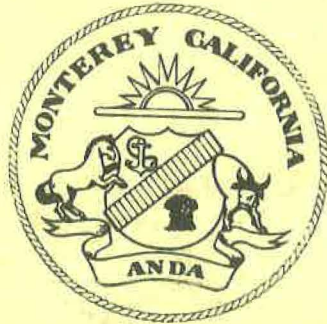


CHARTER

CITY OF MONTEREY
CALIFORNIA



Proposed by
BOARD OF FREEHOLDERS
Elected October 28, 1925

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ADOPTED MARCH 9, 1925

As Amended May 13, 1935
As Amended May 10, 1943
As Amended May 11, 1953
As Amended May 13, 1957
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As Amended May 13, 1975

C H A R T E R

CITY OF MONTEREY
CALIFORNIA
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CITY OF MONTEREY

CALIFORNIA

ARTICLE I

NAME, BOUNDARIES, AND POWERS OF THE CITY

Section 1.1 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 1.2 BOUNDARIES:

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

Section 1.3 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 to 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 1.4 POWERS:

The City of Monterey by and through its Council, appointees, officers, employees and agents, shall have and may exercise all powers concerning its municipal affairs and the welfare of its inhabitants granted to chartered municipal corporations by the Constitution of the State of California and not otherwise limited therein. This Charter is not intended nor shall it be construed as a limitation of any power granted chartered cities by said Constitution unless specifically set forth herein.

Unless specifically limited herein, the powers of the City shall include those granted general law cities by State law.

All general laws of the State applicable to municipal corporations now existing or hereinafter enacted, and which are not in conflict with this Charter or any ordinance of the City now existing or hereinafter enacted, shall be applicable to the City. The Council may adopt and enforce ordinances or regulations which, in relation to municipal affairs, shall control as against the general laws of the State.

Section 1.5 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.

ARTICLE II

ELECTIONS, INITIATIVE, REFERENDUM AND RECALL

Section 2.1 ELECTIVE OFFICERS:

Elective officers of the City of Monterey shall be a Mayor and four Council members.

Section 2.2 ELIGIBILITY OF ELECTIVE OFFICERS:

No person shall be eligible for election to, or hold, any elective office of the City unless he/she shall have been a resident and elector of the City for the period of time and have such other qualifications as are prescribed by State law for Council members of general law cities.

Section 2.3 ELECTIONS:

General municipal elections shall be held in said City on the second Tuesday 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 so far as the same may be applicable and except as herein otherwise provided. 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. Elections to incur bonded indebtedness, to impose special assessments or to annex territory shall be held in conformance with the general laws of the State.

Section 2.4 CANVASS OF RETURNS:

The Council of said City shall meet at its usual meeting place on the first Tuesday after any municipal election, duly canvass the returns and declare the results thereof. The Council shall install any newly elected officers as soon after said canvass as possible, provided, however, no officer shall be installed prior to the filing by said officer of all disclosure statements required by ordinance or State law.

Section 2.5 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 a successor is elected and installed. Such successor shall be elected for the unexpired term of his/her 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.

If the office of a majority or more of the Council become vacant, the City Clerk shall call a special municipal election to fill said vacancies, which election shall be held within sixty days of the existence of said vacancies. Each candidate elected at such election shall hold office for the unexpired term of his/her predecessor. The candidate or candidates receiving the highest number of votes shall be deemed to fill the longest unexpired term or terms.

The vacancies, whether occurring by recall, resignation, legal disability or physical disability, shall be filled by the persons holding the following offices

and in the following order: Chairman of the Planning Commission, Chairman of the Parks and Recreation Commission, Chairman of the Library Board of Trustees. Said persons shall serve as interim elective officers until said vacancies are filled by election and the newly elected officers are installed. Said persons shall be sworn in by the City Clerk in the same manner and form as elected officers as soon as possible after the vacancy or vacancies occur and shall have all the rights, duties and obligations of an elected officers during said interim appointment.

In the event of a vacancy in the office of the Mayor, the remaining elective officers, including any interim elective officers appointed pursuant to this section, shall elect one of their number to serve as Mayor during the period of said vacancy.

Section 2.6 INITIATIVE, REFERENDUM AND RECALL:

Unless otherwise provided by ordinance hereafter enacted, the provisions of the Elections Code of the State of California, as the same now exists or may hereafter be amended, governing the initiative, referendum and the recall of municipal officers shall apply in the City insofar as such provisions of the Elections Code are not in conflict with this Charter.

With regard to recall, 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 re-

called, 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.

ARTICLE III

THE MAYOR

Section 3.1 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 his/her installation and until his/her 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/she is constituted such member by general law.

A Mayor shall be the chief legislative officer of the City. He/she shall represent the City in all ceremonial functions of a patriotic or social character when it appears to him/her 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.

The Council shall, from one of its members, elect a Mayor pro tempore who shall, during the absence or disability of the Mayor, exercise the powers and perform the duties of said office. In case of a vacancy in the office of the Mayor, the Mayor pro tempore shall

act as Mayor until the vacancy in said office is filled as provided in this Charter. The Council shall determine the length of office of the Mayor pro tempore and may, without cause or notice, remove the Mayor pro tempore from office by the affirmative vote of three of its members.

ARTICLE IV

CITY COUNCIL

Section 4.1 THE COUNCIL:

The Council shall be comprised of the Mayor and said four Council members 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 Council members shall be elected at each general municipal election and shall hold office for the term of four years from and after their installation in office and until their successors are elected and qualified.

The Council members shall receive no compensation and no Council member 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/she is constituted such member by general law. Council members appointed to or required by law to be members of such board, commission, or committee shall accept any compensation which is part of such service and shall pay such moneys into the City treasury.

No former Council member shall hold any compensated appointive City office or regular City

employment until one year after the expiration of the term for which he/she was elected to the Council.

The Council shall establish a personnel system not in conflict with Section 5.1 herein.

The Council may make investigations into the affairs of the City and the conduct of any City department, office, or agency.

The Council shall from time to time designate an official Seal of the City of Monterey.

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.

Section 4.2 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 each month. Any regular meeting may be adjourned to a date and hour certain, and such adjourned meetings 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 4.3 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 4.4 CONDUCT OF MEETING:

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 4.5 LEGISLATIONS:

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.

In addition to other acts required by law or specific provisions of this Charter to be done by ordinance, acts which provide for the following shall be done by ordinance:

- (a) ✓ Establish or change time and place of regular or special meetings of the City Council.
- (b) ✓ Provide for a fine or another penalty or establish a rule or regulation for violation of which a fine or other penalty is imposed.
- (c) ✓ Fix the salaries and vacations of City employees.

- ✓ (d) Grant, renew, extend or amend a franchise.
- ✓ (e) Levy any tax.
- ✓ (f) Conveyance or acquisition of any interest in real property except:
 - (1) Leases of less than five years' duration, including option to renew.
 - (2) Property dedicated for public use as part of any subdivision.
 - (3) Accession to property of other public agencies by operation of law upon annexation of territory.
 - (4) Encroachments granted pursuant to the Encroachment Permit procedures.
 - (5) Licenses not to exceed one year duration.
- ✓ (g) Except as otherwise provided by general law of this Charter, any action providing for any public improvement or the expenditure of public money in excess of \$5,000.00.
- ✓ (h) Consolidation of any office set forth in Selection 5.3 herein.
- ✓ (i) Establish a personnel system.

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 request of any member of the Council, the ayes and noes shall be taken and recorded upon any vote. All members at

any meeting must vote.

No ordinance or resolution shall be passed without receiving the affirmative vote of at least three members of the Council. Each ordinance or resolution 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 does ordain as follows:" The ordaining clause of all ordinances passed by the vote of the electors of the City through 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 a regular or adjourned meeting or until its publication at least once in the official newspaper of the City at least three days before its adoption. In the case of an ordinance being amended before its adoption as amended, and where such amendment is made for the correction of clerical errors or omission of form only, then such ordinance need not be republished.

Ordinances and resolutions need not be read either in whole or in part prior to their adoption except as may be otherwise required by ordinance or general law.

An ordinance shall take effect thirty days after its final passage except an ordinance shall take effect immediately if it is an ordinance:

- (a) Relating to an election.
- (b) For the immediate preservation of the public peace, health or safety,

containing a declaration of the facts constituting the urgency, and is passed by a four-fifths vote of the Council.

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- ✓ (c) Relating to street improvement proceedings.
- ✓ (d) Relating to taxes for the usual and current expenses of the City.
- ✓ (e) Covered by particular provisions of law prescribing the manner of its passage and adoption.

No ordinance, or portion thereof, shall be repealed except by ordinance. No ordinance shall be revised, reenacted, or amended by reference to its title only, but the ordinance 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, reenactment, amendment, or addition, shall be by ordinance only.

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

Section 4.6 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 determine the procedure for removing any such officer, deputy, employee or committeeman therefrom, except as in this Charter otherwise provided.

Section 4.7 APPOINTMENT AND REMOVAL OF OFFICERS,
EMPLOYEES, AND APPOINTEES:

(a) Appointment of Officers and Employees:

- (1) The Council shall appoint the City Manager by affirmative vote of three of its members.
- (2) The Council shall appoint by affirmative vote of three of its members, all members of municipal boards, commissions and committees and representatives of the City to other agencies, except members of the Library Board of Trustees.
- (3) The City Manager shall appoint all other officers and employees of the City except as otherwise herein provided.

(b) Removal of Officers:

- (1) { The Council may remove any of its appointees at pleasure without cause stated or hearing had by affirmative vote of four members, and may remove any of its appointees for cause after a hearing by affirmative vote of three of its members.
- (2) The City Manager may remove any of the chief appointive officers appointed by him/her at pleasure, provided that
 - (i) Said officer is served with

at least three days' written notice of the reason for such removal.

- (ii) Said officer shall have the right of appeal to and hearing before the City Council, the procedures for which shall be established by ordinance.

(c) Removal of Subordinate Officers and Employees:

- (1) The City Manager may remove all other officers and employees only for cause. An officer or employee removed for cause shall have a right of appeal to and hearing before the City Council. The procedures for removal for cause, appeal and hearing shall be established by ordinance.

*

(d) Limitations on Removals:

- ✓(1) The Council shall not remove any officers within three months next succeeding a general municipal election except for cause.
- ✓(2) The City Manager shall not remove any chief appointive officer within three months next succeeding his/her appointment except for cause.

(e) Suspension in Lieu of Removal:

- (1) Any officer or employee, in lieu of removal, may be suspended up to thirty days without pay for the same reasons or on the same grounds and on

the same procedure as herein provided for removal.

Section 4.8 RESIDENTIAL QUALIFICATION:

All members of City boards and commissions shall be residents of the City of Monterey.

Section 4.9 INTERFERENCE WITH OR BY CITY MANAGER:

Neither the Council nor any of its members shall in any manner dictate the appointment or removal of any City administrative officers or employees whom the City Manager or any of his/her subordinates are empowered to appoint, but the Council may express its views and fully and freely discuss with the City Manager anything pertaining to appointment and removal of such officers and employees.

Except for purposes of investigations, the Council or its members shall deal with City officers and employees who are subject to the direction and supervision of the City Manager solely through the City Manager, and neither the Council nor its members shall give orders to any such officer or employee, either publicly or privately.

* { 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 4.10 CONTRACT WORK:

In the erection, improvement and repairs of all public works and in furnishing supplies, labor or materials for the same, or for other use or purpose, when the expenditure required for the same

shall exceed the sum of five thousand dollars (\$5,000.00), 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. Security for 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, readvertise for other bids.

Provided further, that after rejecting bids, the Council may determine and declare by a four-fifths vote of all of its members that the work in question may be more economically or satisfactorily performed by day labor, or the materials or labor may be 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.

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 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 it 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.

Provided further, the Mayor or Mayor pro tempore is empowered to make immediate expenditure of public moneys or to contract on behalf of the City for materials or services necessary to safeguard life or property whenever the Governor of the State of California, the President of the United States, or other designated State or Federal authorities have declared the City, or an area in which the City is included, to be a disaster area, or said persons have declared a state of emergency to exist or other similar designation.

Section 4.11 FRANCHISES:

The City Council may by ordinance provide a procedure for the granting of franchises or grant franchises pursuant to the procedure provided by the State law. Franchises may be granted for fixed or indeterminate time and shall provide for adequate compensation to the City for the privilege conferred.

ARTICLE V

CITY MANAGER AND ADMINISTRATIVE DEPARTMENT

Section 5.1 CITY MANAGER:

The City Manager shall be chosen by the Council without regard to political consideration and with reference solely in his/her qualifications for such office.

The powers and duties of the City Manager shall be:

- ✓ (a) To see that all ordinances are enforced.
- ✓ (b) To appoint, except as otherwise provided in this Charter or by general law, all heads of departments and other City offi-

cers and employees and remove the same at pleasure except as otherwise herein prescribed and to have general supervision and control over all officers and employees whether appointed by himself/herself or the Council.

- ✓ (c) To exercise general supervision over all privately owned public utilities operating within the City so far as the same are subject to municipal control.
- ✓ (d) 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.
- ✓ (e) To attend all meetings of the Council unless excused therefrom by three members thereof or by the Mayor.
- ✓ (f) 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.
- ✓ (g) To keep the Council advised as to the needs of the City.
- ✓ (h) To have general supervision over all City property including public buildings, parks and playgrounds.
- ✓ (i) To appoint such advisory boards as he/she may deem desirable to advise and assist in his/her work, provided the members of such boards shall receive no compensation.

- ✓ (j) To appoint a Secretary to the City Manager who may be removed from office by him/her at any time without a hearing and such removal shall not be subject to disapproval by the Council and whose salary shall be fixed by ordinance.
- (k) 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 the City Clerk.

Section 5.2 CITY MANAGER PRO TEM:

In case of the extended absence from the City of the City Manager, or his/her temporary disability to act as such, or a temporary vacancy in the office of City Manager, 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, disability, or temporary vacancy, but any such appointment shall not exceed six months; provided, however, that a City Manager pro tem shall have no authority to remove any City official or employee except with the unanimous formal approval of all members of the Council. The City Manager pro tem need not have the qualifications of the City Manager.

Section 5.3 CITY OFFICERS:

- ✓ (a) Chief Appointive Officers: The chief appointive officers of the City shall be a City Manager, Assistant City

Manager, City Clerk, City Attorney, Finance Director, Director of Public Works, Chief of Police, Fire Chief, Planning Director, Director of Parks and Recreation, and Librarian. 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 except where the same are prescribed in this Charter, and in such case may, by ordinance, prescribe additional powers and duties therefor consistent with the provisions hereof.

(b) Powers and Duties of Appointive Officers:

The appointive officers shall have the following powers and duties, provided, however, that the Council or the City Manager may from time to time prescribe additional powers and duties of any appointed officer not in conflict with this section. All appointive officers, except the City Manager, shall be responsible to the City Manager for the conduct and performances of their offices.

- (1) City Manager: Shall manage all other officers and employees of the City and shall be responsible for carrying out the policies and directives of the Council.
- (2) Assistant City Manager: Shall have such duties and responsibilities as are delegated to him/her by the City Manager.
- (3) City Clerk: Shall maintain all or-

dinances, resolutions and other records and documents delivered to him/her as may be required by law, ordinance or established procedure. Shall attend all sessions of the Council and keep a record of the proceedings. Shall maintain the Corporate Seal of the City and shall affix same with his/her signature to documents or records requiring authentication.

- (4) City Attorney: Shall be legal advisor to the Council and the officers and employees of the City when acting in their official capacities. Shall at all times be a member in good standing of the California State Bar Association.
- (5) Finance Director: Shall be the chief accounting officer of the City and shall prepare and maintain all financial records of the City. Shall act as treasurer and shall execute any documents in said capacity where required by ordinance or general law.
- (6) Director of Public Works: Shall be the administrator of the Department of Public Works. Shall also serve as City Engineer and Superintendent of Streets, and in said capacity shall execute all documents as required or empowered to do so by ordinance or general law. Shall at all times be a Civil Engineer registered to practice as such in the State of California.
- (7) Chief of Police: Shall administer the

Police Department, and be responsible for the protection of life and property, for the enforcement of State and local law, for the provision of emergency public safety services, and for the provision of crime prevention.

- (8) Fire Chief: Shall administer the Fire Department, and be responsible for the protection of life and property, for the provision of emergency fire protection services and for the provision of community fire prevention.
- (9) Planning Director: Shall be responsible for preparing comprehensive plans for the City and the administration of the zoning ordinance and shall serve as secretary to the Planning Commission.
- (10) Director of Parks and Recreation: Shall administer the Department of Parks and Recreation and shall serve as secretary to the Parks and Recreation Commission.
- (11) Librarian: Shall administer the library facilities and program and shall serve as secretary to the Library Board of Trustees.

Section 5.4 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/her official duties shall be paid by him/her into the City treasury.

Section 5.5. 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 of the provisions of any general law of the State relative to official bonds not inconsistent with this Charter shall be complied with.

Section 5.6 OATH OF OFFICE:

Every officer of the City before entering upon the duties of his/her office, shall take and subscribe the oath of office as provided for in the Constitution of the State and shall file the same forthwith with the City Clerk.

Section 5.7 RESIGNATIONS:

No candidate for any City office or employment shall be required to tender his/her resignation in writing or otherwise to any person at or prior to his/her 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.

ARTICLE VI

FISCAL ADMINISTRATION

Section 6.1 FISCAL YEAR:

The fiscal year of the City shall commence on the first day of July of each year, or at each other time as may be fixed by Ordinance.

Section 6.2 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. As part of the annual audit, the money and securities in the City treasury shall be verified.

Section 6.3 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.

At the same time the annual budget is submitted to the Council, the City Manager shall file with the City Clerk an inventory of all personal property, except expendable supplies, owned by the City.

Section 6.4 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 pro-

cedural 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 6.5 DISPOSITION OF CITY MONEY:

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 Finance Director thereof and thereupon pay the same forthwith into the treasury on order of the Finance Director for the benefit and to the credit of the funds to which such moneys severally belong, provided, however, that Saturdays, Sundays, legal holidays and other days on which the City offices are closed for business shall not be considered in computation of the forty-eight hour period.

Section 6.6 PAYMENT OF CITY MONEYS:

Money shall be drawn from the treasury only upon warrants as herein prescribed. No demand shall be allowed, approved, audited or paid unless it shall specify each item of claim and the date thereof. The Finance Director shall satisfy himself whether the money is legally due and its payment authorized by law. Specific rules pertaining to signature requirements shall be established by ordinance.

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

Section 6.7 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 6.8 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 lease shall provide that such amount shall in no event be lowered during the term thereof.

Provision shall be made in all such leases 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 appraiser 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 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 Presiding Superior Court 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 Presiding Superior Court Judge of Monterey County 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 leases shall provide also that the Council may terminate the same at its pleasure and repossess the premises therein described upon paying to the lessee the market value of any improvements made or put upon said premises by the lessee or prior lessees. The market value of such improvement shall be determined by a board of appraisers appointed as aforesaid and the determination of such board of appraisers 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 fifty years.

Section 6.9 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 6.10 ANNUAL TAX LEVY:

The Council must finally adopt, not later than at its first regular meeting in August, an ordinance levying upon the assessed valuation of all property in the City, a rate of taxation sufficient to raise the amount estimated to be required in the annual budget as herein provided, less the amounts estimated to be received from fines, licenses, and other sources of revenue.

Section 6.11 SPECIAL TAX LEVY:

The Council shall have the power to levy and collect taxes in addition to the taxes herein provided for municipal purposes, sufficient to pay and maintain the sinking fund for the bonded indebtedness of the City.

Section 6.12 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 two dollars (\$2.00) on each one hundred dollars (\$100.00) of the assessed valuation of the real and personal property within the City except as this Charter otherwise provides. The money 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 for any one fiscal year if authorized by ordinance adopted by the vote of the electors of the City.

Section 6.13 COUNTY COLLECTION OF TAXES:

The Council is hereby authorized to contract with the County of Monterey for the collection by the County of all taxes on real and personal property, assessments, liens or other levies made by the City.

Section 6.14 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 6.15 MONEYS RECEIVED FROM THE SALE OF
CEMETERY LOTS:

All moneys received from the sale of lots in Cementerio El Encinal owned by the City shall be expended for cemetery purposes of said City only.

ARTICLE VII

PUBLIC LIBRARY

Section 7.1 PUBLIC LIBRARY AND BOARD OF
LIBRARY TRUSTEES:

There shall be a Board of Library Trustees consisting of five members to be appointed by the Mayor with the approval of three members of the Council. No person shall be eligible for appointment to the Board of Library Trustees unless he shall have been a resident and elector of the City of Monterey for at least three years next preceding his appointment, provided that Trustees in office at the time of adoption of this Charter amendment shall continue to hold office until the expiration of their terms. Terms of Library Trustees shall be four years, two of which shall start July 1, 1954, and end June 30, 1958, and three of which shall start July 1, 1956, and end June 30, 1960.

The Board of Library Trustees shall have the following powers, duties, and responsibilities:

- (a) To select all books, magazines, periodicals, recordings, films, pictures, photographs, programs received through electronic media, documents, or any other cultural items for circulation from or study in the Monterey Public Library.

- (b) To make and enforce such by-laws, rules and regulations as it may deem necessary for the administration of the Monterey Public Library program.
- * (c) To appoint and remove the Librarian, who shall be the department head, and any such other library personnel as may be necessary for the operation of the library program.
- (d) To perform such additional duties and have such additional powers as may be prescribed by ordinance.

There shall be maintained a Library Trust Fund which shall consist of the present Library Trust Fund together with all gifts, devises or bequests received for the use of the Library hereafter and all miscellaneous revenues of the Library, except fines. Expenditures from said fund shall be made by the Council for such library purposes as are requested by the Library Board and as are in conformity with the conditions of any such gifts, devises, or bequests.

ARTICLE VIII

GENERAL PROVISIONS

Section 8.1 PROHIBITED INTERESTS:

The prohibition of certain financial interests and acts of elected officials and other specified officers shall be governed by the general laws of the State.

Section 8.2 CLAIMS AGAINST THE CITY FOR PERSONAL INJURY AND DAMAGES:

The general laws of the State of California shall apply to any claim for damages or injury against the City of Monterey or any of its officers or employees.

Section 8.3 AMENDMENT OF CHARTER:

This Charter may be amended pursuant to the Constitution and general laws of the State of California.

Section 8.4 NEWSPAPER ADVERTISING AND PRINTING:

* The Council shall advertise biannually in each even numbered year 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. Contracts for advertising shall be awarded to the lowest responsible bidder.

Section 8.5 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 safekeeping.

Section 8.6 ZONING SYSTEM:



The City of Monterey is hereby declared to be primarily a residential City and the Council shall have the power to establish such zoning system within the City as may in its judgment be most beneficial, and in such zoning system 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.