number of candidates remaining does not exceed the number to be elected, then other nominations may be made by filing petitions therefor not later than twenty-five days prior to such election.

*Filing of petitions.*

SEC. 16. If either the original or amended petition of nomination be found sufficiently signed as hereinbefore provided, the clerk shall file the same twenty-five days before the date of election. When a petition of nomination shall have been filed by the clerk, it shall not be withdrawn, nor added to, and no signature shall be revoked thereafter.

*Preservation of petitions.*

SEC. 17. The city clerk shall preserve in his office for a period of two years all petitions of nomination and all certificates belonging thereto filed under this article.

*Election proclamation.*

SEC. 18. Immediately after such petitions are filed, the clerk shall enter the names of the candidates in a list, with the offices to be filled, and shall not later than twenty-five days before the election certify such list as being the list of candidates nominated as required by the charter of the city of Monterey, and the council shall cause said certified list of names and the offices to be filled, designating whether for a full term or unexpired term to be published in the proclamation calling the election at least six successive days before the election in not less than one daily newspaper of general circulation published in the city of Monterey. Said proclamation shall conform in all respects to the general state law governing the conduct of municipal elections, now or hereafter in force, except as above required.

*Form of ballots.*

SEC. 19. The city clerk shall cause the ballots to be printed and bound and numbered as provided for by the state law, except as otherwise required in this charter. The ballots shall contain the list of names and the respective offices, as published in the proclamation, and shall be in substantially the following form:

SEC. 20.

GENERAL (OR SPECIAL) MUNICIPAL ELECTION, THE CITY OF  
MONTEREY.

(Inserting date thereof)

*Instructions to voters:* To vote, stamp or write a cross (X) opposite the name of the candidate for whom you desire to vote. All marks otherwise made are forbidden. All distinguishing marks are forbidden and make the ballot void. If you wrongly mark, tear or deface this ballot, return it to the inspector of election, and obtain another.

*Requirements of ballot.*

SEC. 21. All ballots printed shall be precisely on the same size, quality, tint of paper, kind of type, and color of ink, so that without the number it would be impossible to distinguish one ballot from another; and the name of all candidates printed upon the ballot shall be in type of the same size and style. A column may be provided on the right hand side, for charter amendments or other questions to be voted upon at the municipal elections, as provided for under this charter. The names of the candidates for each office shall be arranged in alphabetical order, and nothing on the ballot shall be indicative of the source of the candidacy or of the support of any candidate.

*Every nominee to be on ballot.*

SEC. 22. The name of no candidate who has been duly and regularly nominated, and who has not withdrawn his name as herein provided, shall be omitted from the ballot.

*Arrangement of offices on ballot.*

SEC. 23. The offices to be filled shall be arranged in separate columns, in the following order:

“For mayor (if any) vote for one.”

“For councilman (if any) vote for (giving number).”

*Space for voting cross.*

SEC. 24. Half-inch square shall be provided at the right of the name of each candidate wherein to mark the cross.

*Blank space for additional candidates.*

SEC. 25. Half-inch spaces shall be left below the printed names of candidates for each office equal in number to the number to be voted for, wherein the voter may write the name of any person or persons for whom he may wish to vote.

*Sample ballots.*

SEC. 26. The clerk shall cause to be printed sample ballots identical with the ballot to be used at the election and shall furnish copies of the same on application to registered voters at his office at least five days before the date fixed for such election, and shall mail one such ballot to each voter entitled to vote at such election, so that all of said sample ballots shall have been mailed at least three whole days before said election.

*Vote necessary for election.*

SEC. 27. The candidates equal in number to the persons to be elected who shall receive the highest number of votes at such election shall be declared elected to the office for which they are candidates.

*Failure of person elected to qualify.*

SEC. 28. If a person elected fails to qualify, the office shall be filled as if there were a vacancy in such office, as herein provided.

*Informalities in election.*

SEC. 29. No informalities in conducting municipal elections shall invalidate the same, if they have been conducted fairly and in substantial conformity to the requirements of this charter.

*General election regulations.*

SEC. 30. The provisions of the state law in force at the time of holding any city election relating to the qualifications of electors, the manner of voting, the duties of election officers, the canvassing of returns and all other particulars in respect to the management of elections, so far as they may be applicable, shall govern all municipal elections provided that the council shall meet as a canvassing board and duly canvass the election returns within four days after a municipal election.

ARTICLE IV.

INITIATIVE, REFERENDUM AND RECALL.

*Initiative. Procedure relating thereto.*

SEC. 31. (1) Any proposed ordinance may be submitted to the council by a petition signed by registered voters of the city equal in number to the percentages hereinafter required.

(2) The signatures to the petition need not all be appended to one paper, but each signer shall add to his signature, his place of residence, giving the street and number.

(3) One of the signers of such paper shall make oath before an officer competent to administer oaths, that the statements therein made are true, and that each signature to the paper appended is the genuine signature of the person whose name purports to be thereunto subscribed.

(4) Within ten days from the date of filing such petition the city clerk shall examine and from the great register ascertain whether or not said petition is signed by the requisite number of qualified electors, and if necessary, the council shall allow him extra help for that purpose, and he shall attach to said petition his certificate showing the result of said examination. If, by the clerk's certificate, the petition is shown to be insufficient, it may be amended within ten days from the date of said certificate. The clerk shall, within ten days after such amendment, make like examination of the amended petition, and if his certificate shall show the same to be insufficient, it shall be returned to the person filing the same without prejudice, however, to the filing of a new petition to the same effect.

If the petition shall be found to be sufficient, the clerk shall submit the same to the council without delay.

(5) If the petition accompanying the proposed ordinance be signed by electors equal in number to twenty per cent of the entire vote cast for all candidates for mayor at the last preceding general election at which a mayor was elected, and contains a request that said ordinance be submitted forthwith to a vote of the people at a special election, then the council shall either:

(a) Pass said ordinance without alteration within twenty days after the attachment of the clerk's certificate of sufficiency to the accompanying petition (subject to a referendary vote under the provisions of section 32 of this charter), but if the ordinance shall fail of passage by the council, then, within five days after determination that said ordinance shall have so failed of final adoption, the council shall proceed to call a special election at which said ordinance, without alteration, shall be submitted to a vote of the people; or,

(b) Forthwith after the clerk shall attach to the petition accompanying such ordinance his certificate of sufficiency, the council shall proceed to call a special election at which said ordinance, without alteration, shall be submitted to a vote of the people.

(6) If the petition be signed by electors equal in number to at least ten per cent but less than fifteen per cent of the entire vote cast for all candidates for mayor at the last preceding general election at which a mayor was elected, then such ordinance, without alteration, shall be submitted by the council to a vote of the people at the next general municipal election that shall occur at any time after thirty days from the date of the clerk's certificate of sufficiency attached to the petition accompanying such ordinance.

(7) The ballots used when voting upon said proposed ordinance shall contain the words "For the ordinance" (stating the nature of the proposed ordinance) and "Against the ordinance" (stating general nature of the proposed ordinance). If a majority of the qualified electors voting on said proposed ordinance shall vote in favor thereof, such ordinance shall thereupon become a binding and valid ordinance of the city; and any ordinance proposed by petition, or which shall be adopted by a vote of the people can not be repealed or amended except by a vote of the people.

(8) Any number of proposed ordinances may be voted upon at the same election, in accordance with the provisions of this section; provided that there shall not be held under this section of the charter, more than one special election within a period of six months.

(9) The council may submit a proposition for the repeal of any such ordinance, or for amendments thereto, to be voted



upon at any succeeding general municipal election; and should such propositions, so submitted, receive a majority of the votes cast thereon at such election, such ordinance shall be repealed or amended accordingly. Whenever any ordinance or proposition is required by this charter to be submitted to the voters of the city at any election, the city clerk shall cause the ordinance or proposition to be printed, and he shall inclose a printed copy thereof in an envelope with a sample ballot, and mail the same to each voter, at least ten days prior to the election, but the city council may order such ordinance or proposition to be printed in the official newspaper of the city and published in like manner as ordinances adopted by the council are required to be published, and may order that such publication shall take the place of the printing and mailing of the ordinance or proposition, and of the sample ballot as first above provided.

*The referendum.*

SEC. 32. No ordinance passed by the city council (except when otherwise required by the general laws of the state or by the provisions of this charter, respecting street improvements, and except an ordinance for the immediate preservation of the public peace, health, or safety, which contains a statement of its urgency, and is passed by two-thirds vote of the council, but no grant of any franchise shall be construed to be an urgency measure, but all franchises shall be subject to the referendary vote herein provided), shall go into effect before thirty days from the time of its final passage and its approval by the mayor; and if during said thirty days a petition signed by electors of the city equal in number to at least twenty-five per cent of the entire vote cast for all candidates for mayor at the last preceding general election at which a mayor was elected, protesting against the passage of such ordinance, be presented to the council, the same shall thereupon be suspended from going into operation, and it shall be the duty of the council to reconsider such ordinance, and if the same is not entirely repealed, the council shall submit the ordinance as is provided in section 31 of this charter, to the vote of the electors of the city, either at the next general election or at a special municipal election to be called for that purpose, and such ordinances shall not go into effect or become operative unless a majority of the qualified electors voting on the same shall vote in favor thereof. Said petition shall be in all respects in accordance with the provisions of said section 31, except as to the percentage of signers, and be examined and certified by the clerk in all respects as is therein provided.

*The recall.*

SEC. 33. The holder of any elective office may be removed at any time by the electors qualified to vote for a successor of such

incumbent. The procedure to effect the removal of an incumbent of an elective office shall be as follows:

(1) A petition signed by electors entitled to vote for a successor to the incumbent sought to be removed, equal in number to at least twenty-five per centum of the entire vote for all candidates for the office, the incumbent of which is sought to be removed, cast at the last preceding general municipal election, demanding the election of a successor of the person sought to be removed, shall be filed with the city clerk; *provided* that the petition sent to the council shall contain a general statement of the grounds for which the removal is sought.

(2) The signatures to the petition need not all be appended to one paper, but each signer shall add to his signature his place of residence, giving the street and number. One of the signers of each such paper shall make oath before an officer competent to administer oaths, that the statements therein made are true, and that each signature to the paper appended is the genuine signature of the person whose name purports to be thereunto subscribed.

(3) Within ten days from the date of filing such petition the city clerk shall examine and from the great register ascertain whether or not said petition is signed by the requisite number of qualified electors and, if necessary, the council shall allow him extra help for that purpose, and he shall attach to said petition his certificate showing the result of said examination.

(4) If, by the clerk's certificate, the petition is shown to be insufficient, it may be amended within ten days from the date of said certificate.

(5) The clerk shall, within ten days after such amendment, make like examination of the amended petition, and if his certificate shall show the same to be insufficient, it shall be returned to the person filing the same without prejudice, however, to the filing of a new petition to the same effect.

(6) If the petition shall be found to be sufficient the clerk shall submit the same to the council without delay.

(7) If the petition shall be found to be sufficient the city council shall order, and fix a date for holding the said election, not less than thirty days nor more than forty days from the date of the clerk's certificate to the council that a sufficient petition is filed.

(8) The city council shall make, or cause to be made, publication of notice and all arrangements for holding of such election; and the same shall be conducted, returned, and the result thereof declared, in all respects as are other city elections.

(9) The successor of any officer so removed shall hold office during the unexpired term of his predecessor.

(10) Any person sought to be removed may be a candidate to succeed himself and, unless he requests otherwise in writing, the clerk shall place his name on the official ballot without

nomination. In any such removal election the candidate receiving the highest number of votes shall be declared elected.

(11) At such election if some other person than the incumbent receives the highest number of votes, the incumbent shall thereupon be deemed removed from the office upon qualification of his successor.

(12) In case the party who receives the highest number of votes should fail to qualify within ten days after receiving notification of election, the office shall be deemed vacant.

(13) If the incumbent receives the highest number of votes he shall continue in office.

SEC. 34. If any special election be ordered held and conducted, it shall be ordered, held and conducted (except as to the date thereof) and the result thereof made known and declared, in the same manner as herein provided for other elections.

## ARTICLE V.

### ELECTIVE OFFICERS.

SEC. 35. The elective officers of the city of Monterey shall be a mayor and four councilmen.

The council shall consist of the mayor and four councilmen, each of whom, including the mayor shall have the right to vote on all questions coming before the council.

*Elected at large.*

SEC. 36. The mayor and councilmen shall be elected at the general municipal election on a general ticket from the city at large.

*Eligibility of mayor and councilmen.*

SEC. 37. To be eligible for the office of mayor or councilman, a person must be a citizen of the United States and a qualified elector of the State of California, and of the city of Monterey for at least three years next preceding his election.

*Vacancy in council.*

SEC. 38. If a vacancy shall occur in the office of mayor or councilman, the council shall forthwith appoint a person to fill such vacancy. Said appointee shall possess such qualifications for eligibility as are set forth in sec. 37 of this article and shall hold office until his successor is duly elected and qualified. Such successor shall be chosen at the next general municipal election, or at the first succeeding special municipal election called for any other officer, which election shall not take place less than forty (40) days after such vacancy occurs. The person so elected shall hold office for the unexpired term.

*Mayor's term of office.*

SEC. 39. The mayor shall hold office for a term of two years from and after the first Monday in May after his election, and until his successor is elected and qualified; *provided*, that a mayor shall be elected at the first municipal election held under this charter, and said mayor shall take office on the first day of July succeeding his election and his term of office shall cease and determine upon the election and qualification of the mayor elected at the general municipal election in 1913.

*Councilmen's term of office.*

SEC. 40. The councilmen shall hold office for a term of four years from and after the first Monday in May after their election and until their successors are elected and qualified; *provided*, that four councilmen shall be elected at the first general municipal election held under this charter and shall take office on the first day of July succeeding their election; *and provided, further*, that the councilmen first elected under this charter shall so classify themselves by lot that the terms of two of said councilmen shall cease and determine upon the election and qualification of the two councilmen elected at the general municipal election in 1913, and that the term of office of the other two of said councilmen elected at the first general municipal election held under this charter shall cease and determine upon the election and qualification of the two councilmen elected at the general municipal election in 1915.

At each general municipal election after the first, held under this charter, there shall be elected two councilmen and a mayor.

*Official bonds.*

SEC. 41. The council shall fix the amount of the bonds and the methods of their approval to be required of appointive officers.

The approval of the official bonds must be endorsed thereon and signed by the officer or officers approving the same. All bonds, except the clerk's bond, which shall be filed with the mayor, when approved, shall be filed with the city clerk. All the provisions of any law of this state, relating to officials' bonds, not inconsistent with this charter, shall be complied with.

*Oath of office.*

SEC. 42. Every officer of the city, before entering upon the duties of his office, shall take the oath of office as provided for in the constitution of this state, and shall file the same with the city clerk.



*Compensation of mayor and councilmen.*

SEC. 43. The mayor shall receive a compensation of two hundred and fifty (250.00) dollars per annum and the councilmen shall receive a compensation of two hundred (200.00) dollars per annum each, unless the electors by ordinance proposed and adopted shall otherwise provide.

*Administering oaths, subpoenas.*

SEC. 44. Every elective officer, every chief official and every member of any board or commission provided for in this charter, or by ordinance, adopted according to the provisions of this charter, shall have the power to administer oaths and affirmations, and every such board or commission shall have power to issue subpoenas, to compel by subpoena the production of books, papers and documents, and to take and hear testimony concerning any matter or thing pending before such board or commission. If any person so subpoenaed neglect or refuse to appear, or to produce any book, paper or document as required by such subpoena, or shall refuse to testify before any such board or commission, or to answer any question which a majority of such board or commission shall decide to be proper or pertinent, he shall be deemed in contempt, and any such board or commission shall have the power to take the proceedings in that behalf provided by the general laws of this state. The chief of police must, on request of any member of such board or commission, detail a police officer or police officers to serve such subpoena.

THE MAYOR.

*The chief executive.*

SEC. 45. The mayor shall be the chief executive officer of the city and shall see that all the ordinances thereof are duly enforced. He shall be charged with the general oversight of the several departments of the municipal government. He shall see that all contracts made with the city are faithfully performed.

*Mayor pro tempore.*

SEC. 46. During the temporary absence or disability of the mayor the vice-president of the council shall act as mayor *pro tempore*. In case of the temporary absence or disability of both the mayor and vice-president, the council shall elect one of its members to be mayor *pro tempore*. In case of vacancy in the office of the mayor the vice-president of the council shall act as mayor until such vacancy can be filled as provided in this charter.

*Mayor's reports.*

SEC. 47. The mayor shall annually and from time to time give the council information relative to the affairs of the city and recommend to its consideration such matters as he may deem expedient.

*Mayor to have city's books examined.*

SEC. 48. The mayor shall employ, for a stipulated compensation, at the beginning of each fiscal year, a certified public accountant, who shall examine, at least once each year the books, records and reports of the auditor and of all officers and employees who receive, or disburse city moneys, and the books, records and reports of such other officers and departments as the mayor may direct, and make triplicate reports thereof, and present one each to the mayor and auditor and file one with the city clerk. Such accountant shall have unlimited privilege of investigation, to examine under oath or otherwise all officers, clerks and employees of the city, and every such officer, clerk and employee shall give all required assistance and information to such accountant, and submit to him for examination such books and papers of his office as may be requested, and failure to do so shall be deemed and held to be a forfeiture and abandonment of his office. The council shall provide for the payment of the services of such accountant, and fix the time at which such report shall be made and filed.

*Supervision of public utility companies.*

SEC. 49. The mayor shall be charged with the general supervision of all public utility companies in so far as they are subject to municipal control; he shall keep himself fully informed as to their compliance in all respects with the law, and he shall see that all franchises granted by the city are faithfully observed.

The mayor may on his own motion, and must upon a resolution passed by the council directing him to do so, cause to be instituted on behalf of the city, such actions or proceedings as may be necessary to revoke, cancel or annul all franchises that may have been granted by the city which have been forfeited in whole or in part, or which for any reason may be irregular and void and not binding upon the city, and the city attorney, upon demand of the mayor, must institute and prosecute the suits or actions required to enforce the provisions of this section. Each mayor taking office under this charter shall cause a careful investigation to be made of the exact condition of all franchises theretofore granted by the city, and of the respective rights and obligations of the parties, and the performance of the same, and shall report the results thereof in his next annual message or report, and he may report thereon at such other and different times as he may deem proper.

*Powers and duties prescribed by ordinance.*

SEC. 50. The mayor shall exercise such other powers and perform such other duties as may be prescribed by law, or by ordinance, or by resolution of the council.

THE COUNCIL.

*The council, the governing body.*

SEC. 51. All powers herein granted to and vested in the city of Monterey shall, except as herein otherwise provided, be exercised by a council to be designated the council of the city of Monterey. Said council shall be the governing body of the city, and, subject to the express limitations of this charter, shall be vested with all powers of legislation in municipal affairs adequate to a complete system of local government consistent with the constitution of the state.

*President and vice-president.*

SEC. 52. The mayor shall be president of the council and shall preside at its meetings when present. The council shall elect one of its number to be vice-president.

*Meetings of council.*

SEC. 53. The council shall, by ordinance, provide for the time and place of holding its meetings and the manner in which its special meetings may be called.

*Meetings to be public.*

SEC. 54. All legislative sessions of the council, whether regular or special shall be open to the public.

*Quorum.*

SEC. 55. A majority of the council shall constitute a quorum for the transaction of business, but a less number may adjourn from time to time and postpone the consideration of pending business in like manner.

*Rules of proceeding.*

SEC. 56. The council shall determine its own rules of procedure, may punish its members for disorderly conduct and compel their attendance at the council meetings.

*Ordinances and resolutions.*

SEC. 57. (1) The council shall act only by ordinance or resolution.

*Ayes and noes.*

(2) The ayes and noes shall be taken upon the passage of all ordinances and resolutions and entered upon the journal of the proceedings of the council. Upon the request of any member, the ayes and noes shall be taken and recorded on any vote. Every member, when present must vote.

*Majority vote of council.*

(3) No ordinance or resolution shall be passed or become effective without receiving the affirmative votes of at least three members of the council.

*Title.*

(4) Every ordinance shall be preceded by a brief title which shall indicate the subject and purport thereof.

*Enacting clause of ordinances.*

(5) The ordaining clause of all ordinances adopted by the council shall be, "The Council of the City of Monterey do ordain as follows", and the ordaining clause of all ordinances adopted in accordance with the provisions of sec. 31 of article IV shall be, "The People of the City of Monterey do ordain as follows".

*Requirements of ordinances.*

(6) No ordinance shall be passed by the council on the day of its introduction nor within five days thereafter nor at any other time than at a regular meeting, nor until its publication at least once in full in the official newspaper of the city of Monterey at least three days before its adoption; and in case of amendment being made thereto before the final adoption of the ordinance, it must in like manner be republished in full as amended at least one day before its adoption as amended.

*Ordinance required in certain cases.*

(7) No action providing for any specific improvement or the appropriation or expenditure of any public money, except a sum less than two hundred dollars; for the appropriation, acquisition, sale or lease of public property; for the levying of any tax or assessments; for the granting of any franchise; for establishing or changing fire limits; or for the imposing of any penalty; shall be taken except by ordinance; *provided*, that such exceptions be observed as may be called for in cases where the council takes action in pursuance of a general law of the state.

*Reconsideration.*

(8) When any ordinance is put upon its final passage and fails to pass, and a motion is made to reconsider, the vote upon such motion shall not be taken except at a meeting of the council, held not less than one week after the meeting at which such motion was made.

*Signing and attesting.*

(9) All ordinances shall be signed by the mayor and attested by the city clerk.

*Revision and amendment.*

(10) No ordinance shall be revised, re-enacted or amended by reference to its title only; but the ordinance to be revised or re-enacted, or the section or sections thereof to be amended, or the new section or sections to be added thereto, shall be set forth and adopted in the method provided in this section for the adoption of ordinances.

*Repeal.*

(11) No ordinance nor section thereof shall be repealed except by ordinance adopted in the manner provided in this section.

*Record of city ordinances.*

(12) A true and correct copy of all ordinances shall be kept and certified to by the city clerk in a book marked "City Ordinances". Such record copy, with such certificate, or the original ordinance, shall be prima facie evidence of the contents of the ordinance and of the due passage and publication of the same, and shall be admissible as such in any court or proceeding. Such records shall not be filed in any case, but shall be returned to the custody of the city clerk. Nothing herein contained shall be construed to prevent the proof of the passage and publication of an ordinance in the usual way.

*Protection of absent commissioner.*

SEC. 58. No final action shall be taken in any matter concerning the special department of any absent councilman unless such business has been made a special order of the day by action at a previous meeting of the council or such action is taken at a regular meeting of the council.

*When offices become vacant.*

SEC. 59. An elective office becomes vacant when the incumbent thereof dies, resigns, is removed from office under recall proceedings as provided in section 33 of article IV, is adjudged insane, convicted of felony, or of an offense involving a violation of his official duties, or ceases to be a resident of the city, or neglects to qualify within the time prescribed by the provisions of this charter, or shall have been absent from the state without leave for more than sixty consecutive days, or fails to attend the meetings of the body of which he is a member for a like period without being excused therefrom by said body.

EXECUTIVE AND ADMINISTRATIVE DEPARTMENTS.

*The four municipal departments.*

SEC. 60. The executive and administrative powers, authority and duties of the city, not otherwise provided for, shall be

distributed among and assigned to four departments, as follows:

1. Department of finance and revenue.
2. Department of public health and safety.
3. Department of public works.
4. Department of public supplies.

*Council to assign duties to the departments.*

SEC. 61. The council shall determine and assign the duties of the several departments, subject to the provisions of the preceding section; shall prescribe the powers and duties of officers and employees; may assign particular officers and employees to one or more of the departments; may require an officer or employee to perform duties in two or more departments, and may make such other rules and regulations, not inconsistent with this charter, as may be necessary or proper for the efficient and economical conduct of the business of the city.

*The four commissioners.*

SEC. 62. The council at its first regular meeting after the election of its members, shall designate by majority vote one councilman to be commissioner of finance and revenue, one to be commissioner of public health and safety, one to be commissioner of public works and one to be commissioner of public supplies. If the council is unable to agree, the mayor shall have authority to make such designation. The council may change such designation, whenever it determines that the public service will be benefited thereby.

*The chief officials.*

SEC. 63. The chief officials of the city shall be city clerk, auditor, assessor, treasurer, police judge, collector, attorney, engineer, chief of police, fire chief, street superintendent, building inspector, sewer inspector, health officer and five library trustees. They shall be appointed and may be removed by a majority vote of the council. The council, at any time when in its judgment the interests of the city so demand, may consolidate and place in the charge of one such officer the functions and duties of two or more such officers. The council shall by ordinance or by resolution prescribe the duties of all the chief officials.

The council shall at the first regular meeting after the election of its members, or as soon thereafter as practicable, proceed to the appointment of the chief officials of the city and the determination of their duties, as provided in this section.



*Subordinate officers and employees.*

SEC. 64. The council shall have power by ordinance, or by resolution, to create and discontinue offices, deputyships, assistantships, boards and commissions and employments other than those prescribed in this charter, to provide the modes of filling them, to prescribe the duties pertaining thereto according to its judgment of the needs of the city, and to determine the mode of removing any such officer, deputy, assistant or employee, except as otherwise provided in this charter.

*Compensation of officers and employees.*

SEC. 65. The compensation of all city officers, except library trustees, who shall receive no remuneration, shall be by salary to be fixed by ordinance. The council shall also fix the compensation of all other officers and employees of the city except as in this charter otherwise provided. No officer or employee shall be allowed any fee, perquisites, emoluments, rewards or compensation, aside from the salary or compensation as fixed by the council, but all fees received by him in connection with his official duties shall be paid by him into the city treasury.

*Reports of departments.*

SEC. 66. Each department and commission shall annually, on such date as may be fixed by the council, render to the mayor a full report of all operations of such department or commission for the year.

*Reports to be published.*

SEC. 67. The council shall provide for the publication of the annual reports of the mayor and the several departments and commissions.

*Councilman to hold no other office.*

SEC. 68. No member of the council shall hold any other municipal office or hold any office or employment the compensation of which is paid out of the municipal moneys; or be elected or appointed to any office created or the compensation of which is increased by the council, while he was a member thereof, until one year after the expiration of the term for which he was elected.

No member of the council during the term for which he shall have been elected shall be eligible to fill a vacancy in the office of mayor.

*Officers not to be interested in contracts or franchises.*

SEC. 69. No officer or employee of the city shall be directly or indirectly interested in any contract, work or business of the city, or in the sale of any article, the expense, price or

consideration of which is paid for from the treasury or by assessment levied by any act or ordinance; nor in the purchase or lease of any real estate or other property belonging to the city, or which shall be sold for taxes or assessments or by virtue of legal process at the suit of the city. No officer or employee of the city shall be in the employ of any public service corporation in the city or of any person having any contract with the city or of any grantee of a franchise granted by the city.

Any contract or agreement made in contravention of this section shall be void.

Any violation of the provisions of this section by such officer or employee of the city shall be deemed a misdemeanor.

*Political and religious tests.*

SEC. 70. No appointment to position under the city government shall be made or be withheld by reason of any religious or political opinions or affiliations or political services, and no appointment to or selection for or removal from any office or employment, and no transfer, promotion, reduction, reward or punishment shall be in any manner affected by such opinions, affiliations or services.

ARTICLE VI.

POWERS OF THE CITY AND OF THE COUNCIL.

*General powers of the city.*

SEC. 71. Without denial or disparagement of other powers held under the constitution and laws of the state, the city of Monterey shall have the right and power:

*Public buildings, works and institutions.*

(1) To acquire by purchase, condemnation or otherwise, and to establish, maintain, equip, own and operate libraries, reading rooms, art galleries, museums, life-saving stations, parks, playgrounds, places of recreation, fountains, baths, public toilets, markets, market houses, abattoirs, dispensaries, infirmaries, hospitals, charitable institutions, jails, houses of correction, work houses, detention homes, morgues, cemeteries, crematories, garbage collection and garbage disposal and reduction works, street cleaning and sprinkling plants, quarries, wharves, docks, waterways, canals, and all other public buildings, places, works and institutions, breakwaters and piers.

*Water, light, heat and power.*

(2) To acquire by purchase, condemnation or otherwise, and to establish, maintain, equip, own and operate waterworks, gas works, electric light, heat and power works, within or without the city, and to supply the city and its inhabitants and also persons, firms and corporations outside the city, with water, gas and electricity.

*Telephone, telegraph and transportation.*

(3) To acquire by purchase, condemnation or otherwise, and to establish, maintain, equip, own and operate telephone and telegraph systems, cable, electric or other railways, ferries and transportation service of any kind.

*Sale of products of public utilities.*

(4) To sell gas, water, electric current and all products of any public utility operated by the city.

*Land for public purposes.*

(5) To acquire by purchase, condemnation or otherwise, within or without the city, such lands or other property as may be necessary for the establishment, maintenance and operation of any public utility or to provide for and effectuate any other public purpose; and to sell, convey, encumber and dispose of the same for the common benefit.

*Lease of public utilities.*

(6) To lease to corporations or individuals for the purpose of maintenance and operation any public utility owned by the city.

*Bequests and donations.*

(7) To receive bequests, gifts and donations of all kinds of property, in fee simple, or in trust for charitable and other purposes; and do all acts necessary to carry out the purposes of such bequests, gifts and donations, with power to manage, sell, lease or otherwise dispose of the same in accordance with the terms of the bequest, gift or trust, or absolutely in case such bequest, gift or trust be unconditional.

*Borrowing money, bonds.*

(8) To borrow money for any of the purposes for which the city is authorized to provide and for carrying out any of the powers which the city is authorized to enjoy and exercise and to issue bonds therefor; *provided*, that in the procedure for the creation and issuance of such bonded indebtedness the general laws of the State of California in force at the time such proceedings are taken shall be observed and followed.

*Special tax.*

(9) To raise money by special tax, in addition to the tax levies provided for in sections 81, 82, 83 and 117 of this charter; to authorize such special tax, the provisions of section 31 of article IV relating to the initiative, or of section 32 of article IV relating to the referendum, shall be followed, and the levy of such tax must be approved by at least two-thirds of the qualified electors who vote thereon. At such election the council may be authorized, in cases where public necessity requires the expenditure of any sum so voted before the next

succeeding tax levy, to borrow such sum and provide in the next succeeding tax levy for its repayment with interest at not exceeding five per cent per annum. Or the council may be authorized to levy a special tax each year for a period of years not exceeding three years in all, for any permanent municipal improvement, and the money so raised may be expended each year after the same is collected and available.

*Joint ownership of water supply.*

(10) To join with one or more cities incorporated under the constitution and laws of the state in order to acquire and develop jointly a source or sources of water supply for municipal and domestic purposes and to construct the works necessary for their joint and several purposes and needs, and to unite with such cities in bond issues therefor.

*Sue and defend.*

(11) To sue and defend in all courts and places and in all matters and proceedings.

*Direct legislation by people.*

SEC. 72. The qualified voters of the city shall have power through the initiative and otherwise, as provided by this charter and the general laws of this state, to enact appropriate legislation to carry out and enforce any of the above general powers of the city or any of the specified powers of the council.

*Powers of the council enumerated.*

SEC. 73. As the legislative organ of the city, the council, subject to the provisions and restrictions of this charter, shall have power:

*Official seal.*

(1) To provide a corporate seal, with appropriate device, to be affixed to all instruments or writings needing authentication.

*Violation of charter and ordinances.*

(2) To prescribe fines, forfeitures and penalties for the violation of any provision of this charter or of any ordinance of the city; but no penalty shall exceed three hundred dollars or ninety days' imprisonment, or both.

*Nuisances.*

(3) To provide for the summary abatement of any nuisance at the expense of the person or persons creating, causing, committing or maintaining such nuisance.



*Police and fire departments.*

(4) To organize and maintain police and fire departments, erect the necessary buildings and own all implements and apparatus required therefor.

*Police and fire alarm systems.*

(5) To establish and maintain a fire alarm and police telegraph or telephone system, and manage and control the same, and to appoint a superintendent thereof.

*Explosives.*

(6) To regulate or prohibit the manufacture, keeping, storage and use of powder, dynamite, gun cotton, nitro-glycerine, fireworks and other explosive materials and substances.

*Inflammable materials.*

(7) To regulate the storage of hay, straw, oil and other inflammable and combustible materials.

*Engines and boilers.*

(8) To regulate the use of steam engines, gas engines, steam boilers, and electric motors, and to prohibit their use in such localities as in the judgment of the council would endanger public safety.

*Fire limits.*

(9) To prescribe fire limits and determine the character and height of buildings that may be erected therein and the nature of the materials to be used in the construction; alteration or repair of such buildings or in the repair or alteration of existing buildings within such fire limits.

*Building regulations.*

(10) To regulate the construction of and the materials used in all buildings, chimneys, stacks and other structures; to prevent the erection and maintenance of insecure or unsafe buildings, walls, chimneys, stacks or other structures, and to provide for their summary abatement or destruction; to regulate the materials used in and the method of construction of foundations and foundation walls, the manner of construction and location of drains and sewers, the materials used in wiring buildings or other structures for the use of electricity for lighting, power, heat or other purposes, and materials used for piping buildings or other structures for the purpose of supplying the same with water or gas and the manner of so doing; to prohibit the construction of buildings and structures which do not conform to such regulations.

*Fire escapes.*

(11) To require the owners and lessees of buildings or other structures to place upon them or in them fire escapes and appliances for protection against fire and for the extinguishment of fires.

*Precaution against fires.*

(12) To prevent the construction and to cause the removal of dangerous chimneys, fireplaces, hearths, stoves, stove pipes, ovens, boilers, apparatus and machinery used in any building or place in the city; to regulate the carrying on of manufactories liable to cause fire; to prevent the depositing of ashes, the accumulation of shavings, rubbish, or any combustible material in unsafe places, and to make provisions to guard against fires.

*Provisions for safety in theatres, halls, etc.*

(13) To regulate the size and construction of the entrances to and exits from all theatres, lecture rooms, halls, schools, churches, and other places for public gathering of every kind and to prevent the placing of seats, chairs, benches or other obstructions in the hallways, aisles or open places therein.

*Provision for safety in streets.*

(14) To regulate the speed of railroad trains, engines and cars passing through the city and the speed of cars of street or interurban railway companies using the public streets of the city, to require railroad companies to station flagmen, place gates or viaducts at all such street crossings as the council may deem proper, to require street cars and local trains to be provided with fenders or other appliances for the better protection of the public; to prohibit the making up of railroad trains on any of the streets, street crossings or street intersections of the city; to regulate the speed with which persons may ride or drive or propel bicycles, automobiles or other vehicles along or upon any of the streets or highways of the city.

*Improper use of streets.*

(15) To regulate or prohibit the exhibition or carrying of banners, placards, or advertisements, and the distribution of handbills in the streets, public grounds or upon the sidewalks; to regulate and prevent the flying of banners, flags or other signs across the streets or from houses; to regulate or prohibit traffic and sales in the streets and public places; to prevent encroachments upon or obstructions to the streets, and to require their removal.

*Weeds and rubbish on sidewalks.*

(16) To compel the owner or occupant of buildings or grounds to remove dirt, rubbish and weeds from the sidewalk immediately in front thereof and in his default to authorize the removal or destruction thereof by some officer of the city at the expense of such owner or occupant, and to make such expense a lien upon such buildings or grounds.

*Billboards and signs.*

(17) To regulate, license or prohibit the construction and use of billboards and signs.

*Dogs.*

(18) To regulate and prevent the running at large of dogs; to prohibit the exhibition of dog fights or any wilful pitting of dogs to fight; to provide for the destruction of vicious dogs, and to require the payment of license fees by the owners or persons having possession of dogs, and to impose penalties upon such persons for refusing to pay such license fees.

*Public pound. Cruelty to animals.*

(19) To prevent or regulate the running at large of any animals and to establish and maintain a pound and authorize the destruction or other disposition of any animals running at large; to prohibit and punish cruelty to animals, and to require the places where they are kept to be maintained in a clean and healthful condition.

*Indigent sick.*

(20) To provide for the care of the indigent sick and helpless in said city.

*Preservation of health.*

(21) To make all regulations which may be necessary and expedient for the preservation of health and the suppression of disease; to make regulations to prevent the introduction of contagious, malignant, infectious, or other diseases into the city; to make quarantine laws and regulations; to regulate, control and prevent the entry into the city of persons, baggage, merchandise or other property infected with contagious disease.

*Dangerous and offensive occupations; disagreeable noises.*

(22) To regulate or prohibit the operation of all manufacturing, occupations or trades which may be of such nature as to affect the public health or good order of the city or disturb the public peace, or which may be offensive or dangerous to the inhabitants residing in the vicinity, and to provide for the punishment of all persons violating such regulations and the punishment of all persons who knowingly permit the same

to be violated in any building or upon any premises owned or controlled by them; to make regulations for the suppression of disagreeable, offensive and injurious noises or odors.

*Inspection of food products.*

(23) To provide for and regulate the inspection by the health officer of meats, poultry, fish, game, bread, butter, cheese, lard, eggs, vegetables, breadstuffs, milk and other food products offered for sale in the city, and to provide for the taking and summarily destroying of any such products as are unsound, spoiled, adulterated, or unwholesome, and to regulate and prevent bringing into the city or having or keeping within the city any such unsound, spoiled, adulterated or unwholesome products.

*Dairies.*

(24) To provide for and regulate the inspection of all dairies within or without the city that offer for sale or sell any of their products in the city.

*Lodging, tenement and apartment houses.*

(25) To regulate lodging, tenement and apartment houses and to prevent the overcrowding of the same and to require that they be put and kept in proper sanitary condition.

*Sewer connections.*

(26) To regulate the construction, repair and use of sewers, sinks, gutters, wells, cesspools, and vaults and to compel the connecting, cleaning, or emptying of the same, and to designate the time and manner in which the work shall be done.

*Garbage.*

(27) To provide for the collection and disposal of garbage, ashes, animal and vegetable refuse, dead animals, animal offal, rubbish and waste matter.

*Licensing businesses.*

(28) To license for purposes of regulation or revenue, or both regulation and revenue, all and every kind of business not prohibited by law to be transacted or carried on in the city; to fix the rates of licenses upon the same, and to provide for the collection thereof by suit or otherwise.

*Regulation of public vehicles.*

(29) To establish stands for hacks, public carriages, express wagons, and other public vehicles for hire, and regulate the charges of such hacks, public carriages, express wagons and other public vehicles, and to require schedules of such charges to be posted in or upon such public vehicles.

*Inspection of meters, weights and measures.*

(30) To provide for the inspection of all water meters, gas meters, and electric meters and of weights and measures used in the city, and to enforce such regulations as may be necessary to insure their accuracy.

*Public shows. Gambling.*

(31) To license, regulate, restrain or prohibit all exhibitions, public shows, games and amusements; to prevent and prohibit all descriptions of gambling and fraudulent devices and practices, all playing of cards, dice or other games of chance for the purpose of gambling, the keeping or operating of card machines, slot machines or other contrivances upon or into which money is staked, hazarded, deposited or paid upon chance and the selling of pools on races, and to authorize the destruction of all instruments used for the purpose of gambling.

*Public order and decency.*

(32) To restrain and punish vagrants, mendicants, lewd persons and prostitutes; to prevent and punish drunkenness, prize fights and all offensive, immoral, indecent and disorderly conduct and practices in the city.

*Taxation.*

(33) To levy and collect taxes upon all the real and personal property within the city, subject to the limitations elsewhere in this charter provided.

*Erroneously collected taxes.*

(34) To order the repaying by the treasurer of any taxes, percentages or costs erroneously or illegally collected.

*Fees.*

(35) To fix the fees and charges for all official services not otherwise provided for in this charter.

*Mayor's urgency fund.*

(36) To provide an urgent necessity fund not exceeding five hundred dollars a year, to be expended under the direction of the mayor.

*Lease of lands owned by the city.*

(37) To provide for the lease of any lands now or hereafter owned by the city, but all leases shall be made at public auction to the highest responsible bidder at the highest monthly rent, after publication of notice thereof for at least one week, stating explicitly the time and conditions of the proposed lease; *provided*, that the council may in its discretion reject any and all bids.

*Purchase of property under execution.*

(38) To provide for the purchase of property levied upon or under execution in favor of the city, but the amount bid on such purchase shall not exceed the amount of judgment and costs.

*Sale of useless personal property.*

(39) To provide for the sale at public auction, after advertising for five days, of personal property unfit or unnecessary for the use of the city.

*Trusts.*

(40) To provide for the execution of all trusts confided to the city.

*Street grades.*

(41) To establish or change the grade of any street or public place.

*Street work.*

(42) To order the whole or any part of any street, avenue, lane, alley, court or place within the city of Monterey to be graded, or regraded to the official grade, planked or replanked, paved or repaved, macadamized or remacadamized, graveled or regraveled, piled or repiled, capped or recapped, sewerred or resewered, and to order sidewalks, manholes, culverts, cess-pools, gutters, tunnels, curbing and crosswalks to be constructed therein, and to order breakwaters, levees or walls of rock or other material to protect the same and also any other work or improvement therein; to provide for the care of shade trees planted therein and to cause shade trees to be planted, set out and cultivated therein; and also to order drainage or sanitary sewers or storm water sewers to be constructed on or through private property.

Whenever, in the judgment of the council, or of the people, the cost and expense of any of the foregoing improvements is to be paid by special assessments on private property, the general laws of the State of California in force at the time of the improvement shall govern and control and all proceedings shall be in conformity thereto.

*Street opening.*

(43) To order the opening, extending, widening, straightening or closing of any street, lane, alley, court or public place within the city or over tide lands and lands covered by the waters of Monterey bay within the city, and to condemn and acquire any and all property necessary or convenient for that purpose.

Whenever, in the judgment of the council or of the people the cost and expense of any of the foregoing improvements is



to be paid by special assessment on private property, the general laws of the State of California in force at the time of the improvement shall govern and control, and all proceedings shall be in conformity thereto, except that all the duties of the commissioners shall be performed by or under the direction of the commissioner of public works of the city, who shall receive no compensation therefor.

*Light and water.*

(44) To provide for the lighting of the streets, highways, public places and public buildings and for supplying the city with water for municipal purposes.

*Boulevards.*

(45) To set apart as a boulevard or boulevards any street or streets over which there is no existing franchise, for any railroad and to regulate and prevent heavy teaming thereon; and when any such street shall have been set aside as a boulevard, no franchise for a railroad, interurban railway or street railway of any kind shall be granted upon such boulevard and no railroad track of any kind shall ever be laid thereon, unless an ordinance to that effect shall have been duly passed by popular vote, as provided in sections 31 and 32, article IV.

*Closed or abandoned streets.*

(46) Whenever any street or portion of a street shall be abandoned or closed by ordinance, to convey by deed such street or portion of street so abandoned or closed, to the party or parties who may be entitled thereto.

*Water front and wharves.*

(47) To improve, keep in repair and control the water front of the city; to fix the rates of wharfage, dockage and tolls, and provide for the collection thereof; to license, regulate and control the landing, anchorage and moorage of steamboats, sailing vessels, rafts, tug boats, and all other water craft within the jurisdiction of the city.

*Regulation of public utility rates.*

(48) To fix and determine by ordinance in the month of February of each year, to take effect on the first day of July thereafter, the rates or compensation to be collected by any person, firm or corporation in the city, for the use of water, heat, light, power or telephone service, supplied to the city or to the inhabitants thereof, and to prescribe the quality of the service.

*Regulation of street railroads.*

(49) To regulate street railroads, their tracks and cars, to compel the owners of two or more such street railroads using

the same street for any distance not exceeding ten blocks, to use the same tracks and to equitably divide the cost of construction and the cost of maintenance thereof between them.

*Railroads to keep streets in repair.*

(50) To require every owner or lessee of railroads in said city to keep the streets in repair between the tracks, and along and within the distance of two feet upon each side of the tracks occupied by the owner or lessee.

*Spur tracks.*

(51) To permit the laying down of spur or side tracks and running cars thereon, for the purpose of connecting warehouses, manufactories or other business industries and enterprises with any line of railroads that may be built along the water front or with any other lines of railroad which do now or may hereafter enter the city, subject to such regulations and conditions as may be prescribed from time to time by the council, such tracks to be used for transportation of freight only, and not to be used as a main line or a part thereof; and also for the purpose of excavating and filling in a street or portion of a street or the adjoining land, and for such limited time as may be necessary for such purpose and no longer.

Such tracks must be laid level with the street and must be operated under such restrictions as not to interfere with the use of the streets by the public. All permits granted under the provisions hereof shall be revocable at the pleasure of the council.

*Regulation of poles and wires.*

(52) To cause the removal and placing underground of all telephone, telegraph, electric light or other wires within the city, or within any designated portion thereof, and to regulate or prohibit the placing of poles and suspending of wires along or across any of the streets, highways and public places in the city.

*Size and location of pipes.*

(53) To regulate the size and location of all water pipes, gas pipes, and all other pipes and conduits laid or constructed in the streets and public places, and to require the filing of charts and maps of such pipes and conduits.

*Elections.*

(54) To make all rules and regulations governing elections not inconsistent with this charter or the constitution of California.

*Civil service commission.*

(55) To establish a bureau of civil service and to appoint a commission, to serve without compensation, to administer

the same under rules and regulations to be made by the council. Such commission shall, among other things, provide for the classification of all employments in the administrative service of the city not excepted by the provisions of this charter, by the council, or by the people, for open, competitive and free examinations as to fitness, for an eligible list from which vacancies shall be filled, for a period of probation before employment is made permanent, and for promotion on the basis of merit, experience and record.

*Civic art commission.*

(56) To establish a civic art commission and to appoint commissioners thereon, to serve without compensation, with such powers and duties as may be fixed by the council.

*Park commission.*

(57) To establish a park commission and to appoint commissioners thereon, to serve without compensation, with such powers and duties as may be fixed by the council.

*Playground commission.*

(58) To establish a playground commission and to appoint commissioners thereon, to serve without compensation, with such powers and duties as may be fixed by the council.

*Commission of public charities.*

(59) To establish a commission of public charities and to appoint commissioners thereon, to serve without compensation, with such powers and duties as may be fixed by the council.

*Municipal ownership.*

(60) To provide a suitable procedure for taking over or otherwise acquiring municipal ownership of public utilities.

*Museum commission.*

(61) To establish a museum commission and to appoint commissioners thereon, to serve without compensation, with such powers and duties as may be fixed by the council.

*Additional powers.*

(62) To enact appropriate legislation and do and perform any and all other acts and things which may be necessary and proper to carry out the general powers of the city or any of the provisions of this charter, and to exercise all other needful powers for the efficient administration of the municipal government, whether such powers are herein expressly enumerated or not.

This grant of power is to be liberally construed for the purpose of securing the well being of the municipality and its inhabitants.

*Publication of charter and ordinances.*

SEC. 74. The council, during the first year after its organization under this charter, and from time to time thereafter, shall cause all ordinances at such time in force to be classified under appropriate heads, and together with, or separately from, the charter of the city and such provisions of the constitution and laws of the state as the council may deem expedient, to be published in book form.

ARTICLE VII.

FINANCE AND TAXATION.

*The fiscal year.*

SEC. 75. The fiscal year of the city shall commence on the first day of July of each year, or at such other time as may be fixed by ordinance.

*Tax system.*

SEC. 76. The council shall by ordinance provide a system for the assessment, levy and collection of all city taxes not inconsistent with the provisions of this charter.

The council shall have power to avail itself by ordinance of any law of the State of California, now or hereafter in force, and comply with the requirements thereof whereby assessments may be made by the assessor of the county in which the city of Monterey is situated and taxes collected by the tax collector of said county for and on behalf of the city of Monterey.

Other provisions of this charter concerning the assessment levy and collection of taxes shall be subject to the provisions of any such ordinance while the same shall be in force.

*Department estimates of annual requirements.*

SEC. 77. On such date in each year as shall be fixed by the council, the heads of departments, offices, boards and commissions, shall send to the commissioner of finance and revenue a careful estimate in writing of the amounts, specifying in detail the objects thereof, required for the business and proper conduct of their respective departments, offices, boards and commissions, during the next ensuing fiscal year.

*Annual estimate of city's requirements and revenue.*

SEC. 78. On such date in each year as shall be fixed by the council, the commissioner of finance and revenue, shall submit to the council an estimate of the probable expenditure of the city government for the next ensuing fiscal year, stating the amount required to meet the interest and sinking fund for the outstanding funded indebtedness of the city, and the wants of all the departments, of the municipal government in detail, and showing specifically the amount necessary to be provided for each fund and department; also an estimate of the amount



of income from fines, licenses and other sources of revenue exclusive of taxes upon property and the probable amount required to be levied and raised by taxation.

*Annual budget.*

SEC. 79. The council shall meet annually prior to fixing the tax levy, and make a budget of the estimated amounts required to pay the expenses of conducting the business of the city government, for the next ensuing fiscal year. The budget shall be prepared to such detail as to the aggregate sum and the items thereof allowed to each department, office, board or commission as the council may deem advisable.

*Board of equalization.*

SEC. 80. The council shall meet at their usual place of holding meeting on the second Monday in August of each year, at ten o'clock in the forenoon of said day, and sit as a board of equalization, and shall continue in session by adjournment from day to day until all the returns of the assessor shall have been rectified and assessments equalized. They shall have power to hear complaints and to correct, modify, strike out, or to raise any assessment, *provided* that notice shall be given to the party whose assessment is to be raised.

*Annual tax levy.*

SEC. 81. The council must finally adopt, not later than its first regular meeting in September, an ordinance levying upon the assessed valuation of the property in the city, subject to the provisions of this charter, a rate of taxation upon each one hundred dollars of valuation sufficient to raise the amounts estimated to be required in the annual budget, less the amounts estimated to be received from fines, licenses and other sources of revenue. They shall then deliver the assessment roll to the auditor, who shall compute and carry out the amount of the tax so levied upon each parcel of property contained in said assessment roll. The corrected list for each tax shall be the assessment roll of said tax for said year, and it shall be certified by the auditor as being the assessment roll of said tax.

*Limit of tax levy.*

SEC. 82. The tax levy authorized by the council to meet the municipal expenses for each fiscal year shall not exceed, except as in this charter provided, the rate of one dollar on each one hundred dollars of the assessed valuation of all real and personal property within the city. Such levy shall be placed in the general fund, which may be apportioned by the council, except as otherwise provided in this charter.

*Bond, library and promotion tax.*

SEC. 83. The council shall have power to levy and collect taxes in addition to the taxes herein authorized to be levied and

collected, sufficient to pay the interest and maintain the sinking fund of the bonded indebtedness of the city; to levy not less than ten cents on each one hundred dollars of the assessed value of all real and personal property within the city for the support and maintenance of free public libraries and reading rooms and to levy not more than five cents on each one hundred dollars of the assessed value of all real and personal property within the city for music, entertainment and promotion.

*Tax liens.*

SEC. 84. All taxes and assessments levied, together with any percentage imposed for delinquency and the cost of collection, shall constitute liens on the property assessed; every tax upon the personal property shall be a lien upon the real property of the owner thereof. The liens provided for in this section shall attach as of the first Monday in March in each year, and may be enforced by actions in any court of competent jurisdiction to foreclose such liens, or by a sale of the property affected and the execution and delivery of all necessary certificates and deeds therefor, under such regulations as may be prescribed by ordinance; *provided*, that when real estate is offered for sale for city taxes due thereon, the same shall be struck off and sold to the city, in like case and in like manner and with like effect and with like right of redemption, as it may be struck off and sold to the state when offered for sale for state and county taxes; and the council shall have power to provide for the procedure to be followed in such sales to the city and redemption thereafter.

*Duties of the auditor.*

SEC. 85. Money shall be drawn from the treasury only upon warrants as herein authorized. Every demand against the city, from whatever source including the free public library, when allowed by the council or proper board, shall be signed by the president and clerk of such body, and a warrant, numbered and dated the same as the demand issued and signed by the same officers, and both must, before it can be paid, be presented to the auditor, who shall satisfy himself whether the money is legally due and its payment authorized by law. If he allow it, he shall endorse upon the warrant the word "allowed" and the date of such allowance, and sign his name thereto.

No demand shall be approved, allowed, audited or paid unless it specify each special item, and the date thereof. It shall be the duty of the auditor to be constantly acquainted with the exact condition of the treasury. He shall, on application of any person, indebted to the city, holding money payable into the city treasury or desiring to pay money therein, certify to the treasurer the amount thereof, to what fund

applicable, and by whom to be paid. He shall charge the treasurer with the amount received. It shall be his duty to apportion among the several funds all public money at any time in the city treasury, not by law or ordinance specifically apportioned and appropriated, and forthwith notify the treasurer of such apportionment or appropriation. He shall countersign and deliver to the proper officer, all licenses and other receipts, charging them therewith, and taking their receipt therefor. He shall at the first regular meeting of each month, or oftener if required, report in writing to the council the condition of each fund in the treasury. He shall keep a complete set of books for the city, in which he shall set forth in a plain and business-like manner, every money transaction of the city so that he can at any time tell the exact condition of the city's finance, and draw all warrants on the treasury. He shall perform such other duties as may be required of him by this charter or by ordinance.

*Disposition of money collected.*

SEC. 86. Every officer collecting or receiving any moneys belonging to or for the use of the city shall on the day of the receipt thereof settle for the same with the auditor and immediately pay all the same into the treasury, on the order of the auditor, for the benefit of the funds to which such moneys severally belong. The council may provide, in its discretion, for the deposit of the city moneys in banks in accordance with the state law.

*Uniform accounts and reports.*

SEC. 87. The council shall prescribe uniform forms of accounts, which shall be observed by all officers and departments of the city which receive or disburse moneys. Whenever an act shall be passed by the state legislature calling for uniform municipal reports, the city authorities shall be governed thereby.

ARTICLE VIII.

PUBLIC WORK AND SUPPLIES.

*Form of contracts.*

SEC. 88. All contracts shall be drawn under the supervision of the city attorney. All contracts must be in writing, executed in the name of the city of Monterey by an officer or officers authorized to sign the same, and must be countersigned by the auditor, who shall number and register the same in a book kept for that purpose.

*Progressive payments on contracts.*

SEC. 89. Any contract may provide for progressive payments, if in the ordinance authorizing or ordering the work permission is given for such a contract. But no progressive

payments can be provided for or made at any time which, with prior payments, if there have been such, shall exceed in amount at that time seventy-five per cent of the value of the labor done and the materials used up to that time, and no contract shall provide for or authorize or permit the payment of more than seventy-five per cent of the contract price before the completion of the work done under said contract and the acceptance thereof by the proper officer, department or board.

*Public work to be done by contract.*

SEC. 90. In the erection, improvement or repair of all public buildings and works, in all street and sewer work, and in all work in or about streams, bays or water front, or in or about embankments or other works for protection against overflow and erosion, and in furnishing any supplies and materials for the same, or for any other use by the city, when the expenditure required for the same exceeds the sum of five hundred dollars, the same shall be done by contract, and shall be let to the lowest responsible bidder, after advertising for sealed proposals for the work contemplated for five consecutive days in the official newspaper. Such notice shall distinctly and specifically state the work contemplated to be done. *Provided, however,* the council may reject any and all bids, if deemed excessive, and readvertise for bids, or provide for the work to be done by the department of public works. In case no bid is received, the council may likewise provide for the work to be done by the department of public works.

*Contracts for official advertising.*

SEC. 91. The council shall let annually contracts for the official advertising for the ensuing fiscal year. For this purpose the council shall advertise for five consecutive days, setting forth distinctly and specifically the work contemplated to be done, and asking for sealed proposals therefor. The proposals shall specify the type and spacing to be used at the rate or rates named in the bids. The council shall let the contracts for such official advertising to the lowest responsible bidder publishing a daily newspaper in the city which is a newspaper of general circulation and has been in existence at the time of the awarding of the contract at least one year; *provided,* that the council may reject any or all bids if found excessive and advertise for new bids.

The newspaper to which the award of such advertising is made shall be known and designated as the "Official newspaper."

*Contracts for lighting.*

SEC. 92. No contract for lighting streets, public buildings, places or offices shall be made for a longer period than one

year, nor shall any contract to pay for electric light or any illumination material at a higher rate than the minimum price charged to any other consumer be valid.

*Contracts for water.*

SEC. 93. No contract for supplying water for the use of the municipality in any of its departments shall be valid wherein the minimum rates exceed those charged to other consumers.

*Hours of labor.*

SEC. 94. The maximum time of labor or service required of any laborer, workman or mechanic employed upon any municipal work, whether so employed directly by the city and its officers, or by a contractor or subcontractor, shall be eight hours during any one calendar day.

*Collusion with bidder.*

SEC. 95. Any officer of the city, or of any department thereof, who shall aid or assist a bidder in securing a contract to furnish labor, material or supplies at a higher price than that proposed by any other bidder, or who shall favor one bidder over another by giving or withholding information or who shall wilfully mislead any bidder in regard to the character of the material or supplies called for, or who shall knowingly accept materials or supplies of a quality inferior to those called for by the contract, or who shall knowingly certify to a greater amount of labor performed than has been actually performed, or to the receipt of a greater amount or different kind of material or supplies than has been actually received, shall be deemed guilty of malfeasance and shall be removed from office.

*Collusion by bidder.*

SEC. 96. If at any time it shall be found that the person to whom a contract has been awarded has, in presenting any bid or bids, colluded with any other party or parties for the purpose of preventing any other bid being made, then the contract so awarded shall be null and void, and the council shall advertise for a new contract for said work, or provide for such public work to be done by the department of public works.

ARTICLE IX.

FRANCHISES.

*Property rights of the city inalienable.*

SEC. 97. The rights of the city in and to its water front, wharf property, land under water, public landings, wharves, docks, streets, highways, parks and all other public places,

except as otherwise provided in this charter, are hereby declared inalienable.

*No use of streets without a franchise.*

SEC. 98. No person, firm or corporation shall ever exercise any franchise or privilege mentioned in this article except in so far as he or it may be entitled to do so by direct authority of the constitution of California or of the constitution or the laws of the United States, in, upon, over, under and along any street, highway or other public place in the city unless he or it shall have obtained a grant therefor in accordance with the provisions of this article of this charter.

*Franchise to the streets.*

SEC. 99. Every franchise or privilege to construct or operate street, suburban or interurban railroads along, upon, over or under any street, highway, or any other public place or to lay pipes or conduits or to erect poles or wires or other structures in, upon, over, under or along any street, highway or other public place in the city for the transmission of gas or electricity, or for any purpose whatever, shall be granted upon the conditions in this article provided, and not otherwise.

*Application for franchise.*

SEC. 100. (1) An applicant for a franchise or privilege shall file with the council an application therefor, and thereupon the council shall, if it propose to grant the same, advertise the fact of said application, together with a statement, that it is proposed to grant the same, in the official newspaper of the city. The publication of such advertisement must run for six successive days and must be completed not less than twenty and no more than thirty days before any further action can be taken on such application.

*Conditions of grant.*

(2) The advertisement must state the character of the franchise or privilege it is proposed to be granted, and if it be a street, suburban or interurban railroad, the route to be traversed; that sealed bids therefor will be opened at a stated time and place, and that the franchise will be awarded to the bidder offering to pay to the city during the life of the franchise the highest percentage of the gross receipts received from the use, operation or possession of the franchise; *provided* that such percentage be not less than two per cent of such gross annual receipts, but no percentage shall be required to be paid for the first five years succeeding the date of the franchise.

*Bidding for the franchise.*

SEC. 101. (1) At the time of opening the sealed bids, any responsible person, firm or corporation, present in person, or represented may bid for such franchise or privilege not less



than one fourth of one per cent of the gross annual receipts above the highest sealed bid therefor, and such bid so made may be raised not less than one fourth of one per cent of the gross annual receipts by any other responsible bidder, and such bidding may continue until finally such franchise shall be struck off, sold and awarded by the council to the person, firm or corporation offering the highest percentage of the gross annual receipts arising from the use, operation or possession of such franchise; *provided* that if, in the judgment of the council no adequate or responsible bid has been made, the council may withdraw such franchise from sale or advertise for new bids.

*Deposit as guarantee of good faith.*

(2) Every application and bid for franchise under this article shall be accompanied by a cash deposit of two thousand dollars or a certified check therefor as a guarantee of the good faith of the applicant or bidder, and as a fund out of which to pay all expenses connected with such application and the granting of such franchise.

Upon the franchise being awarded, all deposits made by unsuccessful bidders shall be returned. The deposit of the successful bidder shall be retained until the filing and approval of the surety bond hereinafter provided for, whereupon the remainder of such deposit, after the payment therefrom of all expenses incurred by the city in connection with the advertising and awarding of such franchise, shall be returned.

*Free competition in bidding.*

(3) No clause or condition of any kind shall be inserted in any franchise or grant offered or sold under the terms of this article which shall directly or indirectly restrict free and open competition in bidding therefor, and no clause or provision shall be inserted in any franchise offered for sale which shall in anywise favor one person, firm or corporation as against another in bidding for the purchase thereof.

*Bond.*

(4) The successful bidder for any franchise or privilege awarded under this article shall file a bond running to the city to be approved by the council, in the penal sum by it to be prescribed and set forth in the advertisement for bids, conditioned that such bidder shall well and truly observe and faithfully perform each and every term and condition of such franchise and that in case of any breach of condition of such bond, the whole amount of the penal sum therein named shall be taken and deemed to be liquidated damages and shall be recoverable from the principal and surety upon such bond.

Such bond shall be filed with the council within five days after such franchise is awarded, and within thirty days after the filing and approval of such bond such franchise shall by

the council be granted by ordinance to the person, firm or corporation, to whom it shall have been struck off, sold or awarded, and in case such bond shall not be so filed, the award of such franchise shall be set aside and any money deposited in connection with the awarding of the franchise shall be forfeited and the franchise shall, in the discretion of the council, be re-advertised and again offered for sale in the same manner and under the same restrictions as hereinbefore provided.

*Life of franchise.*

SEC. 102. The maximum length of time for which a franchise or privilege to use the streets, highways, waters or other public places of the city may be granted to any person, firm or corporation shall be fifty years.

*Beginning and completion of work.*

SEC. 103. Work under any franchise granted in accordance with the terms of this article shall be commenced in good faith within not more than four months from the date of the final passage of the ordinance granting such franchise and if not so commenced within said time, said franchise shall be forfeited. Work under any franchise so granted shall be completed within the time fixed for such completion in the ordinance granting such franchise, which time shall be not more than three years from the date of the final passage of the ordinance granting said franchise, and if not so completed within said time, said franchise shall be forfeited; *provided*, that if good cause be shown, the council, may, by resolution extend the time for completion thereof not exceeding three months.

*Service and accommodation.*

SEC. 104. The grant of every franchise or privilege shall be subject to the right of the city, whether reserved or not, to make all regulations which shall be necessary to secure in the most ample manner the safety, welfare and accommodations of the public, including among other things the right to pass and enforce ordinances to protect the public from danger or inconvenience in the operation of any work or business authorized by the grant of the franchise and the right to make and enforce all such regulations as shall be reasonably necessary to secure adequate, sufficient and proper service and accommodations for the people and assure their comfort and convenience.

*Rates and charges.*

SEC. 105. The grant of every franchise or privilege shall be subject to the right of the city, whether reserved or not, to prescribe and regulate the rates, fares, rentals or charges made for the service rendered under such franchise. The grant of every franchise for a street, suburban or interurban railroad shall

provide that all United States mail carriers and all official policemen and firemen of the city shall at all times, while in the actual discharge of their duties, be allowed to ride on the cars of such railroad within the boundaries of the city, without paying therefor and with all the rights of other passengers.

*Right of city to assume ownership.*

SEC. 106. Every ordinance granting any franchise shall provide that at the expiration of the period for which the franchise was granted or at any time before as stated in the ordinance, the city, at its election and upon the payment of a fair valuation therefor to be made in the manner provided in the ordinance making the grant, may purchase and take over to itself the property and plant of the grantee in its entirety, but in no case shall the value of the franchise of the grantee be considered or taken into account in fixing such valuation. Or it may be provided in the ordinance granting any franchise that the property and plant of the grantee, shall at the expiration of the period for which the franchise was granted, become the property of the city, without any compensation to the grantee.

*No conveyance necessary for the city's ownership.*

SEC. 107. Every ordinance granting any franchise shall further provide that upon the payment by the city of a fair valuation in the manner provided in the ordinance, the plant and property of the grantee shall become the property of the city by virtue of the grant in payment thereunder, and without the execution of any instrument or conveyance. Or in case it is provided in the ordinance granting any franchise that the property and plant of the grantee, shall at the expiration of the period for which it was granted, become the property of the city without any compensation to the grantee, the property and plant of the grantee shall then become the property of city by virtue of the grant and without the execution of any instrument or conveyance.

*Lease or assignment of franchise.*

SEC. 108. Any franchise granted by the city shall not be leased, assigned or otherwise alienated without the express consent of the city, and no dealings with a lessee or assignee on the part of the city to require the performance of any act or payment of any compensation by the lessee or assignee shall be deemed to operate as such consent; *provided* that nothing herein shall be construed to prevent the grantee of such franchise from including in it a mortgage or trust deed executed for the purpose of obtaining money for corporate objects.

*Street sprinkling, cleaning and paving.*

SEC. 109. Every grant of any franchise or privilege, in, over, under or along any of the streets, highways, or public

places in the city for railroad purposes, shall be subject to the conditions that the person, firm or corporation, exercising or enjoying the same shall sprinkle, clean, keep in repair, and pave and repave so much of said street, highway or other public place as may be occupied by said railway as lies between the rails of each railway track and between the lines of double track, and for a space of two feet outside of said tracks.

*Examination of company's books. Audit.*

SEC. 110. The city of Monterey, by its auditor, deputy auditor, or accountants authorized by the auditor, or by the council shall have the right at all reasonable times to examine all the books, vouchers and records of any person, firm or corporation exercising or enjoying any franchise or privilege granted by the city, for the purpose of verifying any of the statements of gross receipts provided for, and for any other purpose whatsoever connected with the duties or privileges of the city or of such person, firm or corporation arising from this charter or from the ordinance granting the franchise, and may audit the same at the end of each year.

*Annual reports of company.*

SEC. 111. Every person, firm or corporation operating any business under franchise granted under this article shall file annually with the city auditor on such date as shall be fixed by the council a report for the preceding year.

Such report shall be in writing, verified by the affidavit of such person or persons or officer of the corporation, as the council shall direct, and shall contain a statement, in such form and detail as shall from time to time be prescribed by the council of all gross receipts arising from all the business done by said person, firm or corporation within the city of Monterey for the year immediately preceding such report. Such reports shall contain such further statements as may be required by the council concerning the character and amount of business done and the amount of receipts and expenses connected therewith, and also the amount expended for new construction, repairs, and betterment during such year.

*Payment of gross receipts.*

SEC. 112. The stipulated percentage of gross receipts shall be paid annually at the time of filing the annual report. Failure to pay such percentage at the time of filing such annual report shall work a forfeiture of the franchise. The provisions as to payment of gross receipts shall apply to every person, firm or corporation using or operating the works constructed under such franchise.

*Forfeiture for non-compliance.*

SEC. 113. Every ordinance granting any franchise or privilege shall provide for the termination and forfeiture thereof



for any breach or failure to comply with any of the terms, limitations or conditions thereof, and in all such cases the council shall have power to declare the termination and forfeiture of any such franchise or privilege, the same as though in each instance such power was expressly reserved.

*Reservation for belt lines.*

SEC. 114. No exclusive right or privilege shall ever be granted by the city or council in, to or upon the bed of the bay of Monterey, beyond the line of mean low tide; nor shall any structure be erected thereon so as to prevent the construction and operation of belt lines of railroads along the water front; and any franchise or permit for a railroad track in, over or upon the bed of the bay of Monterey shall be subject to the right of any other railroad or railroad company to use the same upon payment of a reasonable compensation therefor.

*Franchise not in use forfeited.*

SEC. 115. All franchises and privileges heretofore granted by the city which are not in actual use or enjoyment or which the grantees thereof have not in good faith commenced to exercise, shall be declared forfeited and invalid, unless such grantees or their assigns shall within six months after this charter takes effect, in good faith commence the exercise and enjoyment of such privilege or franchise.

ARTICLE X.

LIBRARY COMMISSION.

*Five commissioners appointed by mayor.*

SEC. 116. The public library of the city shall be under the control and management of a board of commissioners, consisting of five members, who shall be appointed by the mayor, subject to the confirmation of a majority of the council. They shall be chosen from the citizens at large without regard to sex or political opinions but with reference to their fitness for said office and no member of the city council shall be a member of said board. The members of this commission shall serve for two years and without compensation and during their term of office must have a continuous residence in said city.

*Tax for maintaining library.*

SEC. 117. The city council may, at the request of the board of library commissioners, in making the annual tax levy, and as a part thereof, if the maintenance of the library is not otherwise provided for, levy a sum of not less than ten cents on the one hundred dollars assessed valuation for the purpose of maintaining said library and reading rooms and purchasing books, journals, periodicals and other supplies therefor.

*Providing for donations and bequests.*

SEC. 118. If payment into the city treasury of any money or property derived by donation or bequest would be inconsistent with the conditions or terms of such donation or bequest, the board shall provide for the safety and preservation of the same and the application thereof to the use of such library in accordance with the terms or conditions of such donation or bequests.

*Property for support of library. Suits.*

SEC. 119. The title to all property, real and personal, now owned or hereafter acquired by purchase, donation, bequest or otherwise, for the purpose of said library, when not inconsistent with the terms of its acquisition, shall vest and be and remain in said city, and in the name of said city may be used for or defended by action at law or otherwise.

*Meetings. Secretary.*

SEC. 120. The board shall meet at least once each month and a majority shall constitute a quorum for the transaction of business, but a less number may adjourn from time to time. It shall elect one of its members secretary and it shall be his duty to keep a full record of all the meetings of the board and of all its business transactions. He shall serve for one year and until his successor has been appointed and has qualified.

*Powers of board.*

SEC. 121. The board shall have power:

(1) To make and enforce all rules, regulations and by-laws necessary for the administration, government and protection of the library, reading room and all the property belonging thereto;

(2) To administer any trust declared or created for such library or reading rooms, and to provide memorial tablets and niches to perpetuate the memory of any persons who make donations or bequests thereto;

(3) To purchase books, journals and publications and other supplies and personal property for the use of the library out of the funds provided for such purposes by the council;

(4) To appoint a librarian and such other employees as may be necessary to properly conduct the said library and the reading rooms connected therewith, to prescribe their duties and the limits of their authority;

(5) To do all that may be necessary to be done to carry out in full all the provisions of this charter relating to said library.

*Compensation of library employees. Funds.*

SEC. 122. The compensation of the librarian and of all the library employees shall be such as may be fixed by the board

and shall be paid from the funds provided for the support of the library, subject only to the general provisions of this charter regulating the payment of moneys from the public funds.

*Protection of library. Impose penalties.*

SEC. 123. The council shall pass proper ordinances for the protection of the public library and property belonging thereto, and imposing penalties upon persons injuring the same or unlawfully obtaining or detaining books or other property from such library.

ARTICLE XI.

POLICE COURT.

*Creating court.*

SEC. 124. There is hereby created in and for the city of Monterey a court which shall be known as the police court of Monterey.

*Judge thereof.*

SEC. 125. Said court shall consist of one judge, who shall be appointed by the council, and shall serve during its pleasure and shall receive such compensation as the city council shall determine.

*Exclusive jurisdiction.*

SEC. 126. Said court shall have exclusive jurisdiction:

*First.* In all prosecutions for the violation of city ordinances.

*Second.* In all actions for the recovery of any fine, penalty, or forfeiture and the enforcement of any obligation or liability prescribed or created by the city ordinances and which the sum sued for does not exceed three hundred dollars.

*Concurrent jurisdiction.*

SEC. 127. Within the city limits said court shall have concurrent and co-ordinate jurisdiction with township justice courts on all matters and things in which justice courts now or may hereafter have jurisdiction. And the judge of said police court shall have as aforesaid like authority, power, and jurisdiction as the justices of said justice courts.

*Appeals.*

SEC. 128. Appeals may be taken to the superior court of the State of California in and for the county of Monterey from the judgment and order of said police court in all cases in which appeals are now or may hereafter be provided by law to be taken to said superior court from said justice court and police court.

*Pleading and practice.*

SEC. 129. In all pleading in and appeals from said police court, the pleading, practice and procedure and laws now applicable or that may hereafter be made applicable to said justice or police court are hereby adopted and made applicable to said police court.

*Fines. Reports.*

SEC. 130. All fines and other moneys received or collected by the judge of said police court for or on account of the city of Monterey shall immediately be paid into the city treasury. He shall make monthly reports to the mayor, together with proper vouchers and receipts for all moneys received and paid into the treasury.

*Undetermined proceedings in recorder's court.*

SEC. 131. All actions and proceedings pending and undetermined in the recorder's court of Monterey shall be proceeded with, heard, tried and determined in said police court hereby provided for before said judge the same as if said action or proceeding had been originally commenced in said police court.

*Records of court.*

SEC. 132. The judge of the police court shall keep a record of the proceedings of the police court in all matters and cases before said court. Separate dockets shall be kept for civil and criminal cases.

*Court-room. Business.*

SEC. 133. The city shall furnish for said court a suitable court-room and office and the necessary dockets and all blanks and other books and stationery necessary for the transaction of its business and the said court shall always be open for the transaction of business, except on Sundays and other non-judicial days.

*Additional powers.*

SEC. 134. The judge of the police court shall have power to administer oaths, take and certify affidavits in the same manner and with like effect as justices of the peace.

*Seal.*

SEC. 135. He shall have and use a seal on which shall be engraved the arms of the state and the words, "Police Court City of Monterey."

*Chief of police—powers and duties.*

SEC. 136. The chief of police of the city of Monterey shall execute and return all processes issuing from the police court and all orders of the police judge. The chief of police shall

enforce the execution of all the laws and ordinances within the jurisdiction of the city, or for the suppression of any riot, public tumult, disturbance of the peace or resistance against the laws or public authority, or in the lawful exercise of their function. He shall have the powers that are now or may be hereafter conferred upon sheriffs by the laws of this state, and shall in all respects be entitled to the same protection and his lawful orders shall be executed by deputies, policemen and watchmen of the city of Monterey and every citizen shall also lend aid when required for the arrest of offenders in the maintenance of public order. It shall be the duty of the chief of police to prosecute, before the police judge, all breaches or violations or non-compliance with any city ordinance or law within the jurisdiction of the police judge which has come to his knowledge. The chief of police shall have charge of the city prison and prisoners and of any chain gang that may be established by the council. He shall devote his entire time to the duties of his office and subject to such rules and regulations as the council may prescribe. He shall remove any member of the police force for disobedience of any law or order, for violation of any of the rules or regulations of the police department, and for neglect of duty or conduct unbecoming a member of the police force. He shall immediately file with the mayor written charges specifying the grounds upon which such suspension or removal is made.

In addition to the duties in this charter specified the chief of police shall discharge all the duties required of him by ordinance of the city, or resolution of the council, or by law, or any provisions of this charter.

## ARTICLE XII.

### MISCELLANEOUS.

*When this charter takes effect.*

SEC. 137. For the purpose of nominating the candidates and electing the mayor and councilmen in accordance with this charter, this charter shall take effect from the time of the approval of the same by the legislature; for all other purposes it shall take effect on the 1st day of July, 1911.

*First election under this charter.*

SEC. 138. The board of trustees of the city of Monterey, in office at the time of the approval of this charter by the legislature, shall provide for the holding of the first election under this charter, shall canvass the votes and declare the result.

*Terms of incumbent in office.*

SEC. 139. The members of the board of trustees and all other elective officers of the city of Monterey, in office at the time of

the approval of this charter by the legislature, shall continue to hold office and discharge their duties until the election and qualification of the mayor and councilmen, respectively, first elected under this charter.

The term of each of all the other officers in office at the time this charter takes effect shall cease and terminate when the council first elected hereunder shall by resolution so declare.

*Existing ordinances to continue in force.*

SEC. 140. All lawful city ordinances, resolutions and regulations in force at the time this charter takes effect and not inconsistent with the provisions thereof are hereby continued in force until the same shall be duly amended or repealed.

*Conduct of legal proceedings.*

SEC. 141. The city attorney shall be the prosecuting attorney in behalf of the people in all criminal cases arising from violations of the provisions of this charter and the ordinances of the city and shall attend to all suits and proceedings in which the city may be legally interested; *provided*, the council shall have control of all litigation of the city, and may employ other attorneys to take charge of any litigation or to assist the city attorney therein.

*Violation of charter and ordinances.*

SEC. 142. The violation of any provision of this charter, or of any ordinance of the city, shall be deemed a misdemeanor, and may be prosecuted by the authorities of the city in the name of the people of the State of California, or may be redressed by civil action, at the option of said authorities. Any person sentenced to imprisonment for a violation of a provision of this charter, or of any ordinance, may be imprisoned in the city jail or of the county jail in which the city of Monterey is situated, in which case the expense of such imprisonment shall be a charge in favor of such county against the city of Monterey.

*Meaning of words.*

SEC. 143. The word "city" wherever it occurs in this charter, means the city of Monterey, and every commissioner, commission, department, board, officer or employee, wherever mentioned in this charter, means the commissioner, commission, department, board, officer or employee, as the case may be, of the city of Monterey. The word "council" when used in this charter means the council of the city of Monterey.

*Certificates of election issued by clerk.*

SEC. 144. After the result of an election is declared, or when an appointment is made, the city clerk, under his hand and official seal, shall issue a certificate therefor and serve the



same by registered mail through the United States post office in the city of Monterey, addressed to the person or persons so elected or appointed.

*Provisions for election.*

SEC. 145. If for any reason, the first general municipal election is not held on the day herein provided for, the validity of this charter and of such election is not affected thereby, and the board of trustees of the city of Monterey then in office must provide for the holding of such election as soon as possible thereafter.

*Amendments.*

SEC. 146. This charter may be amended at intervals of not less than two years by proposals therefor, submitted by the council to the qualified electors of the city at a general or special election, held at least forty days after the publication of such proposals for twenty days in a daily newspaper of general circulation in the city and ratified by a majority of the electors voting thereon, and approved by the legislature as provided in the constitution of the State of California. Whenever twenty per cent of the qualified electors of the city shall petition the council to submit any proposed amendment or amendments to this charter to the qualified electors thereof for approval the council must submit the same. In submitting any such amendment or amendments to the charter any alternative article or proposition may be presented for the choice of the electors and may be voted on separately without prejudice to the others.

*Form of petition.*

SEC. 147. The petition provided for in section 146 must be made, presented and certified to in the manner and form required for petitions in section 31, article IV of this charter.

*Proceedings relative to amendments.*

SEC. 148. The council must make all necessary provisions for submitting proposed amendments to the electors and shall canvass the votes in the same manner as in other elections.

*Ballots.*

SEC. 149. The ballots used at such elections shall contain the words, "For the Amendment" and "Against the Amendment" (stating the nature of the proposed amendment).

WHEREAS, The city of Monterey, a city containing a population of more than three thousand five hundred, and less than ten thousand, inhabitants, on the 25th day of July, A. D. 1910, at a special election, and under and in accordance with the provisions of section eight, article eleven of the constitution of the State of California, did elect W. E. Parker, F. A. Botsch, George D. Clark, C. P. Carmody, C. F. French, Frank

Hellam, Paul Hess, F. M. Hilby, E. E. James, F. A. Lang, J. K. Oliver, Shelley Pickles, H. J. Schaufele, B. F. Wright and C. R. Few a board of fifteen freeholders to prepare and propose a charter for said city,

WHEREFORE, Be it known, that pursuant to said provisions of the constitution of the State of California and within a period of ninety days after said special election, said board of freeholders has prepared and does propose the foregoing as and for the charter of the city of Monterey.

IN WITNESS WHEREOF, We have hereunto set our hands in duplicate this 13th day of October, A. D. 1910.

W. E. PARKER, President.  
C. R. FEW, Secretary.  
F. A. BOTSCH.  
GEO. D. CLARK.  
C. P. CARMODY.  
C. F. FRENCH.  
FRANK HELLAM.  
F. M. HILBY.  
E. E. JAMES.  
F. A. LANG.  
J. K. OLIVER.  
SHELLEY PICKLES.  
H. J. SCHAUFELE.  
B. F. WRIGHT.

Attest: C. R. FEW, Secretary.

Received this 13th day of October, 1910.

[SEAL] WILL JACKS,  
President of the Board of Trustees  
of the City of Monterey.

Filed this 13th day of October, 1910.

GEO. S. GOULD, JR.,  
City Clerk.

STATE OF CALIFORNIA, }  
COUNTY OF MONTEREY, } SS.  
CITY OF MONTEREY. }

I, GEO. S. GOULD, JR., city clerk in and for the city of Monterey, hereby certify that the board of trustees of said city, did, by resolution No. 1071, order the foregoing charter published in the manner and form required by law.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the city of Monterey, this 14th day of October, 1910.

[SEAL.]

GEO. S. GOULD, JR.,  
City Clerk.

MEMORANDUM.

The first official publication of the foregoing proposed charter was made in the Monterey Daily Cypress, a daily newspaper of general circulation, on Saturday, October 22, 1910, pursuant to resolution No. 1071, adopted by the board of trustees of the city of Monterey on the 13th day of October, 1910, and by direction of the president of said board of trustees and the city clerk of said city.

STATE OF CALIFORNIA,        }  
COUNTY OF MONTEREY,        } SS.  
CITY OF MONTEREY.        }

I, WILL JACKS, president of the board of trustees of the city of Monterey, State of California, and Geo. S. Gould, Jr., clerk of said board, do hereby certify that the board of freeholders, whose names appear signed to the foregoing proposed charter, were on the 25th day of July, 1910, at a special municipal election held in said the city of Monterey on said day, duly elected by the qualified electors of said city to prepare and propose a charter for said city; that each of said freeholders has been a qualified elector and freeholder in said city for more than five years previous to said election; that the foregoing is a true copy of said charter prepared and returned to the president of said board of trustees within ninety days after said election, as required by section eight of article eleven of the constitution of the State of California; that said proposed charter was then published in the "Monterey Daily Cypress" which then was a daily newspaper of general circulation in said city, and that publication was made for more than twenty days, and that the first publication of said proposed charter was made within twenty days after the completion of said charter; that within thirty days after the publication of said charter, as required in said section eight of said article eleven, to wit, on the 12th day of December, 1910, said charter was submitted at a special election duly called and held therein for the purpose of ratifying or rejecting said proposed charter; that by a majority of the votes of the qualified electors voting at said special election said proposed charter was ratified as a whole; that the returns of said election was duly canvassed by the board of trustees of said the city of Monterey on the 19th day of December, 1910, and the result thereof declared as above set forth; and that in all matters and things pertaining to said proposed charter, all provisions of said section of the constitution and the laws of the State of California, pertaining to the adoption of the charter have been fully complied with in every particular.

IN WITNESS WHEREOF, We have hereunto set our hands and caused the corporate seal of said the city of Monterey to be affixed this 30th day of December, 1910.

[SEAL]

WILL JACKS,  
President of the Board of trustees  
of the City of Monterey.

GEO. S. GOULD, JR.,  
Clerk of said Board of Trustees  
and said the City of Monterey.

AND, WHEREAS, Said proposed charter, so ratified, has been duly presented and submitted to the legislature of the State of California for approval or rejection, without power of alteration or amendment, in accordance with section 8 of article XI of the constitution of the State of California;

Now, therefore, be it

*Resolved by the assembly of the State of California, the senate thereof concurring* (a majority of all the members elected to each house voting for the adoption of this resolution and concurring therein) that said charter of the city of Monterey, as presented to, adopted and ratified by the qualified electors of said city, be, and the same is hereby, approved as a whole as and for the charter of the city of Monterey.

*A. H. Hewitt*  
Speaker of the Assembly.

*A. J. Wallace*  
President of the Senate.

Attest:

*Frank B. Jordan*  
Secretary of State.

FILED in the office of the  
SECRETARY OF STATE  
the 3d day of  
March A. D. 1911  
at 10<sup>00</sup> o'clock M.  
Frank C. Jordan  
By Giant H. Lay SECRETARY OF STATE  
DEPUTY  
Record Book \_\_\_\_\_ Page \_\_\_\_\_

STATE OF CALIFORNIA, }  
COUNTY OF MONTEREY. } SS.

I, WILL JACKS, president of the board of trustees of the city of Monterey and chief executive officer of said city, county and State aforesaid, do hereby certify that the foregoing is what it purports to be: A copy of the charter of the City of Monterey, which was delivered to me, as stated in the preamble attached to and preceding the same, as required by Section 8 of Article XI of the Constitution of the State of California.

That the statements of said preamble are true; that said charter has been approved by the Legislature.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the corporate seal to be affixed, at my office in the City of Monterey, this 15th day of March, A. D. 1911.

President of the ..... Will Jacks .....  
Board of Trustees ..... and Chief Executive Officer of  
of the City of Monterey.

Attest:

.....  
City Clerk of the City of Monterey.

Received this certified copy with  
signature of President of the Board  
of Trustees and City Clerk signed  
thrust.

Ex. L. Neon  
Super of the Archives



Chambers of the Board of Supervisors  
of Monterey County, State of California.

Whereas at a regular meeting of the Board held on the 6<sup>th</sup> day of May 1889, at the regular meeting room in the Court house in the City of Salinas, Cal. there was presented to the Board, a petition, praying for the incorporation of that portion of Monterey County, State of California, and hereafter particularly described as a municipal corporation of the class to which the same might belong under an act of the Legislature of the State of California entitled "An Act to provide for the organization incorporation and government of Municipal Corporations" Approved March 13<sup>th</sup> 1883; And the Board after hearing said petition and proof of publication of same together with a notice of the time and place when and where the same would be presented, in a newspaper of general circulation, printed and published in said Monterey County, California, and that the same was signed by fifty and more qualified electors of said County, residents within the territory described therein.

The Board duly made and gave its order appointing Rupert R. Duckworth, Census Marshal, to enumerate the inhabitants residing within the territory

1 described and so prayed to be incorporated,  
2 and adjourned the further hearing of said  
3 petition until Monday, May 13, 1889.

4 And afterward, to wit: on said 13<sup>th</sup> day  
5 of May 1889, said matter coming on reg-  
6 ularly for further hearing there was  
7 presented to the Board the report of  
8 said Rupert R. Duckworth, as census  
9 marshal, aforesaid, showing that there  
10 was a residence population within said  
11 territory of 1675 and the Board having  
12 fully heard said petition and all the  
13 matters and things thereto relating  
14 duly made and passed Ordinance  
15 No 168, ordering and calling an election  
16 within the territory described to de-  
17 termine whether the same should be  
18 incorporated as a municipal corporation  
19 of the 6<sup>th</sup> Class to which the same  
20 might belong under an act of the  
21 Legislature of the State of California  
22 entitled "An act to provide for the  
23 organization incorporation and Government  
24 of Municipal Corporations" Approved  
25 March 13<sup>th</sup> 1883, and for the election  
26 of the officers provided by law for  
27 such corporations, which election  
28 was so ordered and called for  
29 Monday the 3<sup>d</sup> day of June 1889.

30 And now on this 10<sup>th</sup> day of  
31 June 1889, that being the first  
32 Monday after the day fixed for

1 said election and there having been  
2 presented to the Board, proof to  
3 its satisfaction that a notice of  
4 said election as ordered was duly  
5 and regularly published in the Mon-  
6 tney Cyprus, a weekly newspaper  
7 of general circulation, printed and  
8 published within said territory,  
9 for more than two weeks im-  
10 mediately prior to said 3<sup>d</sup> of June  
11 1889. And that said election was  
12 regularly held in pursuance of  
13 said order and notice.

14 The Board proceeds to canvass the  
15 returns of said election, and finds  
16 1. That the whole number of votes  
17 cast at said election was Three  
18 hundred and forty-one (341) of  
19 which three hundred and seventeen  
20 (317) were for incorporation and  
21 twenty four (24) against incorporation.  
22 2. That of the votes cast:

23 J. B. Snively received for member  
24 of the Board of Trustees 339.

25 Abigail Abrego received for member  
26 of the Board of Trustees 329.

27 Walter C. Little received for member  
28 of the Board of Trustees 299.

29 Herman Prinz received for member  
30 of the Board of Trustees 237.

31 J. W. Bagby received for member  
32 of the Board of Trustees 171.



1 David Rodrick received for member  
2 of the Board of Trustees 141.

3 J. F. Silveria received for member  
4 of the Board of Trustees 75.

5 L. Schaufel received for member  
6 of the Board of Trustees 67.

7 George W. Laws received for member  
8 of the Board of Trustees 38.

9 Fred S. Howard received for Clerk 339

10 Jean Maria Lapote received for Treasurer 334

11 Abel Pinto received for Marshal 196

12 Jacob Knapp received for Marshal 101

13 J. A. Walter received for Marshal 44

14 Whereupon the Board declares the  
15 following named duly elected for  
16 the various offices of such corporation,  
17 to wit;

18 For Members of the Board of Trustees

19 James B. Trively }

20 Abimail Abrego }

21 Walter C. Little }

22 Herman Pring }

23 J. W. Bagby }

24 For the office of Clerk Fred S. Howard

25 For the office of Treasurer Jean Maria Lapote

26 For the office of Marshal Abel Pinto,

27 And the Board finds and declares

28 such territory, to wit: the territory

29 described in said petition as follows,

30 Beginning at a point near Point

31 Ancones on the S.W. shore line

32 of Monterey Bay where the same is

1 intersected by the S.E. boundary line  
2 of the Point Pinos Rancho; Thence  
3 following said S.E. line of said Rancho  
4 S.  $58^{\circ}45'$  W. 5280 feet. Thence leaving  
5 said Rancho line, and running S.  $24^{\circ}$   
6  $10'$  E. 12,568 feet. Thence North  $73^{\circ}15'$   
7 E. 7445 feet. Thence N.  $11^{\circ}27'$  W.  
8 2916.5 feet to the S.W. Corner of the  
9 Del Monte Hotel grounds. Thence  
10 following the Western boundary line  
11 of said grounds N.  $11^{\circ}27'$  W. 2363.5  
12 feet to the Northernly side of the  
13 County road; Thence along the  
14 North side of said road N.  $88^{\circ}03'$   
15 W. 1458.85 feet; Thence N.  $89^{\circ}15'$   
16 W. 1094 feet. Thence N.  $0^{\circ}45'$  E.  
17 475 feet to the shore line of Mon-  
18 terey Bay. Thence North into said  
19 Monterey Bay one Marine league.  
20 Thence in a Western direction to the  
21 intersection of a line drawn North  
22 from the place of beginning. (The  
23 said Point Dulones) Thence South  
24 to said place of beginning.

25 duly incorporated as a Municipal  
26 Corporation of the 6<sup>th</sup> Class, under  
27 an act of the Legislature of the  
28 State of California entitled "An  
29 Act to provide for the organization  
30 Incorporation and Government  
31 of Municipal Corporations" Approved  
32 March 13, 1889. Under the name

And style of "The City of Monterey".

Passed by the following vote.

Ayes, H. Samuels, T.J. Field, A.J. Copley,  
Naes, None.

Absent, Geo. Heuerkauf, J.A. Malloy.

H. Samuels, Chairman of the Board  
of Supervisors of Monterey County.

Attest: T.J. Riordan

Clerk of said Board

By W. P. Nichols, Deputy Clerk.

STATE OF CALIFORNIA, }  
County of Monterey. } ss.

I, T. J. RIORDAN, County Clerk of said Monterey County, and ex-officio Clerk  
of the Superior Court in and for said County, do hereby certify that the foregoing is  
a full, true and correct copy of the original.

Order made by the Board of Supervisors of  
Monterey County incorporating "The City of Monterey"  
on the 10<sup>th</sup> day of June A.D. 1889 - And entered  
in the Minutes of said Board on said 10<sup>th</sup> day  
of June 1889.

and that the same has been compared by me with the original.

Witness my hand and seal of said Court this

day of June

A. D. 1889.

T. J. Riordan

Clerk,

By W. P. Nichols

Deputy Clerk.



Order made by  
 Board Supervisors  
 of Monterey County  
 — incorporating —  
 the —  
 "City of Monterey".

Filed in the Office of the  
 Secretary of State the 14<sup>th</sup>  
 day of June A. D. 1889  
 H. H. H. H. H.  
 Secretary of State  
 By J. D. H. H. H.  
 Deputy

Record Book, \_\_\_\_\_, Page \_\_\_\_\_