

CHARTER
CITY OF MONTEREY
CALIFORNIA



PROPOSED BY
BOARD OF FREE-HOLDERS
ELECTED OCT. 28, 1924



ADOPTED MARCH 9, 1925

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CHARTER CITY OF MONTEREY CALIFORNIA

Section 1. NAME: The municipal corporation now existing and known as "The City of Monterey" shall remain and continue a body politic and corporate, as at present, in fact and in law, by the name of the "City of Monterey," and by such name shall have perpetual succession.

Section 2. BOUNDARIES: The boundaries of the City of Monterey shall continue as now established until changed in some manner authorized by law.

Section 3. RIGHTS AND LIABILITIES: 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 said municipality, and is hereby declared to be the successor of the same. No right, liability, pending suit or prosecution on behalf of, or against, the city shall be affected by the adoption of this charter. All contracts entered into by the city prior to the taking effect of this charter shall continue in full force and effect.

Section 4. POWERS: The City of Monterey, by and through its Council and other officials, shall have and may exercise all powers necessary or appropriate to a municipal corporation and the general welfare of its inhabitants, which are not prohibited by the constitution and which it would be competent for this charter to set forth particularly or specifically, including all powers now or hereafter granted to cities of the sixth class and boards of trustees thereof, and all lawful powers conferred upon the city by the former charter not inconsistent with the provisions hereof; and the specification herein of any particular powers shall not be held to be exclusive or any limitation upon this general grant of powers.

Section 5. ELECTIONS: General municipal elections shall be held in said city on the second Monday in May of each odd-numbered year under and pursuant to the provisions of the general laws of the State of California governing elections in cities of the sixth class, so far as the same may be applicable, and except as herein otherwise provided. The first general election in said city under this charter shall be held on the second Monday in May, 1925. All other municipal elections that may be held by authority of this charter or of general law shall be known as special municipal elections, and shall be held substantially as in this charter provided for general municipal elections; provided, however, that special elections to authorize any municipal or local public improvement, or the levy of assessments therefor, or to create a municipal bonded indebtedness, shall be held in conformity with any general law of the state relative thereto under which any such proceeding is instituted by the Council, in case such general law provides for the procedure and manner of holding elections thereunder.

Section 6. CANVASS OF RETURNS: The Council of said city shall meet at its usual meeting place on the first Monday after any municipal election, duly canvass the returns and declare the result thereof, and install the newly elected officers, if any.

Section 7. INITIATIVE, REFERENDUM AND RECALL: Ordinances may be initiated, or the referendum exercised on ordinances passed by the Council, under and in accordance with the constitution and general laws of the state, and any elective officer may be recalled from office under and in pursuance of the provisions of the constitution and general laws; provided, however, that in no case shall candidates be elected to fill the place or places of any officer sought to be recalled, but in case of such recall such office shall be deemed vacant and shall be filled by appointment like other vacancies in elective offices; provided, further, that should a majority, or more, of the Council be recalled, the City Clerk shall call a special election to fill such vacancies, which shall be held within sixty days of the existence thereof. Petitions for exercising the initiative, referendum, or recall, shall not be circulated, but shall be deposited for signatures in not less than three public places in the city to be designated by the Council. Notice of the deposit thereof shall be given by publication three or more times in one or more newspapers published and circulated in said city. The Council shall provide by ordinance the detailed procedure for carrying out the provisions of this section.

Section 8. ELECTIVE OFFICERS: The elective officers of the City of Monterey shall be a Mayor, four Councilmen and an Auditor, who shall be elected from the city at large at a general municipal election therein.

Section 9. ELIGIBILITY OF ELECTIVE OFFICERS: No person shall be eligible for election to, or to hold, any elective office of said city, unless he shall have been a resident and elector thereof for at least three years next preceding his election thereto, or his appointment to fill a vacancy therein.

Section 10. THE MAYOR: A Mayor shall be elected at each general municipal election and shall hold office for the term of two years from and after the Monday next succeeding the day of such election, and until his successor is elected and qualified, commencing with the first general municipal election held under the provisions of this charter. The Mayor shall receive no compensation and shall be ineligible to hold any other office or employment with the city, except as a member of any board, commission, or committee, thereof, of which he is constituted such member by general law.

The Mayor shall be the executive head of the city. In case of riot, insurrection, or extraordinary emergency, he shall assume general control of the city government and all of its branches, and be responsible for the suppression of disorders and the restoration of normal conditions. In the name and on behalf of the city he shall sign all legal instruments and documents to which the city is a party, except where otherwise provided herein or by general law. He shall represent the city in all ceremonial functions of a patriotic or social character when it appears to him desirable that the city be officially represented thereat, and shall, consistent with the provisions hereof, possess such other powers and perform such other duties, as may be prescribed by this charter, by law, by ordinance, or by resolution of the Council.

During the temporary absence or disability of the Mayor, the Council shall choose one of its members to act as Mayor pro-tempore who shall, during such absence or disability only, exercise the powers and perform the duties of the Mayor. In case of a vacancy in the office of Mayor, a Mayor pro-tempore, chosen as aforesaid, shall act as such Mayor until the vacancy in said office is filled as provided in this charter.

Section 11. THE COUNCIL: The Council shall be comprised of the Mayor and said four Councilmen, and shall be the legislative body of the city, each of the members of which, including the Mayor, shall have the right to vote upon all questions coming before it.

Two Councilmen shall be elected at each general municipal election and shall hold office for the term of four years each from and after the Monday next succeeding the day of such election, and until their successors are elected and qualified; provided, however, that four Councilmen shall be elected at the

first general municipal election held under the provisions of this charter. The two Councilmen receiving the highest number of votes at said first election shall hold office for the full term of four years each, and the remaining two Councilmen elected thereat shall hold office for the term of two years each, from and after the Monday next succeeding the second Monday in May, 1925, and until their successors are elected and qualified.

The Councilmen shall receive no compensation, and no Councilman shall be eligible to hold any other office or employment with the city, except as a member of any board, commission, or committee, thereof, of which he is constituted such member by general law.

All powers granted to and vested in the City of Monterey by law or by the provisions of this charter shall, except as herein otherwise provided, be exercised by the Council, to be designated the "Council of the City of Monterey." The Council shall be the governing body of the city and, subject to the express limitations of this charter, shall be vested with all powers necessary or convenient for a complete and adequate system of municipal government, consistent with the constitution of the state, including all powers now or hereafter granted by general law to boards of trustees of cities of the sixth class.

Section 12. MEETINGS OF THE COUNCIL: The Council shall provide by ordinance for the time and place of holding its meetings and the manner in which its special meetings may be called; provided, however, that there shall be at least one regular meeting in each month. Any regular meeting may be adjourned to a date and hour certain, and such adjourned meeting shall be a regular meeting for all purposes. All legislative sessions of the Council, whether regular or special, shall be open to the public.

Section 13. QUORUM: 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, or action upon, pending business in like manner. Attendance at meetings of absent members of the Council may be compelled in such manner and under such penalties as may be prescribed by ordinance.

Section 14. CONDUCT OF MEETINGS: The Council shall determine its own rules of procedure, and may punish its members or other persons present at any meeting, for disorderly conduct.

Section 15. LEGISLATION: The Council shall act in legislative matters by ordinance or resolution only. Other action of the Council, unless herein otherwise provided, may be taken by resolution, motion, or order.

The ayes and noes shall be taken upon the passage of all ordinances and resolutions and entered upon the record of the proceedings of the Council. Upon the request of any members of the Council the ayes and noes shall be taken and recorded upon any vote. All members present at any meeting must vote.

No ordinance or resolution shall be passed without receiving the affirmative votes of at least three members of the Council.

Each ordinance shall be headed by a brief title which shall indicate the purport thereof.

The ordaining clause of all ordinances adopted by the Council shall be, "The Council of the City of Monterey do ordain as follows:". The ordaining clause of all ordinances passed by the vote of the electors of the city, through the exercise of the initiative shall be, "The People of the City of Monterey do ordain as follows:".

No ordinance shall be passed by the Council on the day of its introduction, or within five days thereafter, or at any time other than at a regular meeting or until its publication at least once in the official newspaper of the city at least three days before its adoption. In case of an ordinance being amended before its final adoption, and after its publication, it shall in like manner be

republished in full as amended at least one day before its adoption as amended; provided, however, that where such amendment is made for the correction of clerical errors or omissions of form only, then such ordinances need not be given a first reading or a republication as corrected.

Except as otherwise provided by general law, or this charter, no action providing for any specific public improvement, or for the appropriation or expenditure of public money, in any amount over five hundred dollars, or for the acquisition, sale, lease, incumbrancing, or disposition of, any real property of the city, or any interest therein, or for the levying of any tax or assessment, or the granting of any franchise, or for the establishing or changing fire limits, or business or residential zones, or for the imposing of any penalty, shall be taken except by ordinance.

No ordinance, or portion thereof, shall be repealed except by ordinance. 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 according to the method provided in this section for the enactment of ordinances, and such revision, re-enactment, amendment, or addition, shall be made by ordinance only.

All ordinances shall be signed by the Mayor and attested by the City Clerk.

Section 16. AUDITOR: There shall be an Auditor elected every four years at the general municipal election, who shall hold office for the term of four years from and after the Monday next succeeding the day of such election and until his successor is elected and qualified, commencing with the first general municipal election held under the provisions of this charter. His salary shall be fixed by ordinance at the rate of not less than twelve hundred dollars per annum.

No one shall be eligible for election to, or to hold, the office of Auditor who is not a certified public accountant, or who has not had at least three years practical experience in accountancy and book-keeping.

The Auditor shall be the general accountant of the city. He shall retain and preserve in his office, all accounts, books, vouchers, documents and papers relating to the acts and contracts of the city, its debts, revenues and other financial affairs.

He shall keep an account of all moneys paid into and out of the treasury, and shall approve all lawful demands. He shall always know the exact condition of the treasury.

He shall approve no demand unless the same has been allowed by the Council and he is satisfied that the money is lawfully due.

He shall possess such other powers and perform such additional duties as provided elsewhere in this charter, or as may be prescribed by ordinance.

Section 17. THE CHIEF APPOINTIVE OFFICIALS: The chief appointive officers of the city shall be a City Manager, City Clerk, who shall be ex-officio Assessor, Collector, Police Judge, City Engineer, City Attorney, Treasurer, Street Superintendent, Health Officer, Chief of Police, Fire Chief, and five Library Trustees. The Council may, at any time, when in its judgment the interest of the city so demands, by a four-fifths vote thereof, consolidate by ordinance the powers and duties of two or more city officers and place the same in charge of one such officer. The Council shall by ordinance prescribe the powers and duties of all of said officers except where the same are prescribed by this charter, and in such case, may, by ordinance, prescribe additional powers and duties therefore consistent with the provisions hereof.

Section 18. SUBORDINATE OFFICERS AND EMPLOYEES: The Council shall have the power to create and abolish, by ordinance or resolution, all officers, deputyships, employments, boards and commissions, other than those created by this charter; to fix the powers and duties thereof; and to de-

termine the procedure for removing any such officer, deputy, employee, or committeeman, therefrom, except as in this charter otherwise provided.

Section 19. OFFICIAL BONDS: Except as prescribed by this charter, the Council shall fix the amount of all bonds to be required of city officers and employees, the mode of approving the same, and shall determine the particular officers and employees who shall be required to furnish such bonds.

All the provisions of any general law of the state, relative to official bonds, not inconsistent with this charter, shall be complied with.

Section 20. OATH OF OFFICE: Every officer of the city, before entering upon the duties of his office, shall take and subscribe the oath of offices as provided for in the constitution of the state, and shall file the same forthwith with the City Clerk.

Section 21. VACANCIES: A vacancy in an elective office shall be filled by appointment by the Council, such appointee to hold office until the next general municipal election and until his successor is elected and qualified. Such successor shall be elected for the unexpired term of his predecessor at the general municipal election next succeeding such appointment. Should the Council fail to fill any such vacancy within forty days after the same occurs, then it shall be filled by appointment by the Mayor; provided, however, that if the offices of a majority, or more, of the Council shall become vacant, the City Clerk shall call a special municipal election to fill the same which shall be held within sixty days of the existence thereof, and each candidate elected at such election shall hold office for the unexpired term of his predecessor.

If any officer of the city shall die, or be removed from office as herein provided, or shall remove, or absent himself, from the city for more than thirty days consecutively, without permission of the Council, or for said period shall wilfully fail or refuse to perform the duties of his office, though able so to do, or shall fail to qualify, or shall resign, or be adjudged insane, or convicted of a felony, his office shall thereupon become vacant.

Section 22. APPOINTMENT AND REMOVAL OF OFFICERS AND EMPLOYEES: The City Manager, City Clerk and ex-officio Assessor, Collector, and Police Judge, shall be appointed by the affirmative votes of three members of the Council, and may be removed by the Council as in this section provided.

The Board of five Library Trustees shall be appointed by the Mayor subject to the confirmation of a majority of the Council, as hereinafter prescribed.

Except as otherwise provided in this charter, all other city officers and employees shall be appointed, and may be removed, by the City Manager, as in this section provided, except municipal boards and commissions where a different mode of appointing the members thereof is prescribed by general law.

The Council may remove any of its appointees at any time for cause, by the affirmative votes of three members cast in favor of such removal, as provided in this section.

The Council may remove any of its appointees, except members of the Board of Library Trustees at its pleasure, without cause stated or a hearing had, by the affirmative votes of four members cast in favor of such removal, and the determination of the Council in such matter shall be final and conclusive.

Removal of any such officer for cause shall be based on one or more of the following grounds, namely: Incompetency or physical incapacity to properly discharge the duties of his office; insubordination to a superior officer in the course of his municipal employment; wilful neglect of official duty; wilful failure or refusal to properly perform the same; gross carelessness in the discharge thereof; notorious misconduct of a disgraceful or scandalous nature; habitual intemperance; malfeasance in office; insanity or conviction of a felony.

No such officer, so accused, shall be removed for cause except upon the filing of a verified complaint in writing with the City Clerk, subscribed by his accuser, specifying in detail the charges alleged against such officer, or without a public hearing thereof by the Council. Upon the filing of such complaint, the Mayor shall fix the time and place of said hearing. Thereupon the City Clerk shall give the accused officer written notice of such hearing at least three days prior thereto, and to such notice shall be annexed a full and correct copy of the complaint on file. Said notice, with a copy of the complaint, shall be served on the accused personally, or in lieu thereof may be published once in the official newspaper of the city at least three days prior to the time fixed for the hearing, in which case reference shall be made in such published notice to the complaint on file for further particulars. Evidence for and against the accused may be introduced at such hearing, and the accused may testify in his own behalf; provided, however, that the testimony of all witnesses shall be under oath; and provided, further, that hearsay testimony shall be inadmissible. Should the accused be found guilty as charged in the complaint by the affirmative votes of three members of the Council after such hearing, said determination shall be final and conclusive, and the accused shall forfeit his office forthwith. The Council may dispense with such hearing, and notice thereof, and remove any such officer forthwith, should he be found guilty upon any of said grounds of removal in a court of competent jurisdiction, or upon any charge directly embracing any of such grounds.

The City Manager may remove at his pleasure at any time any officer or employee of the city appointed by him, after a public hearing and at least three days written notice to such officer or employee of the time and place thereof and the offense of which he is accused, of which service shall be made as provided in this section for hearings of officers appointed by the Council; provided, however, that no written complaint or charges by the City Manager against such officer or employee need be filed with the City Clerk, and the hearing given him may be informal. The City Manager, after such hearing, shall determine and decide such matter in writing and file such decision forthwith with the City Clerk. Should the City Manager determine to remove such officer or employee, after such hearing, his written decision shall state such fact and his reasons therefor. Such decision shall be final and conclusive unless within ten days from the filing thereof, it is disapproved in writing by four-fifths of the members of the Council, in which case such decision shall be of no effect.

Provided, however, that no removal except for cause stated shall be made by the Council within three months next succeeding a general municipal election, or by the City Manager within three months next succeeding his qualification as such; provided, further, that removals for cause stated may be made, as herein prescribed, at any time.

Any officer or employee, upon notification of any pending charge against him, may waive any hearing provided for in this section by tendering his resignation in writing, and in such case, and upon the acceptance thereof, said hearing shall be dispensed with.

City officers and employees holding office at the time of the approval of this charter by the Legislature shall continue to hold and discharge the duties of the same until removed as provided in this section, or by a court of competent jurisdiction, or until such office is abolished as prescribed by this charter; provided, that the Council or City Manager, as the case may be, shall have power, subject to the provisions hereof, to remove any present or future city officer or employee from any office to which said Council or City Manager has the appointing power.

Section 23. COMPENSATION OF APPOINTIVE OFFICERS AND EMPLOYEES: The compensation of all appointive officers and employees of the city, except officials, and members of boards, commissions and committees, serving gratuitously shall be fixed, increased or changed by ordinance, adopted by the four-fifths vote of the Council, only subject to the provisions of this charter regarding minimum compensation. No officer or employee

shall be allowed any fee, perquisite, emolument, or stipend, in addition to, or save as embraced in the salary or compensation fixed for such office by the Council, and all fees received by such officer in connection with his official duties shall be paid by him into the city treasury.

Section 24. CITY MANAGER AND SECRETARY THERETO: The City Manager shall be chosen by the Council without regard to political consideration and with reference solely to his qualifications for such office. No one shall be eligible for appointment thereto who has not had at least one year's special training therefor, or who has not served as city manager or as an assistant or deputy thereof.

It shall not be necessary for such appointee to be a resident or elector of the city at the time of his appointment, but he shall become a resident thereof within sixty days after his appointment and qualification as City Manager and shall thereafter continue to reside therein during his incumbency of said office. The City Manager shall be ex-officio City Purchasing Agent, which office is hereby created, and as such he shall on behalf of the city make all purchases of materials and supplies, and contracts for the purchase, lease or rental of the same, where in any such case the cost thereof does not exceed the sum of five hundred dollars; subject, however, to such conditions and restrictions as may be imposed by ordinance and except as any such powers are herein delegated to the Board of Library Trustees.

The salary of the City Manager, and ex-officio City Purchasing Agent, shall be fixed by ordinance at not less than three thousand dollars per year, payable in equal monthly installments. The office of Secretary to the City Manager is hereby created, which shall be filled by appointment by the City Manager, and such Secretary may be removed from office by the City Manager at any time without a hearing, and such removal shall not be subject to disapproval by the Council. The salary of such Secretary shall be fixed by ordinance.

Before entering upon his duties the City Manager shall file with the City Clerk an official bond for the faithful performance thereof, payable to the City of Monterey in the sum of five thousand dollars, the premium of which shall be paid by the city. Said bond shall be to the satisfaction of the Mayor and his approval shall be endorsed thereon.

The powers and duties of the City Manager shall be:

- (1) To see that all ordinances are enforced.
- (2) To appoint, except as otherwise provided in this charter or by general law, all heads of departments, and other city officers and employees, and remove the same at pleasure, except as otherwise herein prescribed, and to have general supervision and control over the same.
- (3) To exercise general supervision over all privately owned public utilities operating within the city so far as the same are subject to municipal control.
- (4) To see that the provisions of all franchises, leases, contracts, permits and privileges, granted by the city are fully observed, and to report to the Council any violation thereof.
- (5) To attend all meetings of the Council unless excused therefrom by three members thereof or by the Mayor.
- (6) To examine, or cause to be examined, without notice, the conduct, or the official accounts or records, of any officer or employee of the city.
- (7) To keep the Council advised as to the needs of the city.
- (8) To devote his entire time to the business and interests of the city.
- (9) To have general supervision over all city property, including public buildings, parks and playgrounds.
- (10) To appoint such advisory boards as he may deem desirable to advise or assist him in his work, provided the members of such boards shall receive no compensation.

(11) To supervise generally the preparation of the assessment roll by the Assessor, and make such recommendations to the Council or Board of Equalization regarding the same as he may deem advisable.

(12) To possess such other powers and perform such additional duties as are prescribed by this charter or may be prescribed by ordinance; provided, however, that the powers or duties of any city office or employment created by the provisions of this charter shall not be consolidated with those of the City Manager, other than that of City Purchasing Agent.

Section 25. CITY MANAGER PRO-TEM: In case of the absence from the city of the City Manager, or his temporary disability to act as such, the Council shall appoint a City Manager pro-tem, who shall possess the powers and discharge the duties of the City Manager during such absence or disability only; provided, however, that a City Manager pro-tem shall have no authority to appoint or remove any city officer or employee except with the unanimous formal approval of all of the members of the Council.

Section 26. CITY CLERK AND EX-OFFICIO ASSESSOR: The City Clerk shall be ex-officio Assessor of the city, and Clerk of the Council and of the Board of Equalization thereof. His salary as such shall be fixed by ordinance. The office of Deputy City Clerk is hereby created, which shall be filled by appointment by the City Clerk, and at his pleasure such Deputy City Clerk may be removed therefrom. Such deputy shall possess the powers and shall perform the duties of the City Clerk, subordinate to the principal of the office. The salary of such deputy shall be fixed by ordinance.

It shall be the duty of the City Clerk to attend all sessions of the Council and the Board of Equalization, and to keep a full and correct record of the proceedings of each of said bodies. The proceedings of the Council shall be kept in a book marked "Minutes of the Council," and the proceedings of the Board of Equalization shall be kept in a separate book marked "Minutes of the Board of Equalization." He shall keep a book, or books, marked "City Ordinances" into which he shall copy all city ordinances certifying that each such copy is a full and correct copy of the original ordinance, and stating that the same has been published as required by law. Said record copy, so certified, shall be prima facie evidence of the contents of the ordinance, and of its passage and publication and shall be admissible as such evidence in any court or proceeding. Such record shall not be filed but shall be returned to the custody of the City Clerk. He shall also keep a book, or books, marked "Resolutions," into which he shall copy all resolutions passed by the Council. Both the books containing ordinances and resolutions, shall be adequately and comprehensively indexed. He shall conduct promptly, and keep a systematic record of, all correspondence between the Council and third parties relating to city business.

He shall be the keeper of the corporate seal of the city, and shall affix the same to instruments or writings requiring authentication. He shall safely keep all records, documents, ordinances, resolutions, books, and such other papers and matters, as may be regularly delivered into his custody or required by law or ordinance to be filed with him.

It shall be the duty of the City Clerk, as ex-officio Assessor, between the first Monday in March and the first Monday of August of each year, to assess all taxable property within the City of Monterey, at the time and in the manner prescribed by the general laws of the state, except as may be otherwise provided by ordinance. Prior to the first Monday in August of each year he shall make out a list of all taxable property within the city, which list shall describe the property assessed and the value thereof, and shall contain all other matter required to be stated in such list by ordinance. The Assessor shall verify such list by his oath and deposit the same with the auditor on or before the first Monday of August of each year. The Assessor shall possess such other powers and perform such additional duties, not inconsistent with this charter, as may be prescribed by ordinance.

Section 27. COLLECTOR: It shall be the duty of the Collector to collect all taxes levied by the Council and other moneys due the city. He shall at the close of each business day pay to the Treasurer all taxes or other funds of the city collected by him during such day, or in his possession. Upon receipt of any tax list he shall give his receipt therefor to the Auditor, and shall upon delivery to the Auditor of the delinquent tax list, take his receipt for the same. He shall be charged with all taxes levied upon real and personal property within the city, upon his receipt of the tax list from the Auditor. He shall be charged with, and indebted to the city for, the full amount of all taxes due upon delinquent lists delivered to him for collection, unless the Council determine by resolution that he is unable to collect the same by levy and sale of the property assessed therefor. He shall possess such other powers and perform such additional duties, not in conflict with this charter, as may be prescribed by ordinance.

The salary of the Collector shall be fixed by ordinance.

Section 28. POLICE JUDGE AND POLICE COURT: There shall be a Police Judge appointed by the Council. He shall be the judge of the Police Court, which is hereby established. The Police Court shall have jurisdiction, concurrently with the Justice's Courts of all actions and proceedings, civil and criminal, arising within the corporate limits of the city, and which might be tried in such Justice's Court; and said Police Court shall have exclusive jurisdiction of all actions for the recovery of any fine, penalty, or forfeiture prescribed for the breach of any ordinance of said city, of all actions founded upon any obligation created by any ordinance thereof, and of all prosecutions for the violation of any such ordinance. In all civil actions where the fine, penalty, or forfeiture prescribed for the breach of any ordinance of the city is not more than one hundred dollars, the trial must be by the court. In civil actions where the fine, penalty, or forfeiture prescribed for the breach of any ordinance of the city is over one hundred dollars, the defendant is, upon his demand, entitled to a jury. Except as in this section otherwise provided, the rules and practice and mode of proceeding in said Police Court shall be the same as are, or may be, prescribed by law for Justice's Courts in like cases; and appeals may be taken to the Superior Court from all judgments of said Police Court in like manner and with like effect as in cases of appeals from Justice's Courts.

The Police Judge shall have all powers and perform the duties of a magistrate and may administer and certify oaths and affirmations and take and certify acknowledgements. All fines, fees, and costs collected by him shall be paid into the city treasury within forty-eight hours from and after the receipt thereof. He shall make such periodical reports as the Council may require.

In all cases in which the Police Judge is a party, or in which he is interested, or when he is related to either party by consanguinity or affinity within the third degree, or is otherwise disqualified, or in cases of sickness or inability to act, he may call upon any Justice of the Peace, residing in the County of Monterey, to act in his stead.

The Council may, by ordinance, appoint the Justice of the Peace of the township in which the City of Monterey is located, as Police Judge thereof.

The Police Judge 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. All records, files, and other property, of the Police Court under the preceding charter of the city, shall be the records, files, and property of the Police Court of said city created by this charter.

All actions and proceedings pending and undetermined in the Police Court under said preceding charter, shall be proceeded with, heard, tried, and determined in said Police Court herein established, before the Police Judge thereof, as if such action or proceeding had been originally commenced therein.

The seal of the Police Court adopted by the preceding charter of the city shall be the seal of the Police Court created by this charter.

The salary of the Police Judge shall be fixed by ordinance.

Section 29. CITY ENGINEER: The City Engineer, at the time of his appointment, shall have been a practicing civil engineer for a period of at least three years. All other things being equal, an engineer who has had special training and experience in municipal engineering shall be appointed to this office, if practicable.

As City Engineer he shall be the custodian of, and responsible for, all maps, plans, profiles, field notes, and other records and memoranda belonging to the city and pertaining to his office and the work thereof, all of which he shall keep in proper order and condition. He shall turn the same over to his successor upon relinquishing his office, who shall give him duplicate receipts therefor, one of which he shall file with the City Clerk. All maps, plans, profiles, field notes, estimates and other memoranda of surveys and other professional work made or done by him, or under his direction or control, for or on behalf of the city during his term of office, shall be the property of the city. He shall perform all engineering work and surveying in prosecuting public improvements in or for the city, and in relation to public streets, lanes, alleys, ways, places and real property of the city, and shall possess such other powers and perform such additional duties not in conflict with this charter, as may be prescribed by ordinance or the general laws of the state. His salary shall be fixed by ordinance.

Section 30. CITY ATTORNEY: The City Attorney shall be an attorney-at-law, admitted to practice as such before the Supreme Court of the state, and who has been in actual practice therein for at least three years next preceding his appointment. All other things being equal, an attorney who has had special training or experience in municipal corporation law shall be appointed to this office, if practicable. The City Attorney shall be legal advisor of the Council, and all other city officials. He shall prosecute all violations of city ordinances and shall draft all ordinances, resolutions, contracts, and other legal documents and instruments, required by the Council or the City Manager. He shall perform such other legal services as the Council may direct and shall attend all meetings of the Council unless excused therefrom by three members thereof or by the Mayor. The salary of the City Attorney shall be fixed by ordinance.

When from any cause the City Attorney is unable to perform the duties of his office, he may, with the consent of the City Manager, appoint some other qualified attorney to temporarily act in his place; and whenever, in the judgment of the Council, the interests of the city require it, it may employ assistant counsel.

The City Attorney shall deliver all books, records, papers, documents and personal property of every description, owned by the city, to his successor in office, and the city shall provide a means of safe-guarding the same.

He shall possess such other powers, and perform such additional duties, not in conflict with this charter, as may be prescribed by ordinance.

Section 31. TREASURER: It shall be the duty of the Treasurer to receive and safely keep all moneys of the city, or deposited with him in connection with any business thereof, for all of which he shall give duplicate receipts, one of which shall be filed forthwith with the Auditor. Before any money is accepted or received by him on account of any indebtedness due the city, he shall receive a certificate from the Auditor specifying the amount thereof to be paid. He shall pay out all moneys, except the principal and interest due on bonds of the city, including improvement bonds thereof, on warrants signed by the proper officers, and not otherwise. He shall make quarterly statements showing the receipts and disbursements for the quarters ending September 30th, December 31st, March 31st, and June 30th, in each year. Such statements shall show in detail the condition of each and every fund required to be set apart by him. All statements shall be made in duplicate, one copy of which shall be filed with the City Clerk, and one delivered to the City Manager, within ten days after the end of each quarter. He shall make quarterly settlements with

the Auditor, and shall possess such other powers and perform such additional duties, not in conflict with this charter, as may be prescribed by ordinance.

Before entering upon his duties, the Treasurer shall file with the City Clerk an official bond for the faithful performance thereof, payable to the City of Monterey in the sum of ten thousand dollars. Said bond shall be to the satisfaction of the Mayor and his approval shall be endorsed thereon. The premium of such bond shall be paid by the city. The salary of the Treasurer shall be fixed by ordinance.

Section 32. STREET SUPERINTENDENT: The Street Superintendent shall possess such powers and perform such duties as may be prescribed by ordinance or the general laws of the state. His salary shall be fixed by ordinance.

Section 33. HEALTH OFFICER: The Health Officer shall be a person licensed to practice medicine in this state, or who has received special training, or has had practical experience, in public health work. He shall exercise general supervision over the health and cleanliness of the city, and take all necessary measures for the preservation and promotion thereof. He shall enforce all laws, ordinances, and regulations relative to the preservation and improvement of the public health, including those provided for the prevention of disease, the suppression of unsanitary conditions, and the inspection and supervision of the production, transportation, storage, and sale of food stuffs. He shall possess such other powers and perform such additional duties, not in conflict with this charter, as may be prescribed by ordinance. His salary shall be fixed by ordinance.

Section 34. CHIEF OF POLICE: The Chief of Police shall be the head of the police department of the city, which is hereby created, and he shall have all the powers that are now, or may be hereafter conferred upon sheriffs and other peace officers by the laws of the state. It shall be his duty to preserve the public peace, and to suppress riots, tumults, and disturbances. His orders shall be promptly executed by the police officers, or watchmen, of the city, and every citizen shall lend him aid, when requested, for the arrest of offenders, the maintenance of public order, or the protection of life or property.

He shall execute and return all process issued to him by legal authority. He shall have the power, and it is hereby made his duty, to arrest persons violating any law of the state, or ordinance of the city. Those arrested for violating city ordinances may before or after trial, be confined in the county jail of Monterey County, or in the city prison of said city. The Chief of Police shall possess such other powers and perform such additional duties, not in conflict with this charter as may be prescribed by ordinance. His salary shall be fixed by ordinance.

Section 35. FIRE CHIEF: The Fire Chief shall be head of the fire department of the city, which is hereby created, and he shall have charge and supervision over all matters relating to the prevention and extinction of fires, and of all measures necessary to guard and protect all property exposed thereby. He shall possess such other powers and perform such additional duties, not in conflict with this charter, as may be prescribed by ordinance. His salary shall be fixed by ordinance.

Section 36. DISPOSITION OF CITY MONEYS: Every officer receiving, or in possession of any moneys belonging to or for the use of the city shall, within forty-eight hours thereafter, notify the Auditor thereof and thereupon pay the same forthwith into the treasury, on the order of the Auditor, for the benefit, and to the credit, of the funds to which such moneys severally belong.

Section 37. PENSIONS: No pensions of any kind shall be awarded

or paid to any active or retired city official or employee, including any member of the police or fire department, unless authorized by an initiative ordinance adopted by the electors of the city.

Section 38. EXPERT ACCOUNTANT: The city shall employ a certified public accountant annually to investigate the accounts and transactions of all city officers and employees having the collection, custody or disbursement, of public money or property, or the power to approve, allow or audit demands on the city treasury.

Section 39. RESIDENTIAL QUALIFICATIONS: Except as otherwise provided in this charter, all officers and employees of the city shall possess the residential qualifications prescribed by general law for similar officers and employees in cities of the sixth class.

Section 40. ILLEGAL CONTRACTS: No officer or employee of the city shall be or become directly or indirectly interested in any contract, work, or business, or in the sale of any article, the expense, price, or consideration of which is payable from the city treasury, nor shall he receive any gratuity or advantage from any contract or person furnishing labor or material for the same. Any contract with the city in which any such officer is or becomes interested may be declared void by the Council.

No officer or employee of the city shall aid or assist a bidder in securing a contract to furnish labor, material, or other supplies, at a higher price or rate than that proposed by any other bidder, or favor one bidder over another, or give or withhold information from any bidder not given or withheld from all other bidders, or wilfully mislead any bidder in regard to the character of the materials or supplies called for, or knowingly accept materials or supplies of a quality inferior to that called for by the contract or knowingly certify to a greater amount of labor performed or material or supplies furnished, than has, respectively, been performed or received.

Any officer or employee violating any of the provisions of this section shall be guilty of a misdemeanor and shall automatically forfeit his office or employment.

If at any time it shall be found that any person, firm, or corporation to whom a contract has been awarded by the city has, in presenting any bid, colluded with any other party or parties, then the contract so awarded shall, if the city so elect, be null and void and the contractor and his bondsmen shall be liable to the city for all loss and damage which the city may suffer thereby. In such event the Council may advertise anew for bids for said work or supplies.

Section 41. CONTRACT WORK: In the erection, improvement and repair of all public buildings, structures, and works, in all street and sewer work and improvements, and works and embankments for the protection against overflow, and in furnishing supplies or materials for the same, or for other use or purpose, when the expenditure required for the same shall exceed the sum of five hundred dollars, the same shall be awarded by contract, and shall be let, by the Council, to the lowest responsible bidder, after notice by publication in the official newspaper; and security for the due execution and performance of any such contract may be required of the bidder and successful contractor, respectively. The detailed procedure for carrying out the provisions of this section shall be prescribed by ordinance.

Provided, that the Council may reject any and all bids presented, and may, in its discretion, re-advertise for other bids.

Provided, further, that after rejecting bids, the Council may determine and declare by a four-fifths vote of all its members, that the work in question may be more economically or satisfactorily performed by day labor, or the materials or labor purchased at a lower price in the open market, and after the adoption of a resolution to this effect, it may proceed to have the same

done in the manner stated without further observance of the foregoing provisions of this section; and

Provided, further, that in case of a great public calamity, such as an extraordinary fire, flood, storm, epidemic or other disaster the Council may, by resolution passed by a vote of four-fifths of all its members, determine and declare that the public interest or necessity demands the immediate expenditure of public money to safeguard life, health, or property, and thereupon they may proceed, without advertising for bids or receiving the same, to expend, or enter into a contract involving the expenditure of, any sum required in such emergency, on hand in the city treasury and available for such purpose.

Section 42. PUBLIC IMPROVEMENTS AND STREET WORK: All public improvements, including the improving, widening, opening, extending, and closing of streets, lanes, or alleys, may be done and made in pursuance of the general laws of the state or procedure ordinances adopted by the Council or the electors, and the whole or any portion of the cost thereof paid out of the city treasury or assessed on the property fronting on the improvement, or the district of lands benefited.

Section 43. FRANCHISES: Every franchise or privilege to construct, maintain, or operate, any means or method of transportation in or over any street, lane, alley, or other public place within the city, or to lay pipes or conduits, or erect poles or wires or other structures in or across any such public way or place, for the transmission of gas, electricity, or other commodity, or for the use of public property or places now or hereafter owned by the city, shall be granted under and in pursuance of the general laws of the state relating to the granting of franchises; provided, no new franchise or the renewal of an existing franchise shall be granted except upon the condition that at least two per cent of the gross annual receipts derived from the use of such franchise shall be paid to the city. In all cases the applicant for a franchise shall advance the cost of advertising the same.

Every such franchise shall require the grantee thereof to agree to a joint use of its property with others, wherever practicable, and nothing herein shall be construed as prohibiting the Council from requiring other conditions in granting the same not inconsistent with the constitution and general laws. No franchise or privilege so granted shall be sold, leased, assigned, or otherwise alienated, without the express consent of the Council given by ordinance and subject to referendum.

Section 44. FRANCHISE REQUIRED WHEN: No person, firm, or corporation shall exercise any franchise or privilege, except to the extent he or it may be entitled to do so by the constitution of the state or of the United States, in, upon, under, over, or along any street, public way, or public place in the city without having first obtained a grant therefor as provided in this charter and by general law.

Section 45. INALIENABLE RIGHTS OF CITY: The rights of the city in and to its waterfront, wharf property, land under water, public landings, wharves, and docks, are hereby declared inalienable.

Section 46. BUDGET: Not later than thirty days before the time for fixing the annual tax levy, the City Manager shall submit to the Council an estimate of the expenditures and revenues of the city departments for the ensuing year. This estimate shall be compiled from detailed information obtained from the several departments on uniform blanks to be furnished by the manager. The classification of the estimate of expenditures shall be as nearly uniform as possible and shall give in parallel columns the following information:

(a) A detailed estimate of the expense of conducting each department as submitted by the department.

(b) Expenditures for corresponding items for the last two fiscal years.

(c) Expenditures for corresponding items for the current fiscal year plus an estimate of expenditures necessary to complete the current fiscal year.

(d) Amount and description of supplies and material on hand at the date of the preparation of the invoice.

(e) Increase or decrease of requests compared with the corresponding appropriations for the current year.

(f) Such other information as is required by the Council or that the City Manager may deem advisable to submit.

Sufficient copies of such estimate shall be prepared and submitted so that there may be copies on file in the City Clerk's office for inspection by the public, unless the Council shall publish the same in the official newspaper.

After duly considering the estimate and preparing the budget, the Council shall pass an ordinance levying the annual tax.

Section 47. FISCAL YEAR: 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.

Section 48. TAXATION: Except as otherwise herein provided the Council shall, by ordinance, provide a system for the assessment, equalization, levy, and collection of taxes, which, as nearly as may be, shall conform to the system provided by the general laws of the state; provided, that all sales for delinquent taxes shall be made to the City of Monterey. Should the Council fail to fix the tax rate within the time prescribed, then the tax rate of the previous year shall constitute the rate for the current year.

Section 49. BOARD OF EQUALIZATION: The Council shall meet at its usual meeting place on the second Monday in August of each year, at ten o'clock a. m., and sit as a Board of Equalization, and shall continue in session by adjournment from day to day until all returns of the Assessor have been rectified and assessments equalized. The Board of Equalization shall have the power to hear complaints, to take testimony under oath, and to correct, modify, strike out, or raise any assessment, provided that notice shall first be given to any one whose assessment is proposed to be raised.

Section 50. ANNUAL TAX LEVY: The Council must finally adopt, not later than its first regular meeting in September, an ordinance levying upon the assessed valuation of all property in the city, a rate of taxation sufficient to raise the amounts estimated to be required in the annual budget and as herein provided, less the amounts estimated to be received from fines, licenses, and other sources of revenue. The Council shall then deliver the assessment roll to the Auditor, who shall thereupon compute and carry out the amount of the tax so levied on each parcel of property contained in the 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.

Section 51. LIMIT OF TAX LEVY: The tax levy authorized by the Council to meet the municipal expenses for each fiscal year shall not exceed the rate of one dollar on each one hundred dollars of the assessed valuation of the real and personal property within the city, except as in this charter otherwise provided. The moneys collected from such levy shall be placed in the general fund of the city, and may be apportioned as determined by the Council.

The foregoing limitation shall not apply in the event of any great necessity or emergency, in which case it may be temporarily suspended; provided, that no increase over said limit, except as herein prescribed, shall be made in any fiscal year, unless authorized by ordinance adopted by the vote of the electors of the city.

Section 52. SPECIAL TAX LEVY: The Council shall have the power to levy and collect taxes, in addition to the taxes herein or by general law authorized to be levied and collected, sufficient to pay and maintain the sinking fund of the bonded indebtedness of the city; and for the following purposes at not to exceed the following rates:

(a) For the support and maintenance of the fire department, for fire protection purposes, and for a firemen's relief fund to aid firemen who have become incapacitated in the course of duty, at the rate of not more than three mills on each dollar of the assessed valuation of the real and personal property within the city;

(b) For the acquisition, construction and maintenance, as the case may be, of permanent public improvements, of real property, of public buildings and structures, and of public offices, including equipping and furnishing the same, including, also, the maintenance and improvement of Cementario El Encinal, at the rate of not more than two mills on each dollar thereof;

(c) For the maintenance and support of free public libraries and reading rooms in said city, at the rate of not more than one mill on each dollar thereof;

(d) For music, entertainment, and promotion, at the rate of not more than one mill on each dollar thereof.

Section 53. TAX LIENS: 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 of each year, and may be enforced by actions to foreclose such liens in any court of competent jurisdiction, 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 sold to the city in like case and manner, and with like effect and right of redemption, as it may be struck off and sold to the state when offered for sale for county taxes; and the Council shall have power to provide by ordinance for the procedure to be followed in such sales to the city and redemption thereafter.

Section 54. PAYMENT OF CITY MONEYS: Money shall be drawn from the treasury only upon warrants as herein prescribed. 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 the warrant 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 allows 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 allowed, approved, audited or paid unless it shall specify each item of the claim and the date thereof.

Provided, however, that warrants for salaries fixed by ordinance, of officers and offices specifically created by this charter shall be allowed by the Auditor and paid regularly from the treasury without the necessity of any demand therefor or approval thereof as in this section prescribed for other claims, and at such time, not in conflict with this charter, as may be prescribed by ordinance.

Section 55. UNIFORM ACCOUNTS AND REPORTS: The Council shall prescribe uniform forms of accounts, which shall be observed by all officers and departments of the city which receive or disburse city moneys. Whenever an act shall be passed by the legislature of the state providing for uniform municipal accounts or reports, the city authorities shall be governed thereby.

Section 56. NEWSPAPER ADVERTISING AND PRINTING: The Council shall advertise annually for the submission of sealed proposals or bids, from all newspapers of general circulation in the city, for the publication of all ordinances and other legal notices and matters required to be published. The newspaper to which such contract is awarded shall be known and designated as the "official newspaper." The rates for publishing public notices shall not exceed the customary rates charged for publishing legal notices of a private character.

The Council shall also advertise annually for sealed proposals or bids for printing and furnishing all letter heads, stationery, tax bills, account books, and other printed matter, likely to be required during the fiscal year.

Contracts for advertising or printing, as the case may be, shall be awarded to the lowest responsible bidder.

Section 57. COUNTING THE CITY'S MONEY: The Mayor, City Clerk, and City Manager, shall together count the money and other securities, in the treasury at least once every three months, and ascertain if the amounts on hand tally with the amounts that should be in the treasury according to the books of the city. They shall make a written report thereof to the Council at its first regular meeting thereafter.

Section 58. GENERAL LAWS APPLICABLE: All general laws of the state applicable to municipal corporations now or hereafter enacted, and which are not in conflict with the provisions of this charter or the ordinances of the city hereafter enacted shall be applicable to the city. The Council may adopt and enforce ordinances which in relation to municipal affairs, shall control as against general laws of the state.

Section 59. OFFICIAL RECORDS: All books and records of every office and department shall be open to the inspection of any citizen during business hours, subject to proper rules and regulations for the efficient conduct of the business of such department; provided, that the records of the police department shall not be subject to such inspection except by permission of the proper police authorities.

All officers and boards shall deliver to their successors all papers, books, records, archives, and other properties pertaining to their respective offices or departments, in the possession or control of any such officer or department and the Council shall provide adequate means for their safe-keeping.

Section 60. INTERFERENCE WITH OR BY CITY MANAGER: No member of the Council shall in any manner, directly or indirectly, by suggestion or otherwise, attempt to influence or coerce the City Manager in the making of any appointment or the purchase of supplies, or attempt to exact any promise relative to any appointment from any candidate for city manager, or discuss, directly or indirectly, with any such candidates, the matter of appointments to city offices or employments. Any violation of the foregoing provisions of this section shall constitute a misdemeanor and shall work a forfeiture of the office of the offending member of the Council, who may be removed therefrom by the Council or by any court of competent jurisdiction.

Neither the City Manager, nor any appointive officer or employee of the city, shall take any active part in securing, or shall contribute money toward, the nomination or election of any elective candidate for municipal office.

Section 61. LEASES OF CITY PROPERTY: In every lease of city property for a term of over five years, the basic amount of the rental shall be fixed by the Council, and the indenture of lease shall provide that such amount shall in no event be lowered during the term thereof. Provision shall be made in all such indentures for a revision of the amount of the rental at stated periods of not less than three nor more than five years each during the term of any such lease, and that such revision shall be made by a board of appraisers consisting of one appraiser appointed by the Council and one ap-

praiser appointed by the lessee. Any increase in the amount of any such rental agreed upon by said appraisers shall bind their principals. In the event of their failure to agree upon the amount of such increase within twenty days from and after their appointment, said two appraisers may appoint a third appraiser as a member of said board, and the determination of the majority of said board of appraisers as to the amount of the increase of such rental shall be final and conclusive and binding upon all concerned. Should the two appraisers appointed by the Council and lessee, respectively, fail for thirty days from and after their appointment to agree upon the amount of the increase of the rental or to appoint a third appraiser, in any case, then upon the petition in writing of either party to any such lease, the Superior Judge of Monterey County is hereby empowered to appoint the third appraiser upon such board. In the event that the Council demands a revision of the amount of the rental set forth in any such indenture of lease, as herein provided, the lessee shall within ten days from and after receiving notice in writing of such demand, appoint its appraiser as in this section provided, and forthwith notify the Council in writing of such appointment; provided, that should the lessee fail for said period last named to make and give notice of such appointment, as aforesaid, then, upon application of the lessor, said Superior Judge is hereby empowered to make the same, and the determination of such board so constituted shall bind and be conclusive upon all parties to the lease; provided further, that in no case, shall any such board of appraisers be authorized to lower the amount of the basic rental fixed by the Council.

All such indentures of lease shall provide, also, that the Council may terminate the same at its pleasure and repossess the premises therein described upon three months notice thereof and upon paying to the lessee the market value of any improvements made or put upon said premises by the lessee. The market value of such improvements shall be determined by a board of appraisers appointed as aforesaid, and the determination of such board shall be binding on all parties in interest; provided, however, that the Council shall not terminate any such lease or repossess any such premises except for a public use and purpose; provided, further, that no lease of city property shall be made for a term of more than twenty-five years.

Section 62. INVENTORY OF CITY PROPERTY: At the time for preparing and submitting the budget, as prescribed by this charter, a complete inventory of all personal property belonging to the city shall be prepared and filed with the City Clerk, and such inventory shall be submitted to the Council by the City Manager at the time of the submission of the annual budget. Such inventory shall be prepared under the direction of the City Manager, and all chief officials and department heads of the city shall be responsible for making and transmitting to the City Manager a full and correct inventory of all city personal property in their possession or under their control.

Section 63. PUBLIC LIBRARY AND BOARD OF LIBRARY TRUSTEES: All of the provisions of the preceding charter of the city relative to the Public Library, and public reading rooms, and to the Library Commission, its powers, duties, and employees, are hereby continued in full force and effect under this charter, and all members of the Board of Library Commissioners shall continue to hold office during the terms for which they were appointed; provided, however, that said board shall hereafter be designated the Board of Library Trustees; and provided further that the provisions of this charter relative to the maintenance and support of free public libraries and reading rooms in said city, and the special tax therefor, shall prevail over the provisions of the preceding charter in relation thereto.

Section 64. CONTINUING BOARDS AND COMMISSIONS: All boards and commissions of the city existing under the provisions of the preceding charter, or the general laws of the state, shall continue to exist under this charter, with the powers and duties now prescribed for them, respectively, and with such additional powers and duties as may hereafter be prescribed by ordinance, consistent with the provisions hereof.

Section 65. CONTINUING ORDINANCES IN FORCE: All lawful ordinances, resolutions, and regulations, in force at the time this charter takes effect and not inconsistent with its provisions, are hereby continued in force until the same have been duly amended, repealed, or superseded.

Section 66. VACATIONS: All officers and regular employees of the city after serving at least one year as such, shall be entitled to two weeks vacation annually. Such vacation shall be at a time to be fixed by the executive head of the department wherein the officer or employee is serving, and shall be without loss of pay. The City Manager shall fix such vacation periods for the chief officials and department heads of the city.

Section 67. MONEYS RECEIVED FROM THE SALE OF CEMETERY LOTS: All moneys received from the sale of lots in Cemetery El Encinal, owned by the city, shall be expended for cemetery purposes of said city only.

Section 68. DEPUTIES: The Auditor, and all officers appointed by the Council shall have the power to appoint their own deputies when the same are necessary, subject, however, to the confirmation of the Council.

Section 69. EQUIPMENT: The City of Monterey is hereby empowered to supply all officers and employees thereof with the tools, equipment, books, records, and other personal property, necessary to properly discharge the duties of their respective offices and employments, and it shall be discretionary with the Council or City Manager to acquire or purchase the same for any office or employment to which they have, respectively, the appointing power.

Section 70. RESIGNATIONS: No candidate for any city office or employment shall be required to tender his resignation in writing, or otherwise, to any other person at, or prior to, his appointment and qualification, and no resignation in writing, or otherwise, shall be valid or binding unless filed, within three days from and after the execution thereof, in the office of the City Clerk.

Section 71. PAYMENT OF SALARIES: The salaries of all officers and employees of the city, except those appointed by the Board of Library Trustees, shall be paid out of the general fund until such time as the Council shall create a salary fund therefrom, in which event such salaries shall be paid from the salary fund. The salaries and compensation of all officers and employees appointed by the Board of Library Trustees shall be paid out of the moneys received by the city from the special levy for the maintenance and support of free public libraries and reading rooms.

Section 72. OFFICIAL SEAL: The official seal of the city prescribed therefor by the preceding charter of the city shall continue to be the official seal of the city under this charter.

Section 73. ZONING SYSTEM: The City of Monterey is hereby declared to be primarily a residential city and the Council shall have power to establish such zoning systems within the city as may in its judgment be most beneficial, and in such zoning systems may prohibit the erection or maintenance of any class or classes of buildings within certain areas, and may classify and reclassify the zones established. The Council may also prescribe the character of materials and method of construction of buildings erected within any zone area, and may establish set-back lines as it may consider necessary and proper.

Section 73½. SUSPENSION AND FINES: For cause stated, and after a hearing as provided herein for cases of proposed removals, the appointing power, in lieu of removal, shall have authority to suspend without pay for a period not exceeding thirty days, or fine in any amount not exceeding one month's pay, any appointive officer or employee of the city, for any

violation of the rules or regulations of the department in which he is serving, or upon being found guilty of any act or omission prescribed in this charter as a ground of removal for cause.

Section 74. ADMINISTERING OATHS, SUBPOENAS: Every elective officer and every chief appointive official, including all members of boards and commissions provided for in this charter, or by ordinance, shall have the power to administer oaths and affirmations, and every such board and 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 neglects or refuses 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 any such body 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 respect thereto provided by the general laws of the state. The Chief of Police must, on request of any member of such board or commission, detail a police officer or officers to serve such subpoena.

Section 75. MONTHLY FINANCIAL REPORTS: All officers charged by the preceding charter of the city or by ordinance with submitting monthly financial reports to the Council, shall submit the same in duplicate, and upon their approval by the Council, one of each of such duplicate reports shall be posted forthwith in the office of the City Clerk in such manner as to be readily accessible to the public, and shall remain so posted until the approval by the Council of the next succeeding financial report when the same procedure shall be followed in relation thereto. The Council, in addition to such posting, may, in its discretion, cause any of such reports to be published at any time.

Section 76. APPROVING ILLEGAL CLAIMS: Every officer who shall wilfully approve, allow or pay, any demand on the treasury not authorized by law, shall be liable to the city individually and on his official bond for the amount of the demand so approved, allowed, or paid, and shall forfeit his office and be forever disbarred from holding any position in the service of the city.

Section 77. PUBLICATION OF CHARTER AND ORDINANCES: The Council, within one year after the first general municipal election held under the provisions of this charter, and from time to time thereafter, shall cause all ordinances of the city in force at such time to be classified under appropriate heads and indexed, and to be published in book form either together with, or separately from this charter. Such publication may include such provisions of the preceding charter and of the constitution and general laws of the state as to the Council may seem desirable.

Section 78. WHEN CHARTER EFFECTIVE: This charter shall go into effect upon its approval by the Legislature.

All elective officers in office at the time this charter becomes effective shall hold, and perform the duties of their respective offices in accordance with the provisions of this charter until their successors are elected and qualified.

* * *

WHEREAS, The City of Monterey is a city containing a population of more than three thousand five hundred inhabitants as ascertained by the last preceding census taken under the authority of the Congress of the United States; and

WHEREAS, on the 28th day of October, 1924, at a special municipal election duly held in said city on that day under and pursuant to the provisions of Section 8 of Article XI of the Constitution of the State of California,

the electors of said city did choose and elect J. Alves, E. J. Burns, O. P. Colburn, John L. Colwell, G. O. De Witt, P. J. Dougherty, W. G. Hudson, C. J. Krieger, Horace Langdon, Henry Little, Carmel Martin, C. A. Metz, George MacDonald, E. G. McMnamin, and J. K. Oliver, who were and are all electors of said city and eligible as candidates, under said election, as a board of fifteen freeholders to prepare and propose a new charter for the government of said city; and

WHEREAS, the result of said election was duly declared by the legislative body of said city, to-wit: The Council thereof, on the 31st day of October, 1924, and all of said electors thereafter duly qualified as such freeholders in accordance with law; and

WHEREAS, the said Board of Freeholders, in pursuance of said provisions of the Constitution of the State of California, and within one hundred and twenty days after the result of said election was so declared, has prepared the foregoing charter in time, form and manner, as prescribed by said provisions;

NOW THEREFORE, said Board of Freeholders does now propose said foregoing charter as and for the charter of the City of Monterey, and does hereby fix the 9th day of March, 1925, as the date for holding a special municipal election in said city at which the said proposed charter shall be submitted to the electors thereof for their ratification and adoption.

IN WITNESS WHEREOF, the undersigned freeholders hereunto set our hands at the City of Monterey in the State of California, this 22nd day of December, 1924.

P. J. DOUGHERTY, President of said Board of Freeholders.
J. ALVES, Secretary of said Board.
E. J. BURNS,
O. P. COLBURN,
JOHN L. COLWELL,
G. O. DE WITT,
W. G. HUDSON,
C. J. KRIEGER,
HORACE LANGDON,
HENRY LITTLE,
CARMEL MARTIN,
C. A. METZ,
GEORGE MAC DONALD,
E. G. McMENAMIN,
J. K. OLIVER.