

ARTICLE I. POWERS OF THE CITY

Section 1.01 POWERS, RIGHTS AND PRIVILEGES OF THE CITY.

The City shall have all powers, rights and privileges possible for a city to have under the Constitution and laws of the State of California as fully and as completely as though they were specifically enumerated in this Charter.

- A. General Law Powers.
 - 1. Reservation. Nothing in this Charter shall be construed to prevent or restrict the City from exercising or consenting to the exercise of any and all powers, rights, and privileges heretofore or hereafter granted or prescribed by general laws of the state.
 - 2. Exercise. The City is hereby authorized to exercise any and all, powers, rights and privileges heretofore or hereafter granted or prescribed by the general laws of the state.
- B. Municipal Affairs. The City is hereby authorized to make and enforce all ordinances and regulations in respect to municipal affairs, subject only to restrictions and limitations provided in this Charter and in respect to other matters subject to applicable general laws. As regards municipal affairs, this Charter shall supersede all laws inconsistent therewith.
- C. Intergovernmental Powers. The City is hereby authorized to exercise any of its powers or perform any of its functions and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with any one or more states and the State of California, or any state civil division or agency, or the United States or any of its agencies.
- D. Construction. The powers of the City under this Charter shall be construed liberally in favor of the City. The specific mention of particular powers in the Charter shall not be construed as limiting in any way the general powers granted in this Article or by this Charter.

ARTICLE II. ELECTED OFFICIALS

Section 2.01 CITY COUNCIL.

- A. Number and Election. The City Council shall consist of seven (7) Councilmembers, including the office of Mayor, elected to office in a manner provided in this Charter.
 - 1. The City shall be divided into six (6) districts; each district shall be represented by a Councilmember elected “by” districts. Districts shall be apportioned pursuant to general law.

2. If this Charter is adopted by the electors of the City, the Councilmember for District Six shall be elected in 2012 and have an initial term of two (2) years. Thereafter, the term shall be four (4) years.
- B. Voting. A candidate who receives a majority (greater than 50%) of all votes cast at the primary election immediately preceding the general election shall be elected. When no candidate is so elected, the two candidates who received the highest number of votes shall be the candidates at the general municipal election. Any ties in voting shall be settled by the casting of lots under the supervision of, and in such manner and place, as determined by the City Clerk.
 - C. Term. The term of office shall be four (4) years. Alternatively, and successively, odd numbered districts shall be filled at one general municipal election and even numbered districts at the next such election. The term of a Councilmember shall commence on the first meeting in December after the election results for the November General Election have been certified. The Councilmember shall serve until a successor qualifies.
 - D. Powers. All powers, rights and privileges of the City shall be vested in the City Council, subject to the provisions of the Charter and to the Constitution of the State of California.

Section 2.02. MAYOR.

- A. Election and Term. The Mayor shall be elected by voters of the City at large. The term of office shall be four (4) years. The office of Mayor shall be included at a general municipal election at the same time as those Councilmembers in odd numbered districts.
- B. Powers and Duties of Mayor.
 1. The Mayor shall be the presiding officer of all City Council meetings. The Mayor shall have a voice and vote in all proceedings of the City Council. The Mayor shall be the official head of the City for all ceremonial purposes. The Mayor shall have all powers, rights and privileges of a Councilmember.
 2. The Mayor may review with the City Manager, City Attorney and City Clerk prior to each City Council meeting the items on the City Council's agenda and to add matters thereto.
 3. The Mayor shall exercise such other powers and perform such other duties as may be prescribed by the City Council, provided that the same are not inconsistent with this Charter. Except as otherwise herein provided, the Mayor shall possess only such authority over the City

Manager and the administrative branch as the Mayor possesses as one member of the City Council.

Section 2.03. VICE MAYOR.

- A. Selection. The City Council shall elect one of its members, other than the Mayor, to serve as Vice Mayor during the ensuing calendar year. The Councilmember so elected shall serve as Vice Mayor.
- B. Powers and Duties of the Vice Mayor. The Vice Mayor shall act as Mayor during the absence or inability of the Mayor to act. In the case of the temporary absence or disability of both the Mayor and the Vice Mayor, the Council shall designate one of its members to act as Mayor Pro Tempore. For the purposes of this section, "absence" or "inability of the Mayor to act" shall mean any of the following:
 - 1. A notice by the Mayor to the City Council and the Vice Mayor of a planned absence that will require action by the Vice Mayor; or
 - 2. Notice by the City Clerk to the City Council and the Vice Mayor that the Mayor is otherwise absent or incapacitated.

Section 2.04. VACANCIES.

If a vacancy shall occur in the office of Mayor or Councilmember, the City Council shall forthwith appoint a person to fill such vacancy for the remainder of the term. However, if the unexpired term of office that is vacated exceeds two (2) years, the appointee shall serve until the next regularly scheduled election for Mayor or Councilmember. Said appointee shall possess such qualifications for eligibility as are set forth in this Charter and shall hold office until a successor is duly elected and qualified; provided, however, that only a current Councilmember shall be eligible to fill the vacancy of the office of Mayor. Such successor shall be chosen at the next regular municipal election, or as otherwise may be required by recall proceedings instituted involving the office of Mayor or Councilmember.

In the event that the City Council shall fail to fill a vacancy by appointment within thirty (30) days after such office shall have become vacant, it shall forthwith cause a special election to be held to fill such vacancy; provided, however, that no appointment or election shall be required if the vacancy occurs within one hundred twenty (120) days of an election at which the Mayor or a Councilmember stands for election.

A vacancy shall be deemed to exist in the office of Mayor or Councilmember under any of the following circumstances:

- A. Resignation;
- B. Death;

- C. Absences from four (4) consecutive regularly scheduled meetings without personal notice. Vacancy under these circumstances shall be found only if determined by a two-thirds vote of the members of the City Council at a regular meeting of the City Council where discussion and deliberation of the vacancy is properly placed on an agenda.

ARTICLE III. ELECTIONS

Section 3.01. ELECTION PROCEDURES.

Unless otherwise provided by this Charter or by ordinance, all elections shall be held in accordance with the provisions of the State Elections Code for the holding of municipal elections.

- A. Special Elections. The City Council may call special elections for such purposes as the City Council may prescribe. A special election may be held on any date specified by the City Council.
- B. Initiative, Referendum and Recall. The electors of the City reserve to themselves the powers of initiative and referendum and the recall of elective officers, to be exercised in the manner prescribed by the State Elections Code.

Section 3.02. INDEPENDENT COMMISSION ON CITY DISTRICTS; DUTIES.

There shall be established an Independent Commission on City Districts whose function shall be to recommend to the Council the districts from which Councilmembers shall be elected.

ARTICLE IV. OFFICERS OF THE CITY.

Section 4.01 COUNCIL-MANAGER FORM OF GOVERNMENT.

The municipal government provided by this Charter shall be known as the "Council-Manager" form of government.

Section 4.02 CITY MANAGER.

The City Manager shall be chief executive officer and the head of the administrative branch of the City government. The City Manager shall be responsible to the City Council for the proper administration of all affairs of the City and to that end, subject to the personnel provisions of this Charter, he/she shall have power and shall be required to:

- A. Appoint and remove all officers and employees of the City, except as otherwise provided by this Charter and except as the City Manager may authorize the head of a department or office to appoint and remove subordinates in such department or office. No spouse, child, parent, sibling, in-law, or registered domestic partner of the City Manager shall be eligible for office or employment in the City.

- B. Prepare the budget annually and submit it to the City Council and be responsible for its administration after adoption.
- C. Prepare and submit to the City Council as of the end of the fiscal year a complete report on the finances and administrative activities of the City for the preceding year.
- D. Keep the City Council advised of the financial condition and future needs of the City and make such recommendations as may seem appropriate.
- E. Make investigations into the affairs of the City, or any department or division thereof, or any contract, or the proper performance of any obligation to the City.
- F. Submit to the City Council at each meeting for its approval, the list of all claims and bills approved for payment.
- G. Perform such other duties as may be prescribed by this Charter or required by the City Council, not inconsistent with this Charter.

Section 4.03 CITY ATTORNEY.

There shall be a City Attorney with the authority and responsibility to:

- A. Represent and advise the City Council and all City officers in all matters of law pertaining to their offices;
- B. The City Council shall have control of all legal business and proceedings and may employ other attorneys to take charge of any litigation or matter or to assist the City Attorney therein;
- C. Approve the form of all bonds given to and all contracts made by the City, approving such documents as to form. Prepare any and all proposed ordinances or resolutions for the City, and amendments thereto;
- D. Appoint all other members of the Department;
- E. Prosecute on behalf of the people all criminal cases for violation of this Charter of City ordinances, and of state law where authorized by state law; and
- F. Perform such other duties consistent with this Charter as may be required by action of the City Council.

To be eligible for appointment as City Attorney, the appointee shall have been admitted to practice as an attorney at law before the Supreme Court of the State of California, and shall have been engaged in the active practice of law for at least four years immediately prior to appointment.

Section 4.04 CITY CLERK.

The City Clerk shall exercise all duties required by state law and shall perform such other duties consistent with this charter as may be required by action of the City Council. The City Clerk shall appoint all other members of the department.

Section 4.05 APPOINTING AUTHORITY.

The City Council shall appoint and affix the compensation for the City Manager, City Attorney and City Clerk who shall serve at the pleasure of the City Council and may be removed by motion of the City Council adopted by majority vote.

All other officers and department heads of the City shall be appointed by the City Manager and shall serve at the pleasure of the City Manager at compensation fixed by the City Council.

ARTICLE V. GENERAL PROVISIONS

The City Council shall cause this Charter to be reviewed at least every twenty five (25) years by an independent, duly-appointed citizen commission.

ARTICLE VI. CHARTER AMENDMENT

Amendments to this Charter shall be approved by a majority of the electors of the City at a regularly scheduled election as set by state law, but may be framed and proposed:

- A. How Amended. In the manner provided by law by any of the following:
 - 1. Ordinance of the City Council containing the full text of the proposed amendment;
 - 2. A report with specific full text as prepared by a duly convened Charter Commission as created pursuant to state law;
 - 3. An initiative by the electors of the City.
- B. Amendment Election. If a majority of the electors of the City voting upon a proposed Charter amendment vote in favor of it, the amendment shall become effective at the time fixed in the amendment, but if no time is therein fixed, at the time the approved amendment is filed with the Secretary of State by the City Clerk and chaptered by the State. The City Clerk shall file the results of a Charter amendment election with the Secretary of State within forty-five (45) days following the election.

ARTICLE VII. TRANSITION/SEVERABILITY

All City ordinances, resolutions, orders and regulations which are in force when this Charter becomes fully effective are repealed to the extent that they are inconsistent or interfere with the effective operation of this Charter or of ordinances adopted pursuant thereto.

- A. Inconsistent Acts. To the extent that the constitution and laws of the State permit, all laws relating to or affecting this City or its agencies, officers or employees which are in force when this Charter becomes fully effective are superseded to the extent that they are inconsistent or interfere with the effective operation of this Charter or of ordinances or resolutions adopted pursuant thereto.
- B. Severability of Provisions. If any provision of this Charter is held to be invalid, the other provisions of the Charter shall not be affected thereby. If the application of the Charter or any of its provisions to any person or circumstance is held invalid, the application of the Charter and its provisions or circumstances shall not be affected thereby.

Section 7.01 TRANSITION OF CURRENT ELECTED OFFICIALS.

At the time of the adoption of this Charter those persons serving in elected office shall continue to serve until the end of the term for which they have been elected, and until their successors have been elected and qualified.

Section 7.02 CONTINUITY OF LAWS, OFFICERS AND EMPLOYEES.

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

- A. Continuation of Acts. All lawful ordinances, resolutions, and rules and regulations in force on the effective date of this Charter and not in conflict or inconsistent herewith are continued in force until repealed or amended.
- B. Continuation of Officers and Employees. The present officers and employees of the City shall retain their respective offices and employments subject to the provisions of this Charter.