

CHARTER

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Editor's note. The Charter consists of Statutes 1915, p. 1740, as amended, November 7, 1972. It was adopted pursuant to section 8 of article XI, of the state constitution, ratified by a majority of the qualified electors at a special city election held on October 14, 1914, approved and ratified by state legislation on January 28, 1915, and filed with the secretary of state on January 30, 1915.

All amendments to the Charter, up to and including those of November 7, 1978, are indicated by historical citations following the amended sections or by editor's notes. Unless so indicated, each section derives unchanged as originally adopted.

The catchlines to the sections have been supplied by the editors and are unofficial. They are for information only and should not be construed to restrict, limit or affect the contents of the sections of the Charter. The numbering is unchanged.

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ARTICLE I. NAME AND RIGHTS OF CITY

SEC. 1. CONTINUATION OF EXISTING MUNICIPAL CORPORATION; NAME; TO HAVE PERPETUAL SUCCESSION.

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

SEC. 2. RIGHTS AND PROPERTY TO REMAIN VESTED WITH CITY; LIABILITIES UNIMPAIRED.

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

ARTICLE II. BOUNDARIES AND DISTRICTS OF CITY

SEC. 3. BOUNDARIES TO CONTINUE AS ESTABLISHED.

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

SEC. 4. CITY DIVIDED INTO FIVE DISTRICTS; DISTRICTS DESIGNATED.

For municipal purposes the City of Alhambra is hereby divided into five districts, which shall be designated respectively, the first district, the second district, the third district, the fourth district and the fifth district, and be constituted and described as follows:

First district - All that portion of the city lying east of the centerline of Atlantic Boulevard and north of the centerline of Main Street.

Second district - All that portion of the city lying east of the centerline of Atlantic Boulevard and south of the centerline of Main Street and north of the centerline of Valley Boulevard.

Third district - All that portion of the city lying west of the centerline of Atlantic Boulevard and north of the centerline of Main Street.

Fourth district - All that portion of the city lying south of the centerline of Valley Boulevard.

Fifth district - All that portion of the city lying west of the centerline of Atlantic Boulevard and south of the centerline of Main Street and north of the centerline of Valley Boulevard. (Stats. 1941, 3244).

Editor's note: The district boundaries were amended by Ordinance No. 065-3231 on January 19, 1965, and again by Ordinance No. 4591 on September 26, 2011.

SEC. 5. CHANGES OF BOUNDARY LINE OF DISTRICTS.

The boundary line of any of the said districts may be changed hereafter by ordinance passed by a four-fifths vote of the council: provided, that said districts shall be kept as nearly equal in population as possible; and provided further, that except where the city boundary is changed either by annexation or exclusion of territory, such change of district lines shall not be made oftener than once in two years nor within a period of ninety days prior to any general municipal election.

SEC. 6. ASSIGNMENT OF ANNEXED TERRITORY TO DISTRICTS.

Whenever any territory shall hereafter be annexed to the City of Alhambra, upon the completion of such annexation, the council shall, by ordinance, assign such annexed territory to one or more districts contiguous thereto, so as to retain, as nearly as possible, such equality of population.

ARTICLE III. GENERAL PROVISIONS

RELATING TO OFFICERS

SEC. 7. REPEALED.

Editor's note: This section was repealed by Ordinance 4788, which was approved by the voters of the city at a special municipal election held November 2, 2021.

SEC. 7A. BY-DISTRICT CITY COUNCIL ELECTIONS.

A. The office of the councilpersons shall be filled through by-district elections, pursuant to Cal. Gov't Code § 34870 through 34886.

B. Commencing with the next municipal election after the adoption of this amendment, members of the City Council shall be elected in the electoral districts established by subsection C of this section and subsequently reapportioned in accordance with state law. Elections shall take place by-district as that term is defined in Cal. Gov't Code § 34871, meaning one member of the City Council shall be elected from each district, by the voters of the district alone. Each member of the City Council shall serve a four-year term. Such districts shall be used in all matters concerning the appointment, recall, vacancy or any other aspects of that particular council seat.

C. Members of the City Council shall be elected on a by-district basis from the five City Council districts established in Article II, Section 4 of the Alhambra City Charter.

D. Alhambra City Councilpersons shall be elected by-district for full four-year terms commencing with the next general municipal election after the adoption of this amendment and thereafter.

E. Each member of the City Council elected to represent a district must reside in that district and be a registered voter in that district, and any candidate for City Council must reside in, and be a registered voter in, the district in which he or she seeks election at the time nomination papers are issued pursuant to Cal. Gov't Code § 34882 and Elections Code § 10227. No term of any member of the City Council that commenced prior to the effective date of this amendment shall be affected by this article until the expiration of said term. Thereafter, this article applies to all sitting councilpersons irrespective of incumbency prior to the enactment of this article.

F. If a City Council vacancy should occur prior to the completion of a councilperson's full term, the City Council shall within thirty (30) days call a special election to fill that vacancy. The special election shall be held not less than 114 days from the call of the special election, but within 365 days from the call of the special election, and at least 365 days before the next regularly scheduled municipal election. The City Council seat shall remain vacant until a vote by the electorate fills the vacancy.

G. Registered voters signing nomination papers or voting for a member of the City Council shall be residents of the geographical area making up the district from which the candidate is to be elected.

H. Termination of residency in a district by a City Councilperson shall create an immediate vacancy for that City Council district unless the City Councilperson immediately declares and establishes another residence within the district within 30 days.

Editor's note: This section was adopted by Resolution No. R2M20-47, which was approved by the voters of the city at a general municipal election held November 3, 2020.

SEC. 8. APPOINTMENT AND ASSIGNMENT OF CHIEF APPOINTIVE OFFICERS TO DEPARTMENTS.

The chief appointive officers shall be as herein-after designated, and shall be under the jurisdiction of the respective departments to which they are severally assigned, to wit: city clerk hereby assigned to the department of public affairs; city engineer and street superintendent hereby assigned to the department of public works; director of finance hereby assigned to the department of finance; superintendent of building, chief of police and chief of fire division, hereby assigned to the department of public safety. Each such chief appointive officer shall be appointed by the city manager, subject to confirmation of each appointment by the council.

Editor's note: This section was amended by Assembly Concurrent Resolution No. 72, which was approved by the voters of the city at an election held June 7, 1966. This section was further amended by the voters of the city on March 26, 1996.

SEC. 9. APPOINTMENT AND ASSIGNMENT OF MINOR APPOINTIVE OFFICERS.

Other appointive officers shall be such other officers as the council shall under this charter have power to create, which last named officers shall be appointed by the head of the respective department to which the same shall be assigned by the council or by this charter.

Editor's note: This section was amended by the voters of the city on March 5, 2002.

SEC. 10. "COMMISSION" REFERENCES REPLACED WITH "COUNCIL".

Wherever in this Charter the word "commission" is used, referring to the city commission of the City of Alhambra, the word "council" shall be substituted in lieu thereof, and wherever in this Charter the word "commissioner" is used, referring to a commissioner of the city commission of the City of Alhambra, the word "councilperson" shall be substituted in lieu thereof. Wherever hereinafter in this Charter the words "president of the commission" are used, the word "mayor" shall be substituted in lieu thereof. Wherever hereinafter in this Charter the words "vice- president of the commission" are used, the words "vice-mayor" shall be substituted in lieu thereof.

Editor's note: This section was amended by Assembly Concurrent Resolution No. 72, which was approved by the voters of the city at an election held June 7, 1966, by Senate Concurrent Resolution No. 92, which was approved by the voters of the city at a special municipal election held November 7, 1972, and by Senate Concurrent Resolution No. 111, which was approved by the voters of the city at a special municipal election held November 6, 1973. The wording changes prescribed by this section have been given effect throughout the Charter. This section was further amended by the voters of the city on March 26, 1996. This section was further amended by Resolution No. R2M20-47, which was approved by the voters of the city at a general municipal election held November 3, 2020.

SEC. 11. TERMS OF OFFICE OF COUNCILPERSONS.

Members of the council shall hold office for a term of four years from and after the first day of December following their election and until their successors are elected and qualified. The election for the offices of councilperson of the first district, councilperson of the second district, and council-person of the fifth district shall take place in the year 1974, and every fourth year thereafter. The election for the offices of councilperson of the third district and councilperson of the fourth district shall take place in the year 1976, and every fourth year there-after. In the case of the incumbents holding any of the foregoing

offices whose terms of office expire in the year 1973 or in the year 1975, all such terms of office shall be extended until their successors are elected and qualified.

Editor's note: This section was amended by Assembly Concurrent Resolution No. 72, which was approved by the voters of the city at an election held June 7, 1966, by Senate Concurrent Resolution No. 92, which was approved by the voters of the city at a special municipal election held November 7, 1972, and by Senate Concurrent Resolution No. 111, which was approved by the voters of the city at a special municipal election held November 6, 1973. This section was further amended by the voters of the city on March 26, 1996.

SEC. 11.5. LIMITATIONS ON TERMS OF COUNCILPERSONS.

No person shall be a candidate for election to the office of city councilperson after having been elected to the office for three consecutive four-year terms. No person shall be a candidate for election to the office of city councilperson who has held the office for more than two years of a four-year term and has been elected to the office for the next following two four-year terms. Nothing in this section shall prevent any person who has thereby held the office of city councilperson from being a candidate for election to the office if at least three years have elapsed since his or her last term of office has expired. This section shall not apply to any person holding the office of city councilperson on the date of its approval by the voters of the city.

Editor's note: This section was added by Resolution No. R76-153, which was approved by the voters of the city at a general and special election held on November 2, 1976. This section was amended by the voters of the city on March 26, 1996.

SEC. 12. WHEN ELECTIVE OFFICES BECOME VACANT: VACANCY RESULTING FROM COUNCILPERSON MOVING FROM DISTRICT.

In case any councilperson shall change his or her residence from the district in which he or she resided at the time of his or her election or appointment, his or her office shall immediately become vacant and be filled as directed in this Charter; provided, however, that in case the boundaries of any district are changed, no councilperson whose residence is hereby included within a different district from that in which he or she resided at the time of his or her election or appointment shall lose his or her office by reason of such change. An elective office becomes vacant when the incumbent thereof fails to qualify within ten days from the time he or she receives his or her certificate of election or appointment, dies, resigns, is removed from office, is adjudged incompetent, convicted of a felony, or of offense involving a violation of his or her official duties or forfeits his or her office under any provision of this Charter, or ceases to be a resident of the city or district as required by the preceding paragraph of this section; or shall have been absent from the city without leave of the council for more than thirty consecutive days, or, if a member of the council or a board fails to attend the meetings of the council or a board of which he or she is a member for a like period, without being excused therefrom by the council, or, if any other officer than a member of the council or a board shall absent himself or herself from his or her office for more than fifteen days consecutively, without such leave. (Stats. 1941, p. 3244.)

Editor's note: This section was amended by the voters of the city on March 26, 1996.

SEC. 13. REPEALED.

SEC. 14. BONDS OF OFFICERS AND EMPLOYEES REQUIRED; PAYMENT OF PREMIUMS.

Officers and employees of the city, before entering upon the discharge of their official duties, shall give and execute to the city such official bonds as may be required by general law, this Charter or ordinance. All such official bonds must be given by some lawfully authorized and approved surety company, and the city shall pay the premium therefor.

Editor's note: This section was amended by the voters of the city on March 26, 1996.

SEC. 15. SAME - CONDITIONS; APPROVAL; ENDORSEMENT; FILING; COMPLIANCE WITH APPLICABLE LAW.

Every bond shall contain the condition that the principal will well, truly, honestly and faithfully perform the duties of his or her office, and all bonds must be approved by the council, after first being approved as to form by the city attorney.

Approval of such official bond must be endorsed thereon and signed by the officers approving the same. Each bond, when so approved, shall be filed with the city clerk. All provisions of any law of this state, relating to official bonds, not inconsistent with this Charter shall be complied with.

Editor's note: This section was amended by Assembly Concurrent Resolution No. 72, which was approved by the voters of the city at a election held June 7, 1966. This section was further amended by the voters of the city on March 26, 1996.

SEC. 16. SAME - CHANGE OF PENAL SUM OF BONDS.

The council may at any time, by ordinance, change the penal sum of any official bond.

SEC. 17. OATHS OF OFFICE.

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

Editor's note: This section was amended by the voters of the city on March 26, 1996.

SEC. 18. SALARIES - GENERALLY.

Each councilperson shall receive a salary of fifty dollars per month, excepting the mayor, whose salary shall be seventy-five dollars per month; provided, that such salaries may be changed by a majority vote of the qualified electors at any general municipal election. Except where such power to fix is otherwise given by this Charter, the council shall fix by ordinance the salary of all other officers herein created by ordinance whose salaries are not herein fixed or otherwise provided for.

Editor's note: This section was amended by Senate Concurrent Resolution No. 111, which was approved by the voters of the city at a special municipal election held November 6, 1973. This section was further amended by the voters of the city on March 26, 1996.

SEC. 19. REPEALED.

Editor's note: This section was repealed by Senate Concurrent Resolution No. 111, which was approved by the voters of the city at a special municipal election held November 6, 1973.

SEC. 20. USE OF POLITICAL INFLUENCE BY CITY OFFICERS OR NOMINEES.

Whoever, being a city officer or being in nomination for, or while seeking nomination or appointment for any city office, shall use or promise to use, whether directly, or indirectly, any official authority or influence, whether then possessed or merely anticipated, to aid any other person to secure any office or appointment in the service of the city or any nomination or increase of salary, upon the condition that his or her vote or political influence shall be given or used in behalf of any candidate, office or political party or association, or upon any corrupt condition, shall be deemed guilty of a misdemeanor, and every person found guilty of such misdemeanor, as aforesaid shall, upon conviction thereof, be liable to be punished by a fine of not less than one hundred dollars, or more than five hundred dollars, or to be imprisoned not less than ten days nor more than six months, or to both said fine and said imprisonment in the discretion of the court. If the person convicted be a public officer, he or she shall, in addition to any other punishment imposed, be deprived of his or her office and be forever debarred and disqualified from holding any position in the service of the city.

Editor's note: This section was amended by the voters of the city on March 26, 1996.

SEC. 21. WORKING AND SOLICITING IN CITY ELECTIONS.

No officer or employee of the city shall become a party worker or solicitor in any city election, in behalf of any candidate for office, except in his or her own behalf, provided, that nothing herein contained shall be construed to prevent or prohibit any such officer or employee from taking part either for or against any bond issue or other civic question, except the election of city officers. A violation of any of the provisions of this section shall be sufficient cause for his or her removal from office.

(Stats. 1927, p. 2055.)

Editor's note: This section was amended by the voters of the city on March 26, 1996.

SEC. 22. ADMINISTRATION OF OATHS; SUBPOENAS.

All officers of the city and members of the council or any board provided for in this Charter shall have power to administer oaths and affirmations, and every such officer, council or board shall have power to issue subpoenas, to compel by subpoena attendance of witnesses, production of books, papers and documents, and take and hear testimony concerning any matter or thing pending before such officer, council or board. 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 officer, council or board or to answer any question which any officer, or a majority of such council or board shall decide to be proper and pertinent, he or she shall have power to take the proceedings in that behalf provided by the general laws of this state. The chief of police must, on request of such officer, or of any member of such council or board serve such subpoena or cause the same to be served.

Editor's note: This section was amended by the voters of the city on March 26, 1996.

ARTICLE IV. MAYOR

SEC. 23. POWERS AND DUTIES GENERALLY.

The mayor shall see that all city ordinances are duly enforced. He or she shall, subject to the provisions of this Charter, be charged with the general oversight of the several departments of the municipal government, and shall see that all contracts made with the city are faithfully performed.

The mayor shall be the presiding officer of the council. He or she may call special meetings of the council, and must do so upon request in writing of a majority of its members. He or she shall have the right to be present at the meetings of all of its standing and special committees; he or she shall sign all conveyances made by the city and all contracts to which it is a party, except as otherwise herein provided, and shall acknowledge execution of all instruments executed by the city which require acknowledgment.

Editor's note: This section was amended by the voters of the city on March 26, 1996.

SEC. 24. ABSENCE OR DISABILITY; MAYOR PRO TEMPORE.

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

SEC. 25. REPORTS ON CITY AFFAIRS; RECOMMENDATIONS TO COUNCIL.

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

Editor's note: This section was amended by the voters of the city on March 26, 1996.

SEC. 26. TO KEEP INFORMED ON PUBLIC UTILITY COMPANIES' COMPLIANCE WITH LAW; OBSERVATION OF FRANCHISES, PERMITS AND PRIVILEGES; INSTITUTION OF ACTIONS.

The mayor shall keep himself fully informed as to the compliance by all public utility companies in all respects with law or ordinance, and he or she shall see that all provisions of all franchises, permits and privileges granted by the city are faithfully observed.

The mayor or the council may, and, on written request of the city manager, the council shall cause to be instituted on behalf of the city, such actions or proceedings as may be necessary to prosecute persons, firms or corporations owning, controlling or operating public utilities, for violations of law or ordinances, and as may be necessary to revoke, cancel, annul or regulate the exercise of any franchises, permits or privileges that may have been granted by the city to any person, firm or corporation, which have become forfeitable in whole or in part or which for any reason are illegal or void or voidable or negligently exercised. The city attorney, on direction of the mayor or of the council, must institute and prosecute the necessary actions to enforce the provisions of this section.

Editor's note: This section was amended by the voters of the city on March 26, 1996.

SEC. 27. ADDITIONAL POWERS AND DUTIES PRESCRIBED BY LAW.

The mayor shall exercise such other powers and perform such other duties as may be prescribed by law or ordinance.

ARTICLE V. EXECUTIVE AND

ADMINISTRATIVE DEPARTMENTS

SEC. 28. FIVE DEPARTMENTS DESIGNATED; SUPERVISION OF DEPARTMENTS.

The executive and administrative powers, authority and duties of the city, not otherwise provided for, shall be distributed among and assigned to five departments as follows:

1. Department of public affairs.
2. Department of finance.
3. Department of public works.
4. Department of public safety.
5. Department of supplies.

The department of public affairs shall be under the supervision of the mayor, subject to the provisions of this Charter, and each of the other departments shall be under the supervision of one of the other councilpersons, according and subject to the provisions of this Charter.

SEC. 29. DESIGNATION OF COUNCIL- PERSONS TO SERVE AS MAYOR, VICE MAYOR AND AS SUPERVISOR OF CITY DEPARTMENTS.

- A. The following offices are established in the City of Alhambra:
 1. Mayor and councilperson of public affairs.
 2. Vice Mayor and councilperson of the department of finance.
 3. Councilperson of the department of public works.
 4. Councilperson of the department of public safety.

5. Councilperson of the department of supplies.

B. Commencing with the second regular meeting in August, 1984, the office of MAYOR AND COUNCILPERSON OF PUBLIC AFFAIRS shall be routinely rotated by councilmanic district for a term of nine months each as provided for herein.

DISTRICT FROM TO

Third District August, 1984 May, 1985
Fifth District May, 1985 February, 1986
Second District February, 1986 November, 1986
Fourth District November, 1986 August, 1987
First District August, 1987 May, 1988
Third District May, 1988 February, 1989
Fifth District February, 1989 November, 1989
Second District November, 1989 August, 1990

C. Commencing with the second regular meeting in August, 1984, the office of VICE MAYOR AND COUNCILPERSON OF THE DEPARTMENT OF FINANCE shall be routinely rotated by councilmanic district for a term of nine months each as provided for herein.

DISTRICT FROM TO

Fifth District August, 1984 May, 1985
Second District May, 1985 February, 1986
Fourth District February, 1986 November, 1986
First District November, 1986 August, 1987
Third District August, 1987 May, 1988
Fifth District May, 1988 February, 1989
Second District February, 1989 November, 1989
Fourth District November, 1989 August, 1990

D. Commencing with the second regular meeting in August, 1984, the office of COUNCIL-PERSON OF THE DEPARTMENT OF PUBLIC WORKS shall be routinely rotated by councilmanic district for a term of nine months each as provided for herein.

DISTRICT FROM TO

Second District August, 1984 May, 1985
Fourth District May, 1985 February, 1986
First District February, 1986 November, 1986
Third District November, 1986 August, 1987
Fifth District August, 1987 May, 1988
Second District May, 1988 February, 1989
Fourth District February, 1989 November, 1989
First District November, 1989 August, 1990

E. Commencing with the second regular meeting in August, 1984, the office of COUNCIL-PERSON OF THE DEPARTMENT OF PUBLIC SAFETY shall be routinely rotated by councilmanic district for a term of nine months each as provided for herein.

DISTRICT FROM TO

Fourth District August, 1984 May, 1985
First District May, 1985 February, 1986
Third District February, 1986 November, 1986
Fifth District November, 1986 August, 1987
Second District August, 1987 May, 1988

Fourth District May, 1988 February, 1989
First District February, 1989 November, 1989
Third District November, 1989 August, 1990

F. Commencing with the second regular meeting in August, 1984, the office of COUNCIL-PERSON OF THE DEPARTMENT OF SUPPLIES shall be routinely rotated by councilmanic district for a term of nine months each as provided for herein.

DISTRICT FROM TO

First District August, 1984 May, 1985
Third District May, 1985 February, 1986
Fifth District February, 1986 November, 1986
Second District November, 1986 August, 1987
Fourth District August, 1987 May, 1988
First District May, 1988 February, 1989
Third District February, 1989 November, 1989
Fifth District November, 1989 August, 1990

G. Commencing with the second regular meeting in August, 1990, those offices set forth in Paragraph A. above shall each respectively rotate on a regular basis in the manner described in Paragraphs B. through F. above. The terms of such offices shall be for periods of nine months each commencing with the beginning of the second regular monthly meeting and terminating nine months thereafter at the beginning of the second regular monthly meeting.

H. Each such councilperson shall act only in an advisory capacity in all matters arising in his or her respective department, and each councilperson shall keep himself informed of all conditions of such respective department and report the same to the council.

***Editor's note:** This section was amended by Senate Concurrent Resolution No. 92, which was approved by the voters of the city at a special municipal election held November 7, 1972; by Senate Concurrent Resolution No. 111, which was approved by the voters of the city at a special municipal election held November 6, 1973. This section was further amended by the voters of the city on March 26, 1996.*

SEC. 30. POWERS AND DUTIES OF EACH DEPARTMENT; SUPERVISION BY CITY MANAGER; CREATION, TRANSFER, CONSOLIDATION, ETC., OF OFFICES AND OFFICERS.

Of such powers, authority and duties of the city, there are hereby distributed among and assigned to such respective departments, as follows:

Department of public affairs shall have charge and supervision of:

1. The relations of the city with the government of the United States, and the states of the union, counties and other municipalities.
2. All civic functions, celebrations, receptions and courtesies.
3. All matters pertaining to the public library.

The above powers, authority and duties, assigned to the department of public affairs shall not be subject to the supervision and control of the city manager.

4. Construction and operation of all public utilities other than those owned or operated by the city.

Department of finance shall have charge and supervision of:

All financial matters of the city, except as otherwise provided by this Charter.

Department of public works shall have charge and supervision of:

1. All parks, playgrounds and public buildings and grounds other than school buildings and grounds.
2. All public streets, highways, alleys and other public places, other than school grounds, including all construction therein or thereon and improvements thereof.
3. All municipally owned or operated public utilities.

Such supervision shall include supervision of all construction, maintenance, repair and operation.

Department of public safety shall have charge and supervision of:

1. Enforcement of all police, health, safety and sanitary ordinances and regulations.

2. The police and fire divisions.
3. Construction and maintenance of all works necessary for the disposition or destruction of garbage, the disposition and treatment of sewage and refuse matter.
4. The public pound.

Department of supplies shall have charge and supervision of:

1. The purchasing of all supplies and materials used in or required by the several departments of the city, subject to the limitations prescribed by this Charter, and to the general laws of the State of California.

All the powers, authority and duties of the city hereby or hereafter assigned to the several departments of the city, except as in this section specified and except as otherwise provided for, shall be under the supervision and control of the city manager.

The council shall, by ordinance, assign to the several departments, and may change such assignment of, any of the powers, authority and duties of the city not by this Charter distributed or assigned, but no such assignment or change shall operate to take the same or any thereof from the supervision or control of the city manager, except where so specifically provided by this Charter.

Except by this Charter or otherwise provided, the council shall have power by ordinance to create such offices, and employments other than those provided by this Charter and prescribe the duties thereof as they may deem necessary and when created shall assign the same to some department; shall prescribe the powers and duties of all officers and employees; upon request of the city manager may assign particular officers and employees to one or more departments and require the performance by such officer or employee of duties in such departments, and upon like request, may by ordinance consolidate and place in charge of one officer the functions and duties of two or more of such officers; and make such other rules and regulations as may be necessary or proper for the efficient and economical conduct of the business of the city.

Editor's note: *This section was amended by the voters of the city on March 26, 1996.*

SEC. 31. MAYOR TO SERVE AS HEAD OF DEPARTMENT DURING VACANCY OF ASSIGNED COUNCILPERSON.

If a vacancy shall occur in the office of councilperson, other than mayor, then the mayor, during such vacancy, shall be commissioner of the department of which such councilperson, whose office so becomes vacant, was commissioner.

SEC. 32. ANNUAL ACCOUNTING OF BOOKS, RECORDS AND REPORTS; REPORT OF ACCOUNTANT.

The council shall employ, for a stipulated compensation, a competent public accountant who shall examine, at least once each year, the books, records and reports of all officers and employees who receive or disburse city moneys; and the books, records and reports of such officers, boards and departments as the council may direct, and make duplicate reports of such examination and file one with the mayor, and the other with the city clerk. One of said yearly examinations shall be made and completed just prior to the expiration of each fiscal year. Such accountant shall have unlimited privilege of investigation, to examine under oath or otherwise, all officers, clerks and employees of the city, and every such officer, clerk and employee shall give all required assistance and information to such accountant, and submit to him or her for examination such books and papers of his or her office as may be requested, and failure to do so shall be deemed and held to be a forfeiture and abandonment of his or her office.

Editor's note: *This section was amended by the voters of the city on March 26, 1996.*

SEC. 33. ANNUAL REPORT - REQUIRED OF EACH DEPARTMENT AND BOARD.

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

SEC. 34. SAME PUBLICATION IN PAMPHLET FORM.

The council may provide for the publication, in pamphlet form or otherwise, of the annual reports of the mayor and of the several departments and boards.

SEC. 35. COUNCILPERSON HOLDING OTHER CITY OFFICES.

Except the commissioner of the department of supplies, who may be purchasing agent of the city, no member of the council shall hold at the same time any other municipal office, the compensation of which is paid out of the municipal moneys; or be elected or appointed to any office created or the compensation of which is increased by the council while he or she was a member thereof, until one year after the expiration of the term for which he or she was elected.

Editor's note: *This section was amended by the voters of the city on March 26, 1996.*

SEC. 36. REPEALED.

Editor's note: *This section was repealed by Senate Concurrent Resolution No. 111, which was approved by the voters of the city at a special municipal election held November 6, 1973.*

ARTICLE VI. THE COUNCIL

SEC. 37. POWERS VESTED IN COUNCIL.

All powers herein granted to and vested in the City of Alhambra shall, except as otherwise provided, be exercised by a council to be designated the Alhambra City Council. Said council shall be the governing body of the city, and, subject to the express limitations of this Charter shall be vested with all powers of legislation in municipal affairs, adequate to a complete system of local government consistent with the Constitution of the state, which power shall be exercised by ordinance, except when otherwise provided by law.

Editor's note: This section was amended by Assembly Concurrent Resolution No. 24, which was approved by the voters of the city at an election held June 6, 1961.

SEC. 38. MAYOR TO PRESIDE AT MEETING.

The mayor shall preside at meetings of the council. In the absence of the mayor, the vice mayor shall preside at meetings of the council.

Editor's note: Section 38 was amended as approved by the voters of the city at a special municipal election held June 5, 1984. The amendment was filed in the Office of the Secretary of State and on August 17, 1984, was given Charter Chapter No. 21.

SEC 39. TIME AND PLACE OF MEETINGS; MANNER OF CALLING SPECIAL MEETINGS.

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

SEC. 40. LEGISLATIVE SESSIONS TO BE OPEN TO PUBLIC.

All legislative sessions of the council, whether regular or special, shall be open to the public to the extent required by the Ralph M. Brown Act, Cal. Gov't Code §§ 54950 et seq.

Editor's note: This section was amended by the voters of the city on March 26, 1996.

SEC. 41. QUORUM; ADJOURNMENT.

A majority of the council shall constitute a quorum for the transaction of business, but a less number may adjourn from time to time.

SEC. 42. TO JUDGE QUALIFICATIONS OF ITS MEMBERS AND ELECTION RETURNS; RULES OF PROCEDURE; COMPELLING ATTENDANCE AT MEETINGS.

The council shall judge the qualifications of its members and of all election returns and determine contested elections of all city officers, and shall also determine its own rules of procedure, may punish its members for disorderly conduct and compel their attendance at any meeting.

Editor's note: This section was amended by the voters of the city on March 26, 1996.

SEC. 43. LEGISLATIVE MATTERS TO BE BY ORDINANCE OR RESOLUTION; OTHER ACTION OF COUNCIL.

The council shall act in legislative matters only by ordinance or resolution; other action of the council may be by resolution or order upon motion.

Editor's note: This section was amended by the voters of the city on March 26, 1996.

SEC. 44. WHEN AYES AND NOES TO BE TAKEN; MEMBERS PRESENT TO VOTE.

The ayes and nays shall be taken upon the passage of all ordinances and resolutions; on final action upon appointment or removal of officers, making of contracts, ordering supplies furnished, disposing of city property, or incurring of a debt by the city, and the record thereof entered upon the journal of proceedings of the council. Upon request of any member, the ayes and noes shall be taken and recorded on any vote. Every member, when present, must vote.

SEC. 45. THREE AFFIRMATIVE VOTES NEEDED TO PASS ORDINANCES OR RESOLUTIONS.

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

SEC. 46. BRIEF TITLE TO PRECEDE ORDINANCES.

Every ordinance shall be preceded by a brief title which shall indicate the subject and purpose thereof.

SEC. 47. ENACTING CLAUSES OF ORDINANCES.

The enacting clauses of all ordinances adopted by the council shall be, "The Alhambra City Council does ordain as follows:", and the enacting clause of all ordinances adopted in accordance with the provisions of Article XIII shall be "The people of the City of Alhambra do ordain as follows":

Editor's note: *This section was amended by the voters of the city on March 26, 1996.*

SEC. 48. WHEN ORDINANCES MAY BE PASSED; RESOLUTIONS OR ORDERS FOR PAYMENT OF MONEY; FRANCHISE ORDINANCES AND RESOLUTIONS.

Except as hereinafter provided, no ordinance for any purpose shall be adopted by the Council on the day of its introduction nor within five days thereafter nor at any other than a regular or an adjourned regular meeting.

Urgency ordinance providing for the immediate preservation of the public peace, health or safety, however, may be adopted at either a regular, adjourned regular or special meeting and may become effective immediately upon a four-fifth's vote of the Council.

No resolution or ordinance granting any franchise shall be adopted within thirty days after its introduction, and no franchise shall be renewed before one year prior to its expiration. The grant of a franchise under the Franchise Act of 1937, to any person, firm or corporation holding an existing franchise under Section 157 of Article XXI of this Charter, which existing franchise has an unexpired term of more than one year, shall not be prohibited by this section.

Editor's note: *This section was amended by Assembly Concurrent Resolution No. 162, which was approved by the voters of the City at an election held June 8, 1965; and amended further as approved by the voters of the city at a general municipal election held November 4, 1986; and amended further by the voters of the city at a special municipal election held March 5, 2002.*

SEC. 49. WHEN ACTION BY ORDINANCE REQUIRED.

No action providing for levying any tax or assessment; granting any franchise; for establishing or changing fire limits or districts, or for imposing any penalty, shall be taken except by ordinance, except in cases where the council takes action in pursuance of a general law of the state.

Editor's note: *This section was amended by Assembly Concurrent Resolution No. 72, which was approved by the voters of the city at an election held June 7, 1966.*

For case holding that a resolution authorizing a contract relating to real estate was insufficient and that the method of authorizing such contracts by ordinance is exclusive, see Milligan v. City of Alhambra, 110 Cal. App. 525, 294 P.404.

SEC. 50. MOTIONS TO CONSIDER ORDINANCES FAILING TO PASS.

When any ordinance is put upon its final passage and fails to pass, and a motion is made to reconsider, the vote upon such motion shall not be taken unless by unanimous consent of all the council or at a meeting of the council, held not less than one week after the meeting at which such motion was made.

SEC. 51. SIGNING, ATTESTING, PUBLISHING AND POSTING ORDINANCES.

All resolutions and ordinances shall be signed by the mayor and attested by the city clerk and before taking effect, all ordinances or a summary thereof shall be published at least once in a newspaper published in said city, or posted in at least three public places therein for a period of ten days.

Editor's note: *This section was amended by the voters of the city on March 5, 2002.*

SEC. 52. REVISION, REENACTMENT AND AMENDMENT OF ORDINANCES.

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

SEC. 53. REPEAL OF ORDINANCES.

No ordinance or section thereof shall be repealed except by ordinance adopted in the manner provided in this article.

SEC. 54. RECORD COPY OF ORDINANCES.

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

Editor's note: *This section was amended by the voters of the city on March 26, 1996.*

SEC. 55. REPEALED.

Editor's Note: Sec. 55 concerning final action taken concerning department assigned to absent commissioners was repealed by the electorate on 3-26-96)

SEC. 56. DEBTS NOT TO BE ACCRUED OR WARRANTS NOT TO BE DRAWN IN EXCESS OF AVAILABLE MONEY.

The council shall not create, audit, allow or permit to accrue any debt or liability in excess of the available money in the treasury that may be legally apportioned and appropriated for such purpose, except in the manner provided in this Charter, for incurring indebtedness. No warrant shall be drawn or evidence of indebtedness be issued unless there is at the time sufficient money in the treasury legally applicable to the payment of the same, except as in this Charter provided.

SEC. 57. CLASSIFICATION AND INDEXING OF ORDINANCES; PUBLICATION OF CHARTER AND ORDINANCES IN BOOK FORM.

The council shall cause all ordinances to be properly classified and indexed and kept at the City Hall, in a form readily accessible to all persons interested therein, and may from time to time cause the Charter of the city and the ordinances in force, either together or separately, to be published in book form.

SEC. 58. ANNUAL REPORT OF FINANCIAL TRANSACTIONS AND CONDITIONS OF CITY; PUBLICATION REPORT.

The council shall cause to be prepared and filed in the office of the clerk within sixty days after the end of each fiscal year, or as soon thereafter as is possible, a report showing the financial transactions and financial condition of the city for such year. Such report may in the discretion of the council be published in pamphlet form. (Stats. 1927, p. 2055.)

Editor's note: This section was amended by the voters of the city on March 26, 1996.

SEC. 58A. REPEALED.

Editor's note: This section was amended by Assembly Concurrent Resolution No. 72, which was approved by the voters of the city at an election held June 7, 1966, and repealed by Senate Concurrent Resolution No. 111, which was approved by the voters of the city at a special municipal election held November 6, 1973.

ARTICLE VII. POWERS OF THE CITY AND THE COUNCIL

SEC. 59. GENERAL POWERS OF CITY ENUMERATED.--

The City of Alhambra, in addition to any other powers now held by or that may hereafter be granted to it under the constitution or laws of the state, shall have the right and power -

1. To have perpetual succession.
2. To exercise the right of eminent domain for the purpose of acquiring real or personal property of every kind for public use.
3. To acquire private property by excess condemnation when the same shall be permitted by the constitution or laws of the state.
4. To erect and maintain buildings for municipal purposes, and provide by purchase, lease, condemnation, construction or otherwise, and to establish, own, equip, maintain, conduct and operate any and all buildings, establishments, institutions and places, whether situated inside or outside of the city limits, which are necessary or convenient for the transaction of public business, or for promoting the health, morals, education or welfare of the inhabitants of the city or for their benefit.
5. To acquire by purchase, condemnation or otherwise, and to establish, maintain, equip, own and operate waterworks, gas works, electric light, heat and power works, or any other works for the production of a public utility, within or without the city, and to supply therefrom or purchase and supply the city and its inhabitants and also persons, firms and corporations outside the city, with water, gas and electricity, and the product of any other public utility.
6. To acquire by purchase, lease, condemnation, construction or otherwise, and to establish, own, equip, maintain and operate telegraph, telephone, and telecommunications systems, cable, electric, steam, or other railways, and transportation service of any kind within or without the city.
7. To acquire by purchase, condemnation, construction, lease or otherwise, and to establish, maintain, equip, and operate tunnels and conduits through or under any street, right of way or any public property, for carrying wires, pipes, or other means of conduit, and to use or lease or rent to persons the use of such tunnels and conduits; provided, however, that the exclusive use of any tunnel or conduit shall never be leased or rented to any one person, firm or corporation unless by its nature the tunnel or conduit cannot be shared.
8. To sell, within or without the city, gas, water, electric current and any form of light, heat or power and all products of, or service by, any public utility conducted or operated by the city.

9. To acquire by purchase, condemnation or otherwise, such lands or other property within or without the city, as may be necessary or convenient for the establishment, maintenance and operation of any public utility or to provide for and effectuate any other public purpose, and to hold, use, improve, operate, control, lease, convey or otherwise dispose of the same for the benefit of the city.

10. To lease to persons, firms or corporations for the purpose of maintenance, operation or use, any public utility owned or controlled by the city, and to provide for the leasing of any lands now or hereafter owned by the city, except lands donated, purchased or used as public parks; provided, that any such lease for a term exceeding one year shall be made only to the highest responsible bidder, for a term not exceeding fifty years; and provided further, that the council may, at its discretion, reject any and all bids.*

10a. Any real property owned by the City of Alhambra may be leased for the purpose of producing or effecting the production of minerals, oil, gas or other hydrocarbon substances for any term which at the time the lease is executed may be permitted by the General Laws of the State of California and all such leases heretofore executed by the City of Alhambra are hereby validated.**

11. To join with one or more other municipalities or public corporations for the purpose of the acquisition, development, construction and joint ownership, operation, control or use, whether within or without, or partly within and partly without the city limits, of parks and public utilities of every kind, including a source or sources of water supply, water, or the use of water; works, property or appliances for the disposition or destruction of garbage, the disposition and treatment of sewage or refuse matter, or the disposition of storm water, upon the terms and conditions and to the extent provided by a general law or by ordinance; to enter into contracts or agreements of any nature with persons, firms or corporations, to effectuate the purposes hereof, to incur bonded indebtedness for any of such purposes; provided that the city shall not so join for any such purposes without the assent of a majority of the qualified electors of the city voting on the question at a general or special election at which such question shall be submitted.

12. To acquire by purchase or lease from any municipal corporation contiguous thereto, water or the use of water, electricity or the use of electricity for light, heat or power, upon such terms and conditions, for such compensation and during such period of time as is now or may hereafter be prescribed by Charters or laws then in force; to enter into contracts or agreements of any nature to effectuate the acquisition of or right to use water or electricity for any of said purposes, and the distribution, sale or disposal of such water or electricity; to acquire or construct, equip, maintain, operate and use a distributing system and works necessary to supply therefrom the city and its inhabitants and also persons, firms and corporations outside the city with water or electricity for light, heat or power: and to incur bonded indebtedness for any of said purposes.

13. To receive bequests, gifts and donations of lands in fee simple, in trust, or otherwise, and of all other kinds of property, for charitable or other uses, and to manage, sell, lease or otherwise dispose of the same absolutely or in accordance with the terms of such bequest, gift, donation or trust, and to do whatever may be necessary to fulfill the purpose thereof.

14. To create, subject to the restrictions and limitations of the constitution and general laws of the State of California and of this Charter, indebtedness not to exceed in all fifteen per cent of the assessed valuation of all the real and personal property of the city, to pay the costs of municipal improvements, the acquisition of public utilities, or for any lawful purpose whatever, requiring an expenditure greater than the amount which can be appropriated for such purpose out of the annual tax levy.

15. To levy and collect taxes upon all property subject to taxation, for municipal purposes, subject to the provisions of this Charter, and to levy taxes exceeding the limit fixed by this Charter; provided, the proposition to make such levy shall have been authorized by two-thirds of the qualified electors voting thereon at a general or special election. At such election the council may be authorized in cases where public necessity requires the expenditure of any sum so voted before the next succeeding tax levy, to borrow such sum and provide in the next succeeding tax levy for its repayment with interest at not exceeding five per cent per annum. Or the council may be authorized to levy a special tax each year for a period of years not exceeding three years in all, for any permanent municipal improvement and the money so raised may be expended for such permanent municipal improvement each year after the same is collected and available.

16. To levy and collect, or cause to be levied and collected, assessments upon property according to frontage, or upon property in districts according to benefits, to pay for the opening, widening, vacating or improvement of streets, or for the construction in any public street, alley or other public place, or in any right of way owned by the city, of sewers, drains, water or gas mains, and lines and conduits, for transmitting electric current, and other pipes, mains, lines and conduits, or for other public improvement.

17. To sue and defend in all courts and places and in all actions and proceedings.

Editor's note:

**This subsection was amended by Assembly Concurrent Resolution No. 72, which was approved by the voters of the city at an election held June 7, 1966.*

***This subsection was added by Assembly Resolution No. 9, chapter 16, 1952.*

This section was amended by the voters of the city on March 26, 1996; and was further amended by the voters of the city on March 5, 2002.

SEC. 59A. POWER TO INCUR INDEBTEDNESS FOR OFF-STREET PARKING FACILITIES.

The City of Alhambra, in addition to any other powers now or hereafter held by it, shall have the right and power to incur indebtedness to pay the cost of establishing, maintaining and operating public off-street parking facilities, consisting of public places or garages for the parking of automobiles, and all appropriate appurtenances and improvements related thereto, including all incidental costs, and to issue revenue bonds to evidence such indebtedness.

The council shall provide by ordinance for the procedure and general terms and conditions under which such revenue bonds shall from time to time be sold and issued, and any other matters pertaining to such bonds.

It shall also provide by ordinance with reference to each issue of such bonds, the amount and all of the particulars, terms and conditions thereof and of their sale and issuance, which shall be consistent with the procedure ordinance provided for in the preceding paragraph.

The aggregate principal amount of bonds issued pursuant to this section shall not exceed two hundred thousand dollars unless the proposition of issuing such bonds in excess of said amount shall have been submitted to the electors of the city and shall have been approved by a majority of voters voting upon the proposition.

Such bonds shall not constitute general obligations of the city, but each issue thereof shall be payable solely from revenues specified in the proceedings for the issuance thereof which may include revenues of off-street parking facilities, whether provided out of the proceeds of such issue, or previously existing or thereafter to be established, and revenues from street-parking meters or other revenues not derived from taxation.

Such bonds, and any interest coupons pertaining thereto, may be issued in negotiable form.

Such bonds and coupons, and any other bonds and coupons issued by the city, shall be payable upon presentation, without the presentation and auditing of demands, or the drawing of warrants, provided for in sections 131 and 132 of this Charter.

Whenever the council may deem that it will enhance the salability of any such bonds, or of any other bonds issued by the city, so to do, it may employ attorneys other than the city attorney to furnish an opinion as to the validity thereof or to render other services relating to the issuance of such bonds.

Indebtedness created under this section shall not be included in determining the amount of indebtedness which may be created pursuant to subsection 14 of section 59 of this Charter. (1951, A. C. Res. C. 211.)

SEC. 59B. POWERS TO INCUR INDEBTEDNESS RESTRICTED.

The City of Alhambra shall be restricted from incurring, directly or indirectly, any indebtedness by reason of its power to enter into "Joint Powers Agreements" as authorized by Chapter 5, Division 7, Title-I (commencing with Section 6500) and any sections amendatory or supplementary thereto of the Government Code of the State of California, unless -

1. The aggregate principal amount of revenue bonds to be issued shall not exceed twenty-five thousand dollars (\$25,000.00) unless the proposition of issuing such revenue bonds in excess of said amount shall have been submitted to the electors of the city and shall have been approved by a two-thirds (2/3) majority of voters voting upon the proposition at a prior General or Special Municipal Election;
2. Every Joint Powers Agreement presented to the electors for its consent shall recite, in detail, the specific projects to be financed;
3. Every Joint Powers Agreement presented to the electors for its consent shall recite a specific financial obligation limit (debt ceiling) to be committed, and, for which amount only (or lesser amount) the authorized revenue bonds shall be issued and sold. Said debt ceiling shall restrict the city from incurring additional indebtedness without the further consent of the electors as stated above per Subsection 1;
4. Such Joint Powers Agreement shall be with other entities for the purpose of providing liability insurance for the City of Alhambra against public liability for damages.

Editor's note: This section was added by Senate Concurrent Resolution No. 99, which was ratified by the qualified electors of the city June 2, 1979; and amended as approved by the voters of the city at a general municipal election held November 4, 1986. This section was further amended by the voters of the city on March 26, 1996.

SEC. 60 ELECTORS MAY ENACT LEGISLATION TO CARRY OUT POWERS OF CITY AND COUNCIL.

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

SEC. 61. COUNCIL TO EXERCISE GENERAL POWERS OF CITY; ADDITIONAL POWERS OF COUNCIL.

Except as herein otherwise expressly provided, the council shall exercise all the general powers of the city herein set forth, and all powers now held by or that may hereafter be given to the city under the constitution or laws of the state; but only in the manner and under the conditions of this Charter, and subject to all its provisions.

In addition to all such powers, the council, subject to the provisions and restrictions of this Charter, shall have power:

1. To make and pass all ordinances, resolutions and orders not repugnant to the Constitution of the United States or the

State of California, or to the provisions of this Charter, necessary for the municipal government and the management of the affairs of the city, for the execution of the powers vested in the city, and for carrying into effect the provisions of this Charter, and shall exercise all municipal powers necessary to the complete and efficient management and control of the municipal property, and for the efficient administration of the municipal government, whether such powers be expressly enumerated herein or not.

2. To make and enforce within its limits, such local, police, sanitary and other regulations as are deemed expedient to maintain the public peace, protect property, promote the public morals and preserve the health of its inhabitants.
3. To provide a corporate seal, with appropriate device, to be affixed to all instruments or writings needing authentication.
4. To provide for the holding of municipal elections, give notice thereof, establish and alter election precincts, as provided in this Charter, and appoint necessary election officers.
5. To prescribe fines, forfeitures and penalties for the violation of any provisions of this Charter or of any ordinance; to make the violation of any of the city ordinances a misdemeanor or infraction and to prescribe the punishment thereof by fine or imprisonment, or by both fine and imprisonment; but no such penalty or punishment shall exceed for each offense, one thousand dollars or six months' imprisonment, or both.
6. To cause persons imprisoned for violation of any ordinance or of any provision of this Charter, to labor on the streets or other public property or works within or without the city.
7. To declare what shall constitute a nuisance and to provide for the summary abatement of the same at the expense of the person or persons creating, causing, committing or maintaining such nuisance, and all remedies which are or may be given by law, for the prevention and abatement of nuisances, shall apply thereto; to make such expense a lien and charge upon the property whereon such nuisance exists, and to make provision for the enforcement of such lien by the sale of such property or otherwise.
8. To organize, provide, maintain and operate police, fire and health divisions; erect necessary buildings and acquire all implements and apparatus necessary therefor, subject to the provisions of this Charter.
9. To establish, operate and maintain a fire alarm and police telegraph, telephone, or telecommunication system, and to manage and control the same, with the right to use the poles placed in the streets by public utility companies, whether such right has been set forth and reserved in their franchise or not.
10. To regulate or prohibit the manufacture, keeping, storage and use of gun cotton, nitro-glycerine, powder, dynamite, fireworks and other explosive materials and substances within the limits of the city, or any specified part thereof.
11. To regulate the storage of hay, straw, gasoline, benzine, oil and other inflammable and combustible materials.
12. To regulate the use of steam engines, gas engines, steam boilers, electric motors and all other means of generating heat or power, and to prohibit their use in localities where in the judgment of the council the public health, comfort, or safety would be endangered, and to provide for the examination and licensing of all persons engaged in operating the same.
13. To prescribe fire limits and determine the character and height of buildings that may be erected therein and the nature of the materials to be used in the construction, alteration or repair of such buildings or in the repair or alteration of existing buildings within such fire limits.
14. To regulate the construction of and the materials used in all buildings, chimneys, stacks, scaffolding, staging, false work and other structures; to prevent the erection and maintenance of insecure or unsafe buildings, walls, chimneys, stacks or other structures, and to provide for their summary abate-ment or destruction: to regulate the materials used in and the method of construction of foundations and foundation walls, the manner of construction and location of drains and sewers, the materials and methods used in wiring buildings or other structures for the use of electricity for lighting, power, heat and other purposes, and materials and methods used for piping buildings or other structures for the purpose of supplying the same with water, steam, oil or gas, and the manner of so doing; to regulate and prescribe all methods and materials used for the plumbing of all buildings and to prohibit the construction of buildings and structures which do not conform to such regulations.
15. To require the owners and lessees of buildings or other structures to place upon them or in them fire escapes and appliances for protection against fire and for the extinguishment of fires.
16. To prevent the construction and to cause the removal of dangerous chimneys, fireplaces, hearths, stoves, stove pipes, ovens, boilers, apparatus and machinery used or existing in any building or place in the city; to regulate the carrying on of manu-factories liable to cause fire; to prevent the depositing of ashes, the accumulation of shavings, rubbish, or any combustible or explosive material in unsafe places, and to make other provisions to guard against fires.
17. To regulate the size, position and construc-tion of entrance to and exits from, and the size and position of aisles, open places and stairways in all theaters, lecture rooms, halls, schools, churches, and other places for public gatherings of every kind, and to prohibit the placing of seats, chairs, benches or other obstructions in the hallways, aisles or open places therein.
18. Repealed.
19. To provide for the naming of streets and the numbering of houses; to regulate or prohibit the exhibition, posting or carrying of banners, placards, or advertisements, and the distribution of handbills in the streets, sidewalks, or other public

places; regulate or prohibit the flying of banners, flags or signs across the street or from buildings; to regulate or prohibit traffic and sales in the streets and public places; to prevent encroachments upon or obstructions in the streets and to require their removal; to regulate street speaking and gatherings; to regulate all public meetings and gatherings, parades and processions in the streets or parks, and to determine what public meetings, gatherings, parades or processions upon the streets or parks shall be unlawful and to declare the same nuisances.

20. To require owners of real property in the city to remove grass, weeds, rubbish or other obstructions from the public sidewalks, parkings, streets and alleys in front thereof, or upon which said property abuts, and upon their default, to cause such work to be done, and the cost thereof to be made a lien and charge upon any such real property, and to make provisions for the enforcement of such lien by the sale of such property or otherwise.

21. To require or provide by ordinance for the removal from property, lands or lots, of all weeds, rubbish or any other material which may endanger or injure neighboring property, or the health, safety or welfare of the residents of the vicinity, and to make the cost thereof a lien and charge upon such property, lots or lands, and to make provision for the enforcement of such lien by the sale of such property, lots or lands, or otherwise.

22. To require by ordinance the owners of real property fronting upon any street, lane, alley, or other public place in which there are, or in which it is proposed to construct sewers, water or gas mains, or other mains or conduits, to connect their several premises therewith or to cause such connection to be made and to make the cost thereof a lien and charge upon the property so connected, and to make provision for the enforcement of such lien by the sale of such property, or otherwise.

23. Except as otherwise provided in this Charter or in the constitution of the State of California, to regulate and control for any and every purpose, the use of streets, lanes, alleys, courts, and sidewalks, and other public places, in the city.

24. To regulate, license or prohibit the construction and use of billboards and signs on public or private property.

25. To regulate and prevent the running at large of any animals; to provide for the destruction of vicious dogs; to require the payment of license fees by owners or persons having possession of dogs; to impose penalties upon such persons for refusing to pay such license fees, and to establish and maintain a pound and authorize the destruction or other disposition of any animals running at large.

26. To prohibit and punish cruelty to animals and to require the places where they are kept to be maintained in clean and healthful condition.

27. Repealed.

28. To regulate the maintenance of chemical works, slaughterhouses, washhouses, laundries, stables, tanneries, glue factories, garages, planing mills, foundries, boiler shops, undertaking establishments and business of every description that may endanger the public safety, health or comfort, and to restrict the conduct thereof to such fixed limits as may seem proper, or to exclude such works and business from the city; to make and enforce regulations for the suppression of disagreeable or offensive noises or odors; and to provide for the punishment of all persons violating such regulations, and of all persons who knowingly permit the same to be violated in any building or upon any premises owned or controlled by them.

29. To provide for and regulate the inspection of all things used for food and drink or for human consumption, stored, manufactured, sold, given away, or exchanged in the city and to provide for taking and summarily destroying any such products as are unsound, spoiled, adulterated or unwholesome, and to regulate and prevent bringing into the city or having or keeping within the city any such unsound, spoiled, adulterated or unwholesome products.

30. Repealed.

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

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

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

34. To license for purposes of regulations and revenue all and every kind of business not prohibited by law, ordinance or this Charter, to be transacted or carried on in the city; to fix the rate of licenses upon the same, and to provide for the collection thereof by suit or otherwise.

35. To establish stands for hacks, public carriages, automobiles, express wagons and other public vehicles for hire, and regulate the charges of such hacks, public carriages, automobiles, express wagons and other public vehicles, and to require schedules of such charges to be conspicuously posted in or upon such public vehicles, and to provide penalties for collecting charges in excess of such schedules.

36. Repealed.

37. To regulate the use, distribution, quality, pressure, and sale of water, gas, electric light, heat, power and other light, heat and power within the city; to fix and determine the price thereof, and to provide for the inspection and connection of all

meters used in the measurements of said commodities.

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

39. To restrain and punish vagrants, mendicants, lewd persons and prostitutes; to prevent and punish drunkenness, prize fights, vagrancy, mendicancy, prostitution, and all offensive, immoral, indecent and disorderly conduct and practices in the city.

40. To levy and collect taxes upon all real and personal property within the city, subject to the limitations elsewhere in this Charter provided.

41. To provide for the repayment by the director of finance of any taxes, percentages or costs erroneously or illegally collected.*

42. To fix the fees and charges for all official services not otherwise provided for in this Charter.

43. To provide an urgent necessity fund, to be expended by or under the direction of the mayor.

44. To provide for the purchase of property levied upon or sold under execution in favor of the city, but the amount bid on such purchase shall not exceed the amount of judgment, interest, if any, and costs.

45. To provide for the sale at public auction upon five days' published notice or by notice posted in three public places in the City of Alhambra, for a period of five days, of personal property unfit or unnecessary for the city; provided, that personal property of less than one hundred dollars valuation may be sold at private sale without notice; provided further, that if the provisions of Section 135 of this Charter shall have been complied with as to the execution of a contract or the purchase of personal property by the city, personal property unfit or unnecessary for the use of the city may be traded in as part payment on account of the purchase of similar new personal property, without any requirement of auction, notice or separate bid.**

46. To provide for the execution of all trusts confided to the city.

47. To offer rewards for the apprehension and conviction of any person who commits a felony in the city, and to authorize the payment thereof.

48. To provide by ordinance for the planting, maintenance, or care of shade and ornamental trees in streets and other public places, and for the removal of unsightly and dead trees therefrom; to make the cost thereof a lien and charge upon the abutting property, and to make provision for the enforcement of such lien, and upon a petition of the owners of the majority of the frontage abutting upon any street or part thereof, by ordinance to require, or provide, or adopt general laws or laws for the planting, maintenance, or care of grass plots between the sidewalk and roadway in such street or part thereof, and to make the cost thereof a lien and charge upon the abutting property, and to make provision for the enforcement of such liens by the sale of property or otherwise.

49. To establish or change the grade of any street or public place.

50. To order the whole or any part of any street, avenue, lane, alley, court or public place within the City of Alhambra to be graded or regraded to the official grade, planked or replanked, paved or repaved, macadamized or remacadamized, graveled or regraveled, piled or repiled, capped or recapped, sewered or resewered, and to order sidewalks, man-holes, culverts, cesspools, gutters, tunnels, curbing and crosswalks to be constructed therein or thereon, and to order levees or walls of rock or other material to protect the same and also any other work or improvement therein or thereon, and also to order drainage or sanitary sewers or storm water sewers to be constructed on or through private property.

Whenever in the judgment of the council, the cost and expense of any of the foregoing improvements should be paid in whole or in part by special assessments on private property under the provisions of the general laws of the State of California then in force, such general laws shall thereupon govern and control, and all proceedings for such improvements shall be in conformity thereto.

51. To order the opening, extending, widening, vacating, straightening or closing in whole or in part of any street, lane, alley, court, or public place within the city, and to condemn and acquire any and all property necessary or convenient for that purpose.

Whenever, in the judgment of the council, the cost and expense of any of the foregoing improvements should be paid in whole or in part by special assessments on private property under the provisions of the general laws of the State of California then in force, such general laws shall thereupon govern and control, and all proceedings for such improvements shall be in conformity thereto.

52. Whenever in the judgment of the council public necessity requires, to require by ordinance any person, firm or corporation operating a public utility within said city for the distribution and furnishing of water, gas or electricity to construct, maintain and operate in or along any street, lane, alley or public place in said city, mains, pipe lines or conduits for the carriage and distribution of water, gas, or electricity, including suitable lateral pipes or conduits extending from the main pipes or conduits to the property lines of each lot fronting on said street or other public place, to carry water, gas or electricity to said property and to require the entire cost and expense of such construction to be borne and paid by the person, firm or corporation operating such public utility, and also to require such person, firm or corporation to furnish and

maintain service of the product of such public utility through said mains, pipes or conduits and the council shall have all remedies for the enforcement of the provisions of this section.

53. To set apart as a boulevard or boulevards any street or streets over which there is no existing franchise for any railroad and to regulate and prevent heavy teaming thereon; and when any such street shall have been set aside as a boulevard, no franchise for a railroad, interurban railway or street railway of any kind shall be granted upon such boulevard and no railroad track of any kind shall ever be laid thereon, except to cross the same, unless a franchise therefor shall have been duly granted by vote of the people.

54. To construct, establish and maintain drains and sewers; to build and repair bridges.

55. To prohibit the diversion or drainage into a public sewer of any refuse or waste material from gas works, chemical works or refineries or other sources destructive to the use of sewer pipe or conduit, and to prohibit the diversion or drainage into any public sewer of any matter that will render the sewage unfit for irrigation.

56. To prescribe sewerage districts, and to require and compel the owners of all buildings and dwellings situated within such districts to connect the same with the city sewer system and in case of default on the part of such owners to cause such work to be done and the cost thereof to be made a lien and charge against such property and to provide for the enforcement of such lien.

57. To form, out of any territory within said city, storm water districts, and provide that the real estate in each district so formed be assessed to pay the expenses of constructing storm drains and acquiring rights of way therefor, for the purpose of diverting, conducting and caring for storm water and protecting property therein from injury therefrom; provided no such district shall be formed if a protest, signed by the owners of two thirds in assessed value of all the real property in such proposed district as it appears on the last equalized assessment roll as assessed for city purposes be filed before the final passage of the resolution or ordinance providing for the formation thereof, provided notice of such proposed passage must be published once in each week for three weeks prior thereto.

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

59. Repealed.

60. Repealed.

61. To require any person, firm or corporation, exercising or enjoying any franchise, permit, or privilege in, over, under, or along any of the streets, highways, or public places in the city for railway purposes, to sprinkle, clean, plank, or replank, pave or repave, macadamize or remacadamize the entire length of the street, highway or other public place used by the track or tracks of said railway, and between the rails, and for two feet on each side thereof, and between the tracks, if there be more than one, and to keep the same constantly in repair, flush with the street, and with good crossings, and to require such street work to be done with such kind of materials and in such manner as the council may by ordinance direct at the same time and as a part of the same operation as the work on the remainder in width of said street, highway or other public place, to the satisfaction of the superintendent of streets.

62. To permit the laying of spur or side tracks and running cars thereon for the purpose of connecting warehouse, manufactories or other business industries and enterprises with any line of railroads, which do now or may hereafter enter the city, subject to such regulations and conditions as may be prescribed from time to time by the council, to be used for the transportation of freight only and not to be used as a main line or a part thereof, and also for the purpose of excavating or filling in a street or portion of a street or adjoining land during such limited time as may be necessary for such purpose and no longer. Such tracks must be laid level with the street and must be operated under such restrictions as not to interfere with the use of the streets by the public. All permits granted under the provisions of this subdivision shall be revocable at the pleasure of the council.

63. To cause the removal and placing under-ground of all telephone, telegraph, telecommunication, electric light or other wires within the city, or within any designated portion thereof, and to regulate or prohibit the placing of poles and suspending of wires along or across any of the streets, alleys, highways and public places in the city and to cause the immediate removal of all anchor posts or anchor wires or any other device now existing for bracing poles, and to prevent the placing of any such devices in the future.

64. To regulate the quality, size and location of all water pipes, gas pipes, mains, fire plugs and all other pipes and conduits laid or constructed in the streets or public places, provide for and regulate the construction, maintenance and repair of pipes, hydrants, fire plugs, cisterns, pumps and such other appliances as may be requisite to effect the distribution of water and gas in the city, and to require the filing of charts and maps showing the size, character and location of such pipes, hydrants, fire plugs, cisterns and conduits.

65. To provide by ordinance a fund from which the expenses of all necessary matters of public entertainment and advertisement shall be met.

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

67. Lastly, notwithstanding any other provisions of this Charter, the council shall have the power to legislate over any municipal affair, subject to the limitations of the United States and California Constitutions, and in the absence of any such legislation or provision of this Charter governing any such municipal affair, the general law of this State, where not inconsistent with any express provisions of this Charter, shall prevail until such time as legislation is adopted by the council

or amendments to this Charter are made governing such municipal affair.

Editor's note:

**This subsection was amended by Assembly Concurrent Resolution No. 72, which was approved by the voters of the city at an election held June 7, 1966.*

***This subsection was amended by Stats. 1938, p. 151, and by Resolution 23241 of the Alhambra City Council which was approved by the voters of the city at an election held June 4, 1963.*

This section was amended by the voters of the city on March 26, 1996; and was further amended by the voters of the city on March 5, 2002.

ARTICLE VIII. CITY CLERK

Editor's note: *This article was amended by Assembly Concurrent Resolution No. 72, which was approved by the voters of the city at an election held June 1, 1966; Section 62 was amended and renumbered as Section 68 and placed in Article X.*

SEC. 62. RENUMBERED AS SECTION 68.

SEC. 63. POWERS AND DUTIES.

The city clerk shall prepare the agenda for all council meetings. He or she shall attend the meetings of the council and keep a full and accurate record of all the proceedings; he or she shall have charge and custody of the corporate seal, and all deeds and other evidences of the city's title to property, and all books, papers and records belonging to the city, whether not in actual use by other officers or elsewhere by special provision committed to their custody; he or she shall attest the signatures of other officials. He or she shall have general supervision of all city election activities.

He or she shall keep separate records in which respectively he or she shall record all ordinances, contracts and official bonds, and properly index all such records and shall file and properly index all such ordinances, contracts, bonds and other instruments and papers. He or she shall perform such other duties as are or shall be required of him or her by the Charter or by the laws of the state and ordinances not in conflict with such Charter.

Editor's note: *This section was amended by the voters of the city on March 26, 1996.*

ARTICLE IX. CITY ATTORNEY

SEC. 64. POWERS AND DUTIES GENERALLY.

The city attorney shall be appointed by the council and shall hold office at its pleasure, and his or her compensation shall be fixed by ordinance or resolution of the council. During the absence or temporary disability of the city attorney, the council may designate a qualified person to execute the functions of his or her office.

It shall be the duty of the city attorney to act as legal advisor of the council, and of any other officer of the city who requests his or her advice and he or she shall give such advice or opinion in writing when so requested. He or she shall prepare all ordinances, contracts, resolutions, bonds and written instruments which may be required of him or her by the council, and shall approve the same as to form, in writing.

When requested to do so by the council, he or she shall prosecute all criminal cases arising out of violations of this charter and ordinances of the city, and, when requested by the council, shall prosecute any or all misdemeanor offenses arising out of violation of the laws of the state. The city attorney may perform any of the functions of his or her office through any deputy, assistant or associate city attorney when such performance has been authorized by the council.

The city attorney shall attend to all suits, proceedings and matters in which the city is legally interested; provided, that the council shall have control of all litigation of the city and may employ other attorneys to take charge of any litigation or to assist the city attorney therein.

He or she shall report to the council all items of the city's business coming to his or her knowledge, and perform such other duties as are or shall be required of him or her by this charter or by the laws of this state and ordinances not in conflict with such charter.

All deputy and assistant city attorneys and all other professional employees of the city attorney's office shall serve at the pleasure of the city attorney and shall not be or become a part of the city's civil service system.

Editor's note: *This section was amended by Assembly Concurrent Resolution No. 8, which was approved by the voters of the city at an election held November 8, 1966, by Senate Concurrent Resolution No. 92, approved by the voters of the city at a special municipal election held November 7, 1972, and by Senate Concurrent Resolution No. 111, approved by the voters of the city at a special municipal election held November 6, 1973. This section was further amended by the voters of the city on March 26, 1996.*

ARTICLE X. DIRECTOR OF FINANCE AND EX OFFICIO CITY TREASURER, ASSESSOR AND TAX AND LICENSE COLLECTOR

SEC. 65. POWERS AND DUTIES OF DIRECTOR OF FINANCE - EX OFFICIO CITY TREASURER.

The director of finance shall receive and safely keep all moneys that shall come to the city by taxation or otherwise, and pay the same out on demands legally audited in the manner provided by this Charter; and without such auditing he or she shall disburse no public moneys whatever, except principal and interest of the municipal debt when payable.

The director of finance shall also be ex officio city treasurer. He or she shall issue receipts to all persons paying money into the treasury. He or she shall make a record at the close of each business day showing all moneys received during the day, together with the number of each receipt given by him or her therefor, for what account and from whom received and to what fund applied.

He or she shall, each month, make out and present to the council, a full and complete statement of the receipts and expenditures for the preceding calendar month; and he or she shall make such special reports from time to time as may be required by the council.

He or she shall perform such other duties as are or shall be required of him or her by this Charter or by the laws of this state and ordinances not in conflict with such Charter.

Editor's note: This section was amended by Assembly Concurrent Resolution No. 72, which was approved by the voters of the city at an election held June 7, 1966. This section was further amended by the voters of the city on March 26, 1996.

SEC. 66. SAME - EX OFFICIO CITY ASSESSOR.

The director of finance shall also be ex officio city assessor and it shall be his or her duty as such city assessor, in addition to any duty that may be elsewhere prescribed for him or her by this Charter or by ordinance, to make out annually, within such time as may be prescribed by ordinance of the city, either now or hereafter in force, a full, true and correct list of all property, both real and personal, taxable by law, within the limits of said city, with the valuation thereof, and assess the same to the persons by whom it was owned or claimed, or in whose possession or control it was, at 12 o'clock meridian on the first Monday in March next preceding, unless such duty be delegated to the county tax assessor by the city council.

He or she shall perform such other duties as shall be required of him or her by this Charter or by the laws of this state and ordinances not in conflict with such Charter.

Editor's note: This section was amended by Assembly Concurrent Resolution No. 72, which was approved by the voters of the city at an election held June 7, 1966. This section was further amended by the voters of the city on March 26, 1996.

SEC. 67. SAME - EX OFFICIO CITY TAX AND LICENSE COLLECTOR.

The director of finance shall also be ex-officio city tax and license collector, and as such tax and license collector he or she shall receive and collect all city taxes, general and special, and other city revenues not otherwise provided for by this Charter or by ordinance.

He or she shall keep proper books, showing all moneys collected by him or her as tax or license collector; he or she shall also keep a book which shall contain a record of every certificate of sale issued or deed given by or on behalf of the city for real estate sold for delinquent taxes or assessments, which said book shall be properly indexed and shall be at all suitable times open to public inspection.

He or she shall make daily deposits of all moneys received by him or her in his or her capacity as tax or license collector.

He or she shall perform such other duties as are or shall be required of him or her by this Charter or by the laws of this state and ordinances not in conflict with such Charter.

Editor's note: The section was amended by Assembly Concurrent Resolution No. 72, which was approved by the voters of the city at an election held June 7, 1966. This section was further amended by the voters of the city on March 26, 1996.

SEC. 68. SAME — ACTING GENERAL ACCOUNTANT AND FISCAL AGENT.

The director of finance shall act as the general accountant and fiscal agent of the city, and shall exercise a general superintendence over all the officers of the city charged in any manner with the receipt, collection or disbursement of the city revenues, and shall prescribe the method of keeping the books and accounts of the city, subject to the approval of the council.

He or she shall keep a complete set of books, as prescribed by the council, in which he or she shall set forth in a plain and businesslike manner, every money transaction of the city, so as to show at all times the state of each fund, from which source the money was derived and for what purpose any money was expended, and also all collections made and paid into the treasury by each officer or any other person.

The director of finance shall audit, before payment, all demands against the city and approve the same only when legally due and drawn upon the proper fund. If allowed by him or her he or she shall endorse such warrant with the word "allowed" and the date of said allowance, and sign his or her name thereto. If in his or her judgment any demand is incorrect,

defective, or improperly drawn, he or she shall return the same to the council with his or her objections.

He or she shall keep a record of all demands audited by him or her showing numbers, dates, amounts, names of claimants, purpose and from what fund drawn, whether approved or not.

It shall be his or her duty to apportion among the several funds all public money at any time in the city treasury, not by law or ordinance specifically apportioned or appropriated.

He or she shall report to the council each month, and oftener if required by it, the condition of each fund in the city treasury, and also the receipts and disbursements.

He or she shall make and present a report to the council not later than the ninetieth day following the close of each fiscal year, showing all financial business transactions of the city for the preceding fiscal year.

He or she shall, on or before the first day of May in each year, make and present to the council a report as to the revenue and expenses of the city for the current fiscal year, in which he or she shall set forth estimates of (1) the revenue from other sources than taxation; (2) the itemized expenditures; (3) the itemized amounts necessary to be raised by taxation for each fund.

He or she shall perform such other duties as are or shall be required of him or her by this Charter or by the laws of this state and ordinances not in conflict with such Charter.

Editor's note: This section was reenacted by Assembly Concurrent Resolution No. 72, which was approved by the voters of the city at an election held June 7, 1966 (Section 62 was amended, renumbered as Section 68 and placed in Article 10). This section was further amended by the voters of the city on March 26, 1996.

ARTICLE XI. POLICE COURT

SECS. 69 THROUGH 72. REPEALED.

Editor's note: Section 68 through 72 were repealed by Resolution No. 21696 of the Alhambra City Commission, which was approved by the voters of the city at an election held June 6, 1961. Section 68 was reenacted by Assembly Concurrent Resolution No. 72, which was approved by the voters of the city at an election held June 7, 1966.

ARTICLE XII. CITY MANAGER

SEC. 73. OFFICE CREATED; TO BE ADMINISTRATIVE HEAD OF GOVERNMENT; SUPERVISION AND CONTROL OF DEPARTMENTS.

The office of city manager of the City of Alhambra is hereby created, and he or she shall be the administrative head of the city government and shall have supervision and control of and be head of all of the departments of the city and be responsible for their efficient administration, except as by this Charter or otherwise provided.

Editor's note: This section was amended by the voters of the city on March 26, 1996.

SEC. 74. APPOINTMENT; TERM OF OFFICE; COMPENSATION; VACANCY IN OFFICE; ABSENCE OR TEMPORARY DISABILITY.

The city manager shall be appointed by the council and hold office at its pleasure and his or her compensation shall be fixed by ordinance by such council; provided, that such compensation shall not be fixed at less than two thousand dollars per year. Such appointment shall be made as soon as possible after the organization of the first council elected under this Charter and any vacancy in such office shall be filled by it without unnecessary delay. During the absence or temporary disability of the city manager, the council may designate some qualified person to execute the functions of his or her office.

Editor's note: This section was amended by the voters of the city on March 26, 1996.

SEC. 75. POWERS AND DUTIES GENERALLY; BOND.

Except as otherwise provided by this Charter, the powers and duties of the city manager shall be:

1. To see that the laws and ordinances are enforced.
2. To appoint, subject to the approval of such appointments by the council, all chief appointive officials except the city attorney.
3. To appoint all subordinates and employees in all departments, not otherwise provided for in this Charter, and to determine their duties and fix their compensation. All such appointments and the fixing of compensation shall be subject to the approval of the council and shall not be effective without such approval. To remove any appointee and no removal shall be made without his or her consent.

4. To have supervision and control of all departments, boards and divisions created herein or that may be hereafter created by the council except as otherwise provided by this Charter.
5. To examine and make to the council, reports in regard to any matters requested by it, and also of his or her own motion, and recommend to that body for adoption such measures as he or she may deem necessary or expedient.
6. To sign such contracts, licenses and other public documents and instruments on behalf of the city as the council may authorize.
7. To attend all meetings of the council with the right to take part in the discussion but having no vote.
8. To have supervision and charge of the city attorney insofar as his or her duties pertain to the departments of which he or she has charge and supervision.
9. To exercise such other powers and perform such other duties as are herein conferred or imposed upon him or her by this Charter or may be conferred or imposed upon him or her by the council under the provisions of this Charter.
10. Before entering upon the duties of his or her office, he or she shall take the official oath required by law and execute an official bond in such sum as shall be determined by the council.

(Stats. 1927, p. 2055)

Editor's note: This section was amended by Assembly Concurrent Resolution No. 72, which was approved by the voters of the City at an election held June 7, 1966, and by Senate Concurrent Resolution No. 92, which was approved by the voters of the city at a special municipal election held November 7, 1972. This section was further amended by the voters of the city on March 26, 1996.

ARTICLE XIII. POLICE, FIRE AND HEALTH DIVISIONS

SEC. 76. COMPOSITION OF POLICE DIVISION.

The police division of the City of Alhambra shall consist of a chief of police, and such officers, policemen, special officers and a police reserve organization as the council shall from time to time fix and determine. (1952, 2d. Ex., A.C. Res. C. 16.)

SEC. 77. POWERS AND DUTIES OF CHIEF OF POLICE.

The chief of police shall enforce, within the jurisdiction of the city, the execution of all laws and ordinances; and for the suppression of any riot, public tumult, disturbance of the peace or resistance against law or public authorities in the lawful exercise of their functions, he or she shall have all powers that are now or may hereafter be conferred upon sheriffs by the laws of the state, and shall in all respects be entitled to the same protection, and his or her lawful orders shall be promptly executed by deputies and police officers in the city, and every citizen shall also lend aid, when required for the arrest of offenders and in maintenance of public order. He or she shall and is hereby authorized to execute and return all processes issued and directed to him or her by a court of competent jurisdiction or judge or other legal authority. He or she shall have charge of the city prison and prisoners. He or she shall devote his or her entire time to the discharge of the duties of his or her office, and subject to the Charter and such rules and regulations as the council may prescribe, shall have control of the police force. In addition to his or her duties in this Charter specified, he or she shall discharge all duties required of him or her by the laws of this state and ordinances not in conflict with this Charter.

Editor's note: This section was amended by Assembly Concurrent Resolution No. 72, which was approved by the voters of the city at an election held June 7, 1966. This section was further amended by the voters of the city on March 26, 1996.

SEC. 78. POWERS OF COUNCIL RELATIVE TO POLICE DIVISION.

The council, subject to the provisions of this Charter, shall have power to organize the police division and change the same and make all necessary rules and regulations for its efficient administration, ordain penalties for violation thereof, establish the number of its members and the amount of their salaries, including that of the chief of police, and do all other acts necessary to the efficient equipment and operation of the police division of the city.

SEC. 79. COMPOSITION OF FIRE DIVISION.

The fire division of the City of Alhambra shall consist of a chief and such number of officers and members as the council shall, from time to time, fix and determine.

SEC. 80. POWERS AND DUTIES OF THE CHIEF OF FIRE DIVISION.

The chief of the fire division shall, subject to the provisions of this Charter and such rules and regulations as the council may prescribe, have entire control of the department. He or she shall have power to suspend or remove, subject to the approval of the city manager, any member of the fire division for disobedience of any lawful order, for violation of any rule or regulation of the department, for neglect of duty or for conduct unbecoming a member of the force. He or she shall be charged with the special duty of superintending the extinguishment of fires that endanger the municipality or destroy its property and shall take measures to guard and protect all property imperiled thereby and shall make recommendations to

the council as to any measures required for fire protection and prevention. In addition to the duties in this Charter specified, he or she shall discharge all duties required of him or her by the ordinances of this city.

Editor's note: *This section was amended by the voters of the city on March 26, 1996.*

SEC. 81. POWERS OF COUNCIL RELATIVE TO FIRE DIVISION.

The council, subject to the provisions of this Charter, shall have power to organize the fire division and change the same, make all necessary rules and regulations for its efficient administration, ordain penalties for violations thereof, establish the number of its members and the amount of their salaries, including that of the chief of the fire division, and do all other acts necessary to the efficient equipment and operation of the fire division of the city.

SEC. 82. MEMBERS OF FIRE DIVISION EMPLOYEES OF CITY.

The officers and members of the Alhambra Fire Division, including emergency medical personnel, but excluding members of the Alhambra Auxiliary Firefighters Organization and any volunteer personnel, shall be employees of the City of Alhambra. All supplies, equipment and real property used or occupied by the Alhambra Fire Division shall be owned or leased by the City of Alhambra.

Editor's note: *This section concerning the health officer and board of health was repealed by electorate on March 26, 1996. New Section 82 was adopted by the electorate at the December 16, 1997 special municipal election.*

ARTICLE XIV. BOARD OF EDUCATION

SEC. 83. REPEALED.

Editor's note: *This section was repealed by Ordinance 4788, which was approved by the voters of the city at a special municipal election held November 2, 2021.*

SEC. 84. REPEALED.

Editor's note: *This section was repealed by Ordinance 4788, which was approved by the voters of the city at a special municipal election held November 2, 2021.*

SEC. 85. REPEALED.

Editor's note: *This section was repealed by Ordinance 4788, which was approved by the voters of the city at a special municipal election held November 2, 2021.*

SEC. 86. REPEALED.

Editor's note: *This section was repealed by Ordinance 4788, which was approved by the voters of the city at a special municipal election held November 2, 2021.*

SEC. 87. REPEALED.

Editor's note: *This section was repealed by Ordinance 4788, which was approved by the voters of the city at a special municipal election held November 2, 2021.*

SEC. 88. REPEALED.

Editor's note: *This section was repealed by Ordinance 4788, which was approved by the voters of the city at a special municipal election held November 2, 2021.*

SEC. 89. REPEALED.

Editor's note: *This section was repealed by Ordinance 4788, which was approved by the voters of the city at a special municipal election held November 2, 2021.*

SEC. 90. REPEALED.

Editor's note: *This section was repealed by Ordinance 4788, which was approved by the voters of the city at a special municipal election held November 2, 2021.*

SEC. 91. REPEALED.

Editor's note: *This section was repealed by Ordinance 4788, which was approved by the voters of the city at a special municipal election held November 2, 2021.*

SEC. 92. REPEALED.

Editor's note: *This section was repealed by Ordinance 4788, which was approved by the voters of the city at a special*

municipal election held November 2, 2021.

SEC. 93. REPEALED.

Editor's note: This section was repealed by Ordinance 4788, which was approved by the voters of the city at a special municipal election held November 2, 2021.

SEC. 94. REPEALED.

Editor's note: This section was repealed by Ordinance 4788, which was approved by the voters of the city at a special municipal election held November 2, 2021.

SEC. 95. REPEALED.

Editor's note: This section was repealed by Ordinance 4788, which was approved by the voters of the city at a special municipal election held November 2, 2021.

SEC. 96. REPEALED.

Editor's note: This section was repealed by Ordinance 4788, which was approved by the voters of the city at a special municipal election held November 2, 2021.

SEC. 97. REPEALED.

Editor's note: This section was deleted by Assembly Concurrent Resolution No. 101, which was approved by the voters of the city at an election held June 4, 1963 - Schools operating under unified by systems should disregard.

SEC. 98. REPEALED.

Editor's note: This section was repealed by Ordinance 4788, which was approved by the voters of the city at a special municipal election held November 2, 2021.

ARTICLE XV. PUBLIC LIBRARY

Editor's note: Sections 99 and 100 were repealed by the voters at a special election held March 5, 2002.

SEC. 99. REPEALED.

SEC. 100. REPEALED.

ARTICLE XVI. ALCOHOLIC LIQUORS

Editor's note: The provisions of this article have been nullified by Article XX, section 22, State Constitution, relating to intoxicating liquors, and repealed by Senate Concurrent Resolution No. 111, which was approved by the voters of the city at a special municipal election held November 6, 1973.

SEC. 101. REPEALED.

ARTICLE XVII. ELECTIONS

SEC. 101A. ALHAMBRA CAMPAIGN FINANCE REFORM - PURPOSE AND INTENT.

A. Increasingly high campaign expenditures have become endemic in American politics, and campaigns in the City of Alhambra are no exception. Incidental to the high cost of election campaigning is the problem of improper influence, real, potential, or perceived, campaign contributions may have in local elections and policy making.

B. Equal and fair representation is paramount to democracy. A by-district electoral system helps to ensure compliance with the California Voting Rights Act and that all city residents are fairly and equally represented by councilpersons of their districts. Such a system is intended to preserve democratic institutions, foster responsible government, decrease the cost of running an effective City Council campaign and subsequently money's influence in politics, and encourage greater electorate participation in the political and governmental process.

C. It is the purpose and intent of this legislation to:

1. Place realistic and enforceable limits on the amounts persons and other entities may contribute to political campaigns in Alhambra municipal elections;

2. Ensure and promote integrity, honesty, fairness, and transparency in municipal election campaigns;
3. Provide opportunity for all citizens to become candidates for city office unhindered by a need to meet increasingly high campaign costs;
4. Prevent impropriety, the appearance of impropriety, or the potential for corruption;
5. Place a premium on messaging, qualifications, and good governance rather than fundraising and power politics;
6. Alleviate the time, financial burden, and need for excessive fundraising while running for City Council by limiting both the geographic area in which candidates need to campaign and the number of voters which candidates need to reach, thereby emphasizing issues of importance to their constituents;
7. Better ensure that the demographic makeup of the city will be more equally and fairly represented by their elected leaders;
8. Incentivize councilpersons elected from their districts to better represent the residents of their districts;
9. Eliminate district vote dilution;
10. Diminish the possibility that a minority group would face dilution of their votes;
11. Encourage more candidates to run for City Council by removing monetary barriers, thus fostering more competitive elections;
12. Provide full and fair enforcement of all the provisions of this article.

SEC. 101B. DEFINITIONS.

A. For the purpose of this article, certain words and phrases are defined, and the definitions set forth as follows shall apply to the provisions of this article unless it is apparent from the context that a different meaning is necessarily intended.

1. "By-district" shall mean election of members of the Alhambra City Council by voters of the district alone.
2. "Candidate" means any person who is a candidate for an elected city office or who is an elected city official and who is the subject of recall election, or who receives contributions or makes an expenditure or gives his or her consent for any other person to receive a contribution or make an expenditure with a view to bringing about his or her nomination or election to city office, whether or not the specific elective office for which he or she will seek nomination or election is known at the time the contribution is received or the expenditure is made and whether or not he or she has announced his or her candidacy or filed a declaration of candidacy at such time. An individual who becomes a city candidate shall retain his or her status as a city candidate until such time as that status is terminated pursuant to Cal. Gov't Code § 84214. "Candidate" does not include: (1) any person within the meaning of 52 U.S.C.A. § 30101(2); and (2) any candidate for the Alhambra Board of Education.
3. "City" means the City of Alhambra, a California municipal corporation.
4. "City Clerk" shall mean the duly appointed City Clerk, along with any person serving as acting or interim City Clerk, and any member of the City Clerk's office staff or designee.
5. "City Council" shall mean the elected governing body of the City of Alhambra as defined in Article VI, Section 37 of the Alhambra City Charter.
6. "Committee" means any person or combination of persons formed for the purpose of promoting or opposing the election or reelection of a person to city elected office who directly or indirectly, (i) receives contributions, or (ii) makes independent expenditures or (iii) makes contributions at the behest of any city candidate within the meaning of Cal. Gov't Code § 82013. A campaign committee includes any "Controlled Committee" within the meaning of Cal. Gov't Code § 82016, any "General Purpose Committee" within the meaning of Cal. Gov't Code § 82027.5, any "Primarily Formed Committee" within the meaning of Cal. Gov't Code § 82047.5, any "Sponsored Committee" within the meaning of Cal. Gov't Code § 82048.7, or political action committee.
7. "Contractor" shall mean any person or entity that has an existing contract, agreement, or other arrangement to provide the city with goods, services, or other items, or who has an interest in or expectation of obtaining such a contractual arrangement in the future. The term shall include any agent or representative of the contractor and where the contractor is a business entity shall include all owners, shareholders, principals, partners, members, officers, directors, and managers.
8. "Contribution" shall have the same meaning as set forth under Cal. Gov't Code § 82015.
9. "Councilperson" shall mean a member of the City Council.
10. "Developer" shall mean any person or entity who is currently seeking, or who has an interest in or expectation of seeking from the city a specific plan, zone change, development agreement, density bonus, subdivision tract map, conditional use permit, or an industrial or commercial use having a building area of 20,000 square feet or more. The term shall include any agent or representative of the developer and where the developer is a business entity shall include all owners, shareholders, principals, partners, members, officers, directors, and managers.
11. "District" shall mean a geographic area of representation created for the purpose of municipal elections pursuant to state law.

12. "Election" means any primary, general or special municipal election held in the city, including a recall election.
13. "Excessive Contribution" means any contribution accepted that would cause the total amount of contributions from a single donor to exceed the contribution limitations set forth in this article.
14. "Independent Expenditure" shall have the same meaning as set forth under Cal. Gov't Code § 82031.
15. "Loan" means the temporary transfer of money or goods for the personal use of an individual with the exception that the money or goods will be returned.
16. "Officeholder" shall mean any person who holds elected office in the City of Alhambra.
17. "Person" shall have the same meaning as set forth under Cal. Gov't Code § 82047.
18. "Political Action Committee" refers to any committee or organization as defined in Cal. Gov't Code §§ 82048.7 or 84222.
19. "Political Reform Act" means the California Political Reform Act of 1974 (Cal. Gov't Code §§ 81000 et seq.) and the related regulations of the California Fair Political Practices Commission as amended from time to time.

SEC. 101C. CAMPAIGN CONTRIBUTION LIMITATIONS.

- A. No person shall make to any candidate and/or the controlled committee of such a candidate and no such candidate and/or the candidate's controlled committee shall accept from a person a contribution or contributions totaling more than two hundred fifty dollars (\$250.00) for each election in which the candidate is on the ballot or is a write-in candidate.
- B. Any primarily formed committee that makes contributions or independent expenditures supporting or opposing a candidate or candidates in Alhambra shall not accept from any person a contribution or contributions totaling more than two hundred fifty dollars (\$250.00) for each election in which the candidate or candidates are on the ballot or are write-in candidates.
- C. The City Council shall adjust the contribution limits established in this section in March of every odd numbered year to reflect any increase or decrease in the California Consumer Price Index since the last such adjustment of the contribution limit. Such adjustments shall be rounded to the nearest ten and no/100ths (\$10.00) dollar amount.
- D. Any contributions solicited or accepted pursuant to this section shall be expended only in connection with the candidacy for the office specified in the candidate's declaration of intent to solicit and receive contributions or for any valid purpose as defined in the Political Reform Act of 1974, as amended, or the fair political practices commission regulations interpreting the act, unless otherwise noted in this article.
- E. No candidate or officeholder, the controlled committee of such a person, or a primarily formed committee which will make any contribution and/or independent expenditures in a municipal election, shall accept any contribution except between eighteen (18) months prior to an election and December 31 immediately following an election, where the candidate or officeholder who is the beneficiary of the contribution or expenditure is on the ballot.
- F. A committee may not change its status from the type of committee that is reported on its statement of organization to any other type of committee between the period that is eighteen (18) months prior to an election and December 31 immediately following an election.
- G. Contributions from developers, contractors, and political action committees to a candidate or committee primarily formed to support or oppose a candidate are prohibited.

SEC. 101D. LOANS.

- A. Except as provided in subsections C and D of this section, a loan shall be considered a contribution from the maker and the guarantor of the loan and shall be subject to the contribution limitations of this article.
- B. Every loan to a candidate or the candidate's controlled committee shall be by written agreement and such written agreement shall be filed with the candidate's or committee's campaign statement on which the loan is first reported.
- C. The proceeds of a loan made to a candidate by a commercial lending institution in the regular course of business on the same terms available to members of the public and which is secured or guaranteed shall not be subject to the contribution limitations of this article.
- D. During the election cycle, no candidate shall personally make loans to the candidate's campaign or the candidate's committee which total more than ten thousand dollars (\$10,000.00).
- E. Extensions of credit (other than loans pursuant to subsections C and D of this section) for a period of more than thirty (30) days are subject to the contribution limitations of this article.
- F. Nothing in this section shall prohibit a candidate from making unlimited contributions to the candidate's campaign.

SEC. 101E. ONE CAMPAIGN COMMITTEE AND ONE CHECKING ACCOUNT PER CANDIDATE.

A candidate shall have no more than one campaign committee and one checking account out of which all expenditures shall be made. This section shall not prohibit the establishment of savings accounts, but no qualified campaign expenditures

shall be made out of these accounts. The provisions of this section shall not apply to a petty cash fund established pursuant to Title 2, Section 18524(d) of the California Code of Regulations as amended from time to time by the Fair Political Practices Commission.

SEC. 101F. TRANSFERS.

No candidate and no committee controlled by a candidate or officeholder shall make any contribution from the checking account established pursuant to the previous section of this article to any other candidate running for office or to any committee supporting or opposing a candidate for office in excess of two hundred fifty dollars (\$250) in the aggregate per calendar year. This section shall not prohibit a candidate from making a contribution from the candidate's own personal funds to the candidate's campaign or to the campaign of any other candidate for elective office.

SEC. 101G. AGGREGATION OF PAYMENTS.

For purposes of the contribution limitations in this article the following shall apply:

A. All payments made by a person, as defined in the Political Reform Act of 1974, as amended, whose contribution or expenditure activity is financed, maintained or controlled by any corporation, labor organization, association, political party or any other person or committee, including any parent, subsidiary, branch, division, department or local unit of the corporation, labor organization, association, political party or any other person, or by any group of such persons shall be considered to be made by a single person or committee.

B. Two (2) or more entities shall be treated as one person when any of the following circumstances apply: 1. The entities share the majority of members of their boards of directors; 2. The entities share two (2) or more officers; 3. The entities are owned or controlled by the same majority shareholder or shareholders; 4. The entities are in a parent-subsidiary relationship.

C. An individual and any general partnership in which the individual is a partner, or an individual and any corporation in which the individual owns a controlling interest, shall be treated as one person.

SEC. 101H. ASSUMED NAME CONTRIBUTIONS.

Under this article no contribution shall be made, directly or indirectly, by any person or combination of persons acting jointly in a name other than the name by which they are identified for legal purposes nor in the name of another person or received from another person on the condition that it be used as a contribution. If it is discovered by a candidate or committee treasurer that a contribution has been received in violation of this article, the candidate or treasurer shall promptly pay the amount received in violation of this article to the City Treasurer for deposit in the general fund of the city.

SEC. 101I. OMITTED.

SEC. 101J. UNEXPENDED CONTRIBUTION.

If a candidate cancels his declaration of intent to solicit and receive contributions for a particular office, ceases to be a candidate or fails to qualify for an office for which contributions have been solicited or accepted, or if there remains a balance in a campaign checking account of a candidate or committee after the date of the election in which the candidate appeared on the ballot, all unexpended funds remaining in the account shall be returned on a pro rata basis to those who have made the contributions or be donated to one or more charitable organizations qualifying for federal income tax exemption within 90 days from the date a candidate withdraws from the race or the date of the election in which the candidate appeared on the ballot, whichever comes first. However, a maximum of \$6,000.00 in unexpended funds may be retained by a candidate or committee and may be used for any political purpose or other lawful use. The provisions of this section shall apply retroactively to any unexpended funds in an account as of one (1) year from the date of adoption of this amendment.

SEC. 101K. INCREASED TRANSPARENCY.

A. Within 72 hours of each applicable filing deadline in the Political Reform Act of 1974 (as amended), the city shall post on its internet website a copy of any statement, report, or other document required by Cal. Gov't Code, Title 9, Chapters 4 and 5 that is filed with the City Clerk's office (including but limited to all committee statements of organization, campaign statements, 24-hour contribution and independent expenditure reports, late payment reports, and statements of economic interest). If the final day of the 72-hour period falls on a holiday or any other day on which City Hall is closed for business, the period is extended to the next day that is not a holiday or other day on which City Hall is closed for business. Before posting, the City Clerk shall redact the street name and building number of the persons or entity representatives listed on any statement, report, or document, or any bank account number required to be disclosed by the filer. Providing a link on the agency's internet website to the statement, report, or other document satisfies this section.

B. A statement, report, or other document posted pursuant to this section shall be made available for four years from the date of the election associated with the filing, or one (1) year after the incumbent leaves office, whichever is longer.

SEC. 101L. RETURN OF EXCESSIVE CONTRIBUTIONS.

The city candidate, or his or her campaign committee, or a primarily formed committee pursuant to section 101C(B), in receipt of any excessive or prohibited contribution shall, within 72 hours of receipt thereof, return any such excessive or

prohibited contribution to the donor. In the event an excessive or prohibited contribution is received and reported in the campaign statement, the recipient shall, within 72 hours of notification by the City Clerk or within 72 hours of notice of complaint from the Fair Political Practices Commission, return such excessive contribution to the donor.

SEC. 101M. CITY CLERK RESPONSIBILITIES.

A. In addition to other duties required by law, the City Clerk shall:

1. Furnish a copy of this article to all qualified city candidates during the nomination period for city office.
2. Determine whether required statements and declarations have been filed timely and, if so, whether they conform on their face with the requirements of this article.
3. Promptly notify city candidates, or his or her campaign committee, or a primarily formed committee pursuant to section 101C(B), of any errors or excessive contributions in their statements or failure to file.

B. Nothing contained in sections 101N and 101P below shall be interpreted to create separate criminal or civil liability on the part of the City Clerk for unintentional failure to carry out the duties described herein.

SEC. 101N. CRIMINAL MISDEMEANOR ACTIONS.

Any person who violates any provision of this article or causes or aids or abets any other person to violate any provision of this article, and who, upon receipt of written notice of a violation of this article from the prosecuting authority or any person residing within the jurisdiction, fails to cure said violation within 14 days, shall be guilty of a misdemeanor. Prosecution for violation of any provision of this article shall be commenced within four (4) years after the date on which the violation occurred. Alhambra Municipal Code Title I, Section 1.12.010 does not apply to this provision.

SEC. 101O. OMITTED.

SEC. 101P. CIVIL ACTIONS.

A. Any person who intentionally or negligently violates the contribution provisions of this article and fails to cure any such violation within 14 days of receipt of a written notice of violation, shall be liable in a civil action brought by the City Attorney or by any person residing within the jurisdiction who has issued such notice of violation. Said written notice shall also be sent concurrently to the City Attorney, which shall be preserved in the public record for the term of the statute of limitations of this article.

B. Before filing a civil action pursuant to this article, a person must first file with the City Attorney a written request for the City Attorney to commence the action. The request shall include a statement of the grounds for believing a cause of action exists. The City Attorney shall respond to the person in writing within 14 days of receipt of such request, indicating whether he or she intends to file a civil action and the reasons therefor. The City Attorney's response shall be preserved in the public record for the term of the statute of limitations of this article. If the alleged violation is not cured or the City Attorney does not respond within 14 days or does not intend to file a civil action pursuant to this article then the person(s) requesting the action may proceed to file a civil action pursuant to this article. Civil liability under this section shall not exceed five (5) times the amount of the unlawful contribution.

C. If two or more persons are responsible for any violation, they shall be jointly and severally liable.

D. No civil action alleging a violation of any provision of this article shall be filed more than two (2) years after the date the violation occurred.

E. The prevailing party in any civil action to enforce the provisions of this article shall have the right to collect from the other party all reasonable attorneys' fees and other costs incurred.

F. No civil action alleging a violation of this title may be filed against a person pursuant to this section if the criminal prosecutor is maintaining a criminal action against that person pursuant to section 101N.

SEC. 101Q. INJUNCTIVE RELIEF.

A. The City Attorney or any person residing in the jurisdiction, in addition to an award of damages outlined in section 101P, may also seek injunctive relief to enjoin violations or to compel compliance with the provisions of this article.

B. If a candidate is found liable for a violation of any section of this article and a court of law determines that the violation was substantial and that it might have had a bearing on the outcome of an election, that court of law may order equitable relief as follows:

1. If adjudication by a court of law becomes final before the date of the election, the votes for such candidate shall not be counted, and the election shall be determined on the basis of the votes cast for the other candidates in the race.
2. If such adjudication becomes final after the date of the election and if such candidate was declared to have been elected, such candidate shall not assume office, and the City Council shall within thirty (30) days call a special election to fill that vacancy. The special election shall be held not less than 114 days from the call of the special election, but within 365 days from the call of the special election, and at least 365 days before the next regularly scheduled municipal election.

SEC. 102. OMITTED.

Editor's note: Sections 101A through 101Q and 102 were adopted by Resolution No. R2M20-47, which was approved by the voters of the city at a general municipal election held November 3, 2020.

SEC. 103. THREE KINDS OF CITY ELECTIONS DESIGNATED.

Elections to be held in said city for the purpose of electing the officers thereof and for all other purposes are of three kinds:

1. General municipal elections.
2. Special elections.
3. Primary nominating elections when required as provided herein.

SEC. 104. WHEN GENERAL ELECTIONS ARE HELD; WHEN ELECTED OFFICERS SHALL TAKE OFFICE.

General municipal elections shall be held in said city on the Tuesday following the first Monday in November of each even-numbered year, commencing on the Tuesday following the first Monday in November, 1974, at which shall be elected the elective officers provided for by this Charter and all such officers shall take office on the first day of December next succeeding the day of their respective election at 12 o'clock noon.

Editor's note: This section was amended by Assembly Concurrent Resolution No. 50 which was approved by the voters at an election held June 7, 1960, by Senate Concurrent Resolution No. 92, which was approved by the voters of the city at a special municipal election held November 7, 1972, and by Ordinance 4788, which was approved by the voters of the city at a special municipal election held November 2, 2021.

SEC. 105. WHEN SPECIAL ELECTIONS SHALL BE HELD; METHOD OF CONDUCTING AND DECLARING RESULTS OF SPECIAL ELECTIONS.

Special elections shall be held for such municipal purposes and at such times as the council may determine, or at such times as are elsewhere provided in this Charter, except that no special election shall be held less than fifteen days after the passage of an ordinance calling the same. All special elections shall be held and conducted, except as to the date thereof, and the result thereof be made known and declared in the same manner as herein provided for other elections.

SEC. 106. APPLICATION OF GENERAL STATE LAW GOVERNING FIFTH AND SIXTH CLASS CITY ELECTIONS.

The provisions of the general law of the state, where same are not in conflict with the provisions of this Charter, in force at the time of any city election, shall govern such city election in matters for which no provision is made in this Charter and the council and the city clerk respectively, shall exercise the powers and perform the duties conferred on or imposed by such laws on any board or officer concerning such elections; provided, that where this Charter makes provisions relating to any matter contained in such general laws, said Charter provision shall govern. (Stats. 1938, p. 151; 1952, 2d Ex., A.C. Res. C. 16.)

Editor's note: This section was amended by the voters of the city on March 26, 1996.

SEC. 107. NOMINATIONS TO ACCORD WITH STATE LAW; SIGNATURES REQUIRED ON NOMINATING CERTIFICATES; WHEN NOMINATING CERTIFICATES TO BE FILED.

All candidates for elective city offices shall be nominated in the manner provided by general election laws applicable to special, local and municipal elections in the State of California, and succeeding and other sections or laws relating to independent nominations, in force at the time of any general municipal election, except as hereinafter otherwise prescribed; provided, however, that nominating certificates for a councilperson of a district shall be signed by at least fifty qualified electors of the district from and by which the nomination is made and provided further, that all nominating certificates shall be filed with the city clerk not more than sixty days nor less than fifty days before the day of the general municipal election.

When candidates for any office are nominated in accordance with the provisions of this section, it is hereby provided and directed that no party name or designation shall appear on the certificate or ballots and that the names of all candidates for each office shall be arranged alphabetically on said ballot.

Editor's note: This section was amended by the voters of the city on March 26, 1996. This section was further amended by Ordinance 4788, which was approved by the voters of the city at a special municipal election held November 2, 2021.

SEC. 107A. CANDIDATE TO SIGN DECLARATION OF INTENTION.

Each candidate for any elective city office at any general municipal or special election shall file in the office of the city clerk a written and signed declaration of his or her intention to become a candidate for such elective city office. The declaration of intention shall be filed, on a form to be supplied by the city clerk, not more than thirty nor less than twenty days prior to the first day on which such candidate's nomination papers may be presented for filing. No person may be a candidate nor have his or her name printed upon any ballot as a candidate for elective city office unless he or she has filed such declaration of intention. The provisions of this section shall not, however, be deemed to prevent or prohibit the writing in on any ballot by any voter of the name of any candidate whose name is not printed thereon and for whom he or she may wish to vote, as provided in this Charter.

Editor's note: This section was added by Assembly Concurrent Resolution No. 72, which was approved by the voters of the city at a election held June 7, 1966. This section was further amended by the voters of the city on March 26, 1996 and

further amended at a special municipal election held November 2, 2004. This section was further amended by Ordinance 4788, which was approved by the voters of the city at a special municipal election held November 2, 2021.

SEC. 108. PETITION REQUESTING PRIMARY ELECTION; WHEN PRIMARY ELECTION SHALL BE CALLED.

If a petition signed by qualified electors of the city equal in number to twenty per cent of the total number of qualified electors at the time of the last preceding general municipal election shall be filed with the city clerk pursuant to the deadlines established by general state law prior to the date of any general municipal election, requesting the council to call a primary nominating election, the council shall, after receiving the certificate of the clerk to the effect that the petition has been signed by the requisite number of qualified electors, call such primary election, and the candidates to be voted for at the general municipal election shall be nominated at such primary nominating election in the manner hereinafter prescribed and no names shall be printed upon the ballot for such general election other than the names of those selected in such manner.

Editor's note: This section was amended by the voters of the city on March 26, 1996.

SEC. 109. WHEN PRIMARY ELECTIONS SHALL BE HELD; OFFICERS, POLLING HOURS AND NAMES APPEARING ON BALLOTS OF PRIMARY ELECTIONS.

Such primary elections shall be held on the day established by general state law preceding the general municipal election. The officers of election appointed for the general municipal election shall be the officers of the primary election and it shall be held at the same places so far as possible and the polls shall be opened and closed at same hours. The names of all candidates nominated in accordance with the provisions of section 107, and no others, shall be printed upon the ballots to be used at such primary election.

Editor's note: This section was amended by the voters of the city on March 26, 1996.

SEC. 110. PRIMARY BALLOTS GENERALLY - PUBLICATION OR POSTING OF NAMES AND OFFICES APPEARING THEREON.

At least seven days prior to the day of said primary election the city clerk shall cause to be published for three consecutive days, in at least one daily newspaper published in the city, or posted if so directed by the council for three days in three public places in the city designated by the council, the name of all the persons so nominated, and the offices for which the several candidates were respectively nominated as they will appear upon the primary ballots.

SEC. 111. SAME - PRINTING; CAPTION; ARRANGEMENT OF NAMES; PARTY, SUPPORT OF CANDIDATES, ETC., NOT TO BE INDICATED.

The clerk shall cause the ballots to be printed, and, except when voting machines are used, numbered and bound, which ballots shall contain the list of names of candidates and respective offices to be voted for in each municipal precinct as so published or posted, with the following caption: Primary nominating election, City of Alhambra (inserting date thereof).

"To vote, stamp a cross opposite the name of the candidate voted for, except that when the name of the candidate is written in by a voter the cross shall not be made."

The names of the offices to be filled shall be arranged on the ballots in the order the officers of the city to be elected are named in this Charter, and the names of the candidates for each office shall be arranged on the ballot of the primary nominating election in alphabetical order. There shall be nothing on any ballot indicative of the party affiliation, source of candidacy or support of any candidate.

SEC. 112. SAME - TO CONTAIN BLANK SPACES FOR WRITING IN NAMES; WRITTEN IN NAMES NOT TO BE CROSSED.

Each ballot shall contain blank spaces underneath the printed names of candidates for each office, wherein the voter may write the names of any candidate whose name is not printed on the ballot and for whom he or she may wish to vote, and in such case a cross shall not be stamped opposite such written name.

Editor's note: This section was amended by the voters of the city on March 26, 1996.

SEC. 113. DESIGNATION OF CANDIDATES TO FILL VACANCIES OR SERVE UNEXPIRED TERMS.

Any candidate to fill a vacancy and to serve the remainder of an unexpired term shall be designated on the ballot as a candidate to fill a vacancy.

SEC. 114. TWO CANDIDATES RECEIVING HIGHEST NUMBER OF VOTES AT PRIMARY TO BE PLACED ON GENERAL ELECTION BALLOT; EXCEPTION.

Two candidates receiving the highest number of votes for any given office at the primary nominating election shall be candidates, and the only candidates for such office whose names shall be printed upon the ballot to be used at the next general municipal election; provided, that where more than one office of the same kind is to be filled, the candidates therefor, equaling in number twice the number of such offices, who receive the highest number of votes at the primary nominating election, shall be the candidates and the only candidates for such offices whose names shall be printed upon the ballot to be used at such general election.

SEC. 115. FORM OF GENERAL ELECTION BALLOT.

The ballot at such general election shall be in the same form as for such primary nominating election, so far as applicable, and without any indication as to the party affiliation, source of candidacy or support of any candidate.

SEC. 116. COUNCIL TO PROVIDE FOR CONDUCT, ETC., OF ELECTIONS; ELECTION PRECINCTS.

The conduct and carrying on of all city elections shall be under the control of the council, and it shall, by ordinance, provide for the holding of all such elections, and may district and subdivide the city into municipal election precincts for the holding of municipal elections, and change and alter such precincts and redistrict the city for such elections as often as occasion may require, but no such precinct in the city shall include within its boundaries portions of two districts of the city. Unless the boundaries of the precincts shall be established, altered or changed as herein provided, they shall remain as fixed by the board of supervisors of the county for the registration of electors beginning in January of the last even numbered years preceding.

Editor's note: This section was amended by Ordinance 4788, which was approved by the voters of the city at a special municipal election held November 2, 2021.

SEC. 116A. BALLOT ARGUMENTS CONCERNING CITY MEASURES.

The city council, or the majority of the members of the city council authorized by the city council, may file a written argument for or against any city measure. If the position of the members of the city council is not unanimous, the member, or members, of the city council whose position is opposed to that of the majority may file a written argument in opposition to that of the majority. Any individual voter or bona fide association of citizens, or any combination of voters or associations, may file a written argument for or against any city measure.

(a) No argument shall exceed three hundred words in length. The city clerk shall cause arguments for and arguments against the measure to be printed and shall include a copy of the arguments both for and against printed on the same sheet of paper or on separate sheets fastened together with each sample ballot; provided that only those arguments filed pursuant to this section shall be printed and included with the sample ballot.

(b) A ballot argument shall not be acceptable under this section unless accompanied by the name, or names, of the person, or persons, submitting it, or if submitted on behalf of an organization, the name of the organization and the name of at least one of its principal offices. No more than five signatures shall appear with any argument submitted under this section. In case any argument is filed by more than five persons, the signatures of the first five shall be printed.

(c) Based on the time reasonably necessary to prepare and print arguments and sample ballots for that particular election, the city clerk shall fix and determine a reasonable date prior to the election after which no arguments for or arguments against any city measure may be submitted to the city clerk for printing and distribution to the voters as provided in this section. Arguments may be submitted until and including the date fixed by the city clerk, and arguments may be withdrawn by their proponents at any time prior to and including the final date fixed for filing arguments.

(d) If more than one argument for or more than one argument against any such measure is submitted to the city clerk within the time prescribed, the city clerk shall select two arguments in favor of the measure, if two or more such arguments have been submitted, and two arguments against the measure, if two or more such arguments have been submitted, for printing and distribution to the voters. In selecting the arguments for or against the measure, the city clerk shall give preference and priority in the order named below to the arguments of the following:

1. The city council, or the majority of the members of the city council, on the one side and the minority member, or members, of the city council on the other side.
2. In the case of an initiative or referendum measure, the bona fide sponsors or proponents of the measure.
3. Bona fide associations of citizens.
4. Individual voters.

As used herein a "bona fide association of citizens" shall mean any association which has been organized and is existing in accordance with the Political Reform Act of the State of California, or which files a statement as to its legitimacy under penalty of perjury upon a form furnished by the city clerk for that purpose.

Editor's note: This section of the Charter was added by Senate Concurrent Resolution No. 102 which was ratified by the qualified electors of the city at an election held June 8, 1971. This section was amended by the voters of the city at a special election held March 5, 2002.

SEC. 117. COMPENSATION OF ELECTION OFFICERS.

At each city election each of the election officers shall receive such compensation for his or her services as the council shall fix. (1932, 2d Ex., A.C. Res. C. 16.)

Editor's note: This section was amended by the voters of the city on March 26, 1996.

SEC. 118. ELECTION RETURNS GENERALLY.

The election returns from each municipal election precinct shall be filed with the city clerk, who shall immediately place them in the safe or vault in his or her office, and no person shall be permitted to handle, inspect, examine or in any manner

inter-fere with the same until canvassed by the council, unless such election is conducted by the county election official. After having been canvassed they shall be sealed up by the city clerk for six months and no person shall have access to them, except on order of a court of general jurisdiction.

Editor's note: This section was amended by the voters of the city on March 26, 1996.

SEC. 119. WHEN RETURNS SHALL BE CANVASSED; DECLARATION OF RESULT.

The council shall meet and canvass the returns and declare the result in accordance with the Elections Code of the State of California, unless such election is conducted by the county election official.

Editor's note: This section was amended by the voters of the city on March 26, 1996; this section was further amended by the voters of the city on March 5, 2002.

SEC. 120. REPEALED.

Editor's note: This section concerning the certificate of result was repealed by the electorate on March 26, 1996.

ARTICLE XVIII. FINANCE

SEC. 121. FISCAL YEAR.

The fiscal year of the city shall commence upon the first day of July of each year and shall end on the thirtieth day of June of the following year.

SEC. 122. COUNCIL TO PROVIDE FOR ASSESSMENT, LEVY AND COLLECTION OF TAXES BY ORDINANCE.

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

SEC. 123. POWER OF CITY TO HAVE COUNTY ASSESS AND COLLECT TAXES.

The council shall have power to avail itself by ordinance of any law of the State of California now or hereafter in force and comply with the requirements thereof whereby assessments may be made by the assessor of the county in which this city is situated and taxes collected by the tax collector of said county for and on behalf of this city. Other provisions of this Charter concerning the assessment, levy and collection of taxes shall be subject to the provisions of any such ordinance while the same shall be in force.

SEC. 124. CITY MANAGER, DEPARTMENT HEADS, ETC., TO ESTIMATE AMOUNTS NEEDED DURING FISCAL YEAR.

On or before the fifteenth day of July in each year or on such date in each year as shall be fixed by the council, the city manager, chief appointive officers and other heads of departments, offices, and boards shall send to the director of finance a careful estimate, in writing, of the amounts, specifying in detail the objects thereof, required for the business and proper conduct of their respective departments, offices and boards during such fiscal year.

Editor's note: This section was amended by Assembly Concurrent Resolution No. 72, which was approved by the voters of the city at an election held June 7, 1966.

SEC. 125. PREPARATION OF BUDGET.

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

Editor's note: This section was amended by the voters of the city on March 26, 1996.

SEC. 126 — 129. REPEALED.

Editor's note: Sections 126 through 129 were repealed by the electorate on March 26, 1996.

SEC. 130. TAXES TO CONSTITUTE LIENS ON PROPERTY; ATTACHMENT AND FORE- CLOSURE OF LIENS; SALES OF PROPERTY AND REDEMPTION.

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

redemption, as it may be struck off and sold to the state when offered for sale for state and county taxes; and the council shall have power to provide for the procedure to be followed in such sales to the city and redemption therefrom.

SEC. 131. MONEY DRAWN FROM TREASURY TO BE UPON WARRANTS.

Money shall be drawn from the city treasury only upon warrants as by this Charter authorized.

SEC. 132. PRESENTATION AND AUDIT OF DEMANDS AGAINST CITY; DRAWING CHECKS FOR DEMANDS.

All demands against the City of Alhambra, except as otherwise by this Charter provided, shall be presented to and audited by the council in accordance with such regulations as it may by ordinance prescribe; and upon the allowance of any such demand, checks shall be drawn upon the funds of the city and signed by the city manager and the director of finance.

***Editor's note:** This section was amended by Assembly Concurrent Resolution No. 17, which was approved by the voters of the city at an election held June 7, 1966.*

SEC. 132a. GENERAL RESERVE FUND.

The Alhambra City Council shall create a special fund to be known as the general reserve fund for the purpose of keeping the payment of the running expenses of said city on a cash basis. Commencing with the fiscal year [1964-1965] there shall be placed in said fund annually out of the general tax revenues of said city the sum of not less than ten thousand dollars until said fund has reached the sum of four hundred fifty thousand dollars. Payments from said fund may be made by the council to any other fund or funds of said city for the purpose of keeping such other fund or funds upon a cash basis as nearly as may be, during such periods as such other fund or funds are depleted by reason of nonreceipt of tax revenue between the close of the fiscal year and the payment of city taxes; provided, that all moneys so transferred from said general reserve fund shall be returned thereto by said council from the first tax receipts available, and in any event before the end of the fiscal year in which said transfer or transfers are made. (1951, Res. C. 211.)

***Editor's note:** This section was amended by Resolution 23241 of the Alhambra City Council, which was approved by the voters of the city at an election held June 4, 1963.*

SEC. 133. UNIFORM FORMS OF ACCOUNTS; STATE UNIFORM UNIVERSAL 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 moneys. Whenever an act shall be passed by the state legislature calling for uniform universal reports, the city authorities shall be governed thereby.

SEC. 134. DISPOSITION OF MONEYS COLLECTED OR RECEIVED BY CITY OFFICERS.

Except as otherwise provided by this Charter, every officer collecting or receiving any moneys belonging to or for the use of the city shall pay the same to the director of finance on or before the first Monday of each month, or at more frequent intervals as may be directed by the director of finance.

***Editor's note:** This section was amended by Assembly Concurrent Resolution No. 72, which was approved by the voters of the city at an election held June 7, 1966.*

SEC. 134a. COUNCIL MAY CHANGE TIME LIMITS FOR COLLECTION, REPORTS OF, ETC., TAXES; EXCEPTION.

The council may by ordinance change the time fixed in this Charter for the performance by any officer of any duty in connection with the assessment of property for taxation, the equalization of the tax roll, the determination of a rate of taxation and the levying of tax thereon, of the furnishing of reports relative to any said matters, except that the assessment must be complete not later than June 30th of each year.

ARTICLE XIX. CONTRACTS

SEC. 135. EXPENDITURES REQUIRING BIDS.

When the expenditure required for a public project exceeds the minimum amount specified in the general law of the State of California as requiring bidding, or the amount set by ordinance of the City Council, whichever is greater, such expenditure shall be contracted for and let to the lowest responsible bidder after notice.

As used in this section, "public project" means a project for the erection, improvement or repair of public buildings or works; for street, sewer or water work except maintenance or repairs; or for the furnishing of supplies or materials for any such project including the maintenance or repair of streets, sewers or water works.

The council may reject any and all bids presented and may solicit new bids. If two or more bids are the same and the lowest, the council may accept the one it chooses. If no bids are received, the council may have the project done without further compliance with this section.

After rejecting bids, the council may by resolution declare that the project can be performed more economically by city personnel or by day labor or that the materials or supplies can be furnished at a lower price on the open market. Upon

adoption of such resolution, the council may authorize the project to be performed in the manner stated without further compliance with this section.

The council may also make any expenditure for such a public project without further compliance with this section if it finds and declares by resolution that there is only one available source which can supply the subject matter of such public project or that an emergency exists which makes it essential to the health, safety or welfare of the people that emergency action be taken without further compliance with this section.

Editor's note: This section was amended by Assembly Concurrent Resolution No. 72, which was approved by the voters of the city at an election held June 7, 1966 and by Senate Concurrent Resolution No. 12, which was approved by the voters of the city at an election held November 3, 1970; this section was further amended by the voters of the city at an election held March 5, 2002.

For the statutory provision regarding the public project expenditures which require competitive bidding see West's Gov. C.A. § 37902.

SEC. 136. REPEALED.

Editor's note: This section was repealed by Senate Concurrent Resolution No. 12, which was approved by the voters of the city at an election held November 3, 1970.

SEC. 137. CONTRACTS FOR LIGHTING, HEATING AND POWER NOT TO EXCEED ONE YEAR'S DURATION; EXCEPTION AS TO CONTRACTS WITH OTHER MUNICIPAL CORPORATIONS.

No contract for lighting streets, public buildings or offices or public places or for furnishing the city with heat or power shall be made for a longer period than one year, except that any such contract may be made with any other municipal corporation for a period not longer than ten years.

SEC. 138. CONTRACTS FOR OFFICIAL ADVERTISING; "OFFICIAL NEWSPAPER."

When required to do so by this Charter or applicable state law, the applicable state law, the council or the appropriate city officer shall cause public notices to be published in a newspaper according to law.

Editor's note: Section 138 was amended as approved by the voters of the city at a special municipal election held June 5, 1984. The amendment was filed in the Office of the Secretary of State and on August 17, 1984, was given Charter Chapter No. 21. This section was further amended by the voters of the city on March 26, 1996.

SEC. 139. CITY OFFICERS ASSISTING, ETC., BIDDERS.

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

SEC. 140. BIDDER ACTING IN COLLUSION TO PREVENT OTHER BIDS.

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

SEC. 141. CITY OFFICERS AND EMPLOYEES NOT TO HAVE INTEREST IN CITY CONTRACTS, SALES, LEASES, ETC.

No officer or employee shall be interested in any contract, work or business of the city in the manner or to the degree prohibited by state laws to officers and employees of general law cities.

Editor's note: This section was amended by Senate Concurrent Resolution No. 92, which was approved by the voters of the city at a special election held November 7, 1972.

SEC. 142. PUBLIC UTILITIES GIVING COMMODITIES OR SERVICE TO THE CITY OFFICERS AND EMPLOYEES.

Every officer or employee of the city is forbidden and prohibited from soliciting, accepting or receiving, directly or indirectly, and every public utility, corporation, person having or contemplating any contract with the city or owner of a franchise granted by the city, or agent, officer, attorney or employee thereof, is forbidden and prohibited from offering or giving, directly or indirectly, to any such officer or employee of the city, any commodity or service furnished by such public utility corporation or owner of a franchise, or any reduction in the rate thereof to which the public generally are not entitled, or any present, gift or gratuity of any kind. A violation of any of the provisions of this section shall be deemed a misdemeanor. Every officer or employee of the city who violates any of the provisions of this section shall be guilty of malfeasance and shall be removed from office.

SEC. 143. CONTRACTS IN CONTRAVENTION OF CHARTER TO BE VOID.

Any contract or agreement made in contra-vention of this Charter shall be void.

SEC. 144. VIOLATIONS OF ARTICLE DEEMED MISDEMEANOR.

Any violation of the provisions of this article shall be deemed a misdemeanor.

SEC. 145. COUNCIL TO ENFORCE ARTICLE BY LEGISLATION.

The council shall enforce the provisions of this article by appropriate legislation.

SEC. 146. REPEALED.

Editor's note: This section concerning the maximum time of labor was repealed by the electorate on March 26, 1996.

ARTICLE XX. STREETS AND SEWERS

SEC. 147. GENERAL STATE LAW TO GOVERN.

Except as provided herein and unless otherwise provided by ordinance, the general law of the State of California relative to the improvement of, and work upon streets, lanes, alleys, courts, places and sidewalks, including the construction of sewers and providing for the laying out, opening, extending, widening, straightening or closing up in whole or in part of any street, square, lane, alley, court or place within municipalities, and to condemn and acquire any and all land and property necessary and con-venient for that purpose; and for providing a system of street improvement bonds to represent certain assessments for the cost of street work and improve-ments within municipalities, and to provide for the payment of such bonds; and providing for the planting, maintenance and care of shade trees upon streets, lanes, alleys, courts and places within municipalities, and of hedges upon the lines thereof, and for the eradication of weeds within city limits, now in force, or which may hereafter be adopted by the legislature of this state is hereby made a part of this Charter, and shall govern the council in such matters.

ARTICLE XXI. FRANCHISES

SEC. 148. CONTROL OVER STREETS AND PUBLIC PLACES VESTED IN CITY; RIGHT TO GRANT FRANCHISE FOR ADEQUATE COMPENSATION.

Plenary control over all primary and secondary uses of its streets and other public places is vested in the city. Franchises may be granted to persons, firms or corporations, upon such terms, conditions, restric-tions or limitations as the council may prescribe by ordinance; but no franchise shall be granted without reserving the city adequate compensation for the privilege conferred.

SEC. 149. EXERCISE OF FRANCHISE OR PRIVILEGE LIMITED TO AUTHORITY OF LAW OR GRANT BY CITY.

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

Editor's note: This section was amended by the voters of the city on March 26, 1996.

SEC. 150. COUNCIL TO DESIGNATE TERMS, CONDITIONS AND DURATION; NO EXCLUSIVE FRANCHISE TO BE GRANTED.

The council shall have power to designate the terms, conditions and duration of all franchises, subject to the general laws of the state and the provisions of this Charter relating thereto; provided, that no exclusive franchise shall ever be granted.

SEC. 151. RIGHTS OF CITY IN STREETS AND OTHER PUBLIC PLACES DECLARED INALIENABLE.

The rights of the city in and to its streets, parks and all other public places, except as otherwise provided in this Charter, are hereby declared inalien-able.

SEC. 152. RIGHT TO GRANT FRANCHISE FOR USE OF STREETS FOR RAILROADS, WIRES, PIPES, MAINS, ETC.

The City may grant, for a period not to exceed fifty years, the right and franchise to use the public streets and highways of the City for the purpose of operating street, suburban or interurban railroads and for constructing thereon or laying thereunder telegraph, telephone, and telecommunications wires and cables, conduits and water mains and service pipes, in, upon, over, under or along any street, highway or other public places and may grant franchises for railroads, other than street, suburban or interurban, when authorized so to do by a vote of the electors. The City may grant, for an indeterminate

period of time or for such specific term as may be determined by the City, the right and franchise to any person, firm or corporation, whether operating under an existing franchise or not, to use or to construct and use, poles, wires, conduit and appurtenances for transmitting and distributing electricity for all purposes, or to use, or to lay and use, pipes and appurtenances for transmitting and distributing gas for any and all purposes, under, along, across or upon the public streets, ways, alleys and places within the City.

Editor's note: *This section of the Charter was amended by Assembly Concurrent Resolution No. 162, which was approved by the voters of the city, June 8, 1965; this section was further amended by the voters of the city March 5, 2002.*

SEC. 153. GRANT SUBJECT TO RIGHT OF CITY TO PROVIDE FOR SAFETY, ETC., OF PUBLIC.

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

SEC. 154. REPEALED.

Editor's note: *This section was repealed by the electorate on March 26, 1996.*

SEC. 155. RIGHT OF CITY TO TAKE OVER PROPERTY AT EXPIRATION OF FRANCHISE; GUARANTEE TO FILE MONTHLY STATEMENT OF NEW CONSTRUCTION.

Every ordinance granting any franchise shall provide that at the expiration of the period for which the franchise was granted, or at any time before as stated in the ordinance granting such franchise, the city, at its election and upon payment of the physical valuation therefor, to be made in the manner provided in the ordinance making such grant, may purchase and take over to itself the property and plant operated under said franchise in its entirety, but in no case shall such valuation include any compensation for franchise or goodwill other than the amount originally paid to the City for such franchise. Or it may be provided in the ordinance granting any franchise that the property and plant operated under said franchise in its entirety shall, at the expiration of the period for which the franchise was granted, become the property of the City, without compensation to the owner of the franchise. The grantee, his or her successor or assign, of any franchise under this article shall be required in said ordinance to file, not later than March 1st of each calendar year, with the City Clerk an itemized statement of the expenditures for new construction during the calendar year next preceding the filing of said statement; and said statement shall be verified by the oaths of the president and secretary of the grantee, his or her successor or assign, if such grantee, successor or assign be a corporation, or by the oaths of a majority of the members of the firm, if the said grantee, successor or assign be a firm or by his or her oath if the grantee, his or her successor or assign be a person. No cost of maintenance, operation, repair or renewal shall be considered to be a cost of construction.

Editor's note: *This section of the Charter was amended by Assembly Concurrent Resolution No. 162 which was approved by the voters of the city, June 8, 1965. This section was further amended by the voters of the city on March 26, 1996.*

SEC. 156. WHEN PROPERTY OPERATED UNDER FRANCHISE BECOMES PROPERTY OF CITY WITHOUT EXECUTION OF INSTRUMENT OR CONVEYANCE.

Every ordinance granting any franchise shall further provide that upon the payment by the city of the physical valuation in the manner provided in said ordinance making such grant, the plant and property operated under said franchise in its entirety shall become the property of the city by virtue of the grant in payment thereunder, and without the execution of any instrument or conveyance. Or in case it is provided in the ordinance granting any franchise that the property and plant operated under said franchise in its entirety, shall, at the expiration of the period for which it was granted, become the property of the city without any compensation to the owner of the franchise, the property and plant operated under said franchise in its entirety shall then become the property of the city by virtue of the grant and without the execution of any instrument or conveyance.

SEC. 157. APPLICATIONS; DEPOSITS; AWARD; CITY EXPENSES; PAYMENTS OF PERCENTAGE OF GROSS RECEIPTS TO CITY AND FORFEIT FOR FAILURE TO PAY.

Applications for a franchise shall be in writing and filed with the city clerk, and shall state the nature of the franchise applied for and the term desired, and shall be accompanied by a cash deposit of five thousand dollars, which sum shall be retained by the city for its expenses in evaluating the application (including the fees of any professional consultants the city deems necessary), said expenses to be paid in full by the successful bidder. Every application for a franchise under this article shall, in addition to being accompanied by the sum of five thousand dollars, be accompanied by the sum of ten thousand dollars, or by a certified check for that amount, payable to the city clerk, as a guaranty of good faith, which sum of ten thousand dollars, or certified check, shall be returned only on execution of a bond as hereinafter provided. Every application for a franchise under this article shall state either the percentage to be annually paid to the city of the gross receipts generated by the franchise, or the annual compensation to be paid to the city.

If, after the filing of such application accompanied by the original cash deposit, the council deems it desirable to grant the same, it shall set such application for hearing and advertise the fact and the time of such hearing, together with a brief description of the franchise applied for, and that it proposes to grant the same, in a daily newspaper published in said city, for not less than ten days before the hearing. At the conclusion of said hearing, the council may grant the franchise by

ordinance.

In the event said franchise is awarded, and within such reasonable time thereafter as the council shall allow, the franchisee shall cause to be executed a bond to the city in a sum to be fixed by the council, but not less than ten thousand dollars, and with sufficient sureties, approved by the mayor, after approval thereof as to form by the city attorney, conditioned that such franchisee will faithfully execute the conditions of such franchise upon his or her part to be performed. After such bond is received, all deposits made shall be returned to the person making them; provided that the amounts expended by the city for its expenses in connection therewith shall be deducted from the deposits made by the franchisee and retained by the city to reimburse itself for the expenses so incurred. If the franchise is not awarded, all deposits made shall be returned to the person making them, provided that the amounts expended by the city for its expenses in connection therewith shall be deducted from the deposits made by the franchisee and retained by the city to reimburse itself for the expenses so incurred.

Every franchise shall have inserted therein a proviso that it shall be forfeited in the event that the specified percentage of the gross receipts or the annual compensation required by the franchise is not annually paid to the city at a date set by the council in the ordinance granting the franchise.

Editor's note: This section was amended by the voters of the city on March 26, 1996; this section was further amended by the voters of the city on March 5, 2002.

SEC. 157A. FRANCHISE USE OR CONSTRUCT POLES, WIRES, CONDUITS, PIPES AND APPURTENANCES FOR TRANSMITTING AND DISTRIBUTING ELECTRICITY AND GAS.

As an alternative to the provisions of Section 157 of Article XXI of this Charter, the City may grant a franchise to any person, firm or corporation, whether operating under an existing franchise or not, to use or to construct and use poles, wires, conduits and appurtenances for transmitting and distributing electricity for all purposes, or to use or to lay and use pipes and appurtenances for transmitting and distributing gas for any and all purposes, under, along, across or upon the public streets, ways, alleys and places within the City by complying with the provisions of the Franchise Act of 1937 of the State of California as that act may now exist or as said act may from time to time be amended hereafter.

Editor's note: This section of the Charter was added by Assembly Concurrent Resolution No. 162 which was approved by the voters of the city, June 8, 1965.

SEC. 158. TIME LIMITATIONS ON CONSTRUCTION WORK UNDER FRANCHISES.

Construction work under any franchise granted, shall be commenced in good faith within not more than four months from the date of the taking effect of the ordinance granting such franchise, and if not so commenced within said time, said franchise shall be forfeited. Work under any franchise so granted shall be prosecuted with reasonable diligence to completion and shall be completed within the time fixed for such completion in the ordinance granting the same, and if not so completed within said time, the same shall be forfeited; provided, that the council may by resolution extend the time for the completion thereof as they may deem advisable.

SEC. 159. LEASE, ASSIGNMENT OR ALIENATION OF FRANCHISES; INCLUDING IN MORTGAGES OR TRUST DEEDS.

No franchise granted by the city shall be leased, assigned or otherwise alienated without the express consent of the council entered upon its minutes, and no dealings with a lessee or assignee on the part of the city to require the performance of any act or payment of any compensation by the lessee or assignee shall be deemed to operate as such consent; provided, that nothing therein shall be construed to prevent the owner of such franchise from including it in a mortgage or trust deed executed for the purpose of obtaining money for corporate objects.

SEC. 160. AUTHORITY OF COUNCIL TO EXAMINE RECORDS, BOOKS, ETC., OF PERSON EXECUTING FRANCHISE; ANNUAL BUSINESS REPORT OF PERSON EXECUTING FRANCHISE.

Every franchise granted shall provide that, and the council shall have authority to examine the books, vouchers and records of any person, firm or corporation exercising or enjoying any franchise or privilege granted by the city, and it shall be the duty of every person, firm, or corporation exercising any franchise granted by the city, to file with the city clerk annually as provided by said franchise a report of its business during the preceding year: such report shall contain a statement of the gross receipts arising from the business done by such person, firm or corporation, within said city, and such report shall contain such further facts as may be required by the council concerning the character and amount of business done, the amount and source of receipts and expenses connected therewith, during the period to be covered.

SEC. 161. PROVISION IN FRANCHISE FOR DETERMINATION AND FORFEITURE.

Every franchise shall provide for the determination and forfeiture thereof for any breach or failure to comply with any of its terms, limitations; or conditions imposed by this Charter, or ordinance granting the same.

SEC. 162. CITY OFFICERS AND EMPLOYEES NOT TO RECEIVE GRATUITIES FROM PERSON OPERATING UNDER FRANCHISE.

No officer or employee of the city shall either directly or indirectly, receive any transportation, electric, gas, or telegraph, telephone, or telecommunications service, or other thing or commodity, as a gratuity from any person, firm or corporation,

operating under any franchise granted by the city, nor shall he or she receive the same unless he or she pays therefor the same rate as that charged other patrons or consumers similarly situated, except as hereinbefore in this article provided.

Editor's note: *This section was amended by the voters of the city on March 26, 1996; this section was further amended by the voters of the city on March 5, 2002.*

SEC. 163. RESTRICTION UPON GRANT OF FRANCHISE FOR RAILROAD PURPOSES.

Every grant of a franchise for railroad purposes shall provide for strict compliance by the owner thereof of all the provisions of subdivision 61 of section 61 of this Charter.

ARTICLE XXII. RECALL

SEC. 164. PROCEDURE FOR REMOVAL OF INCUMBENT FROM ELECTIVE OFFICE CONFINED IN ARTICLE.

Every incumbent of an elective office shall be subject to removal therefrom as follows:

SEC. 165. NUMBER OF SIGNATURES REQUIRED FOR PETITION; TO WHOM PETITION IS ADDRESSED AND PRESENTED; PETITION TO REQUEST AT WHAT ELECTION QUESTION SHALL BE SUBMITTED.

A petition signed by qualified electors equal in number to twenty-five percent of the total vote cast at the last preceding general municipal election, requesting the calling of an election to determine whether the incumbent of an elective office shall be removed, shall be addressed to the council and presented to the city clerk. The petition may request that the question of such removal shall be submitted at a special municipal election or at the next general municipal election.

Editor's note: *The first sentence of this section was amended by Charter Amendment No. 2, ratified by the qualified electors of the city on June 8, 1954.*

SEC. 166. FORM OF INDIVIDUAL CERTIFICATE OF PETITION FOR RECALL.

The petition for recall and removal from office shall be substantially in the following form:

(Individual certificate)

PETITION TO THE COUNCIL REQUIRING A

SPECIAL MUNICIPAL ELECTION

(If such be the case)

For the recall of(name of officer).

From the office of(name of office).

Reasons for the recall of(name of officer) from the office of(name of office): (Here insert the reasons).

Reasons against the recall of (name of officer) from the office of(name of office): (Here insert the reasons).

I, the undersigned certify that I hereby join in a petition to the council requiring that it forthwith submit to the vote of the electors of the City of Alhambra, at a special (or the next general) municipal election, the question whether (name of officer) shall be recalled and removed from the office of (name of office).

I further certify that I have read the foregoing reasons for and against the recall of said officer and believe that he or she should be recalled: that I am a qualified elector of said city; that I reside at

No _____ street between _____ street and _____ street in said city, and that my occupation is_____.

State of California

(Signed)

County of Los Angeles, ss

City of Alhambra.

_____ being duly sworn, deposes and says:

That he or she is the person who signed the foregoing certificate and that the statements therein contained are true and correct.

(Signed)

Subscribed and sworn to _____ 19__ before me, _____.

Verification Deputy (or Notary Public)

The petition of which this certificate forms a part, shall, if found deficient, be returned to____ at No. _____ street, Alhambra, California.

Editor's note: *This section was amended by the voters of the city on March 26, 1996.*

SEC. 167. CERTIFICATES TO BE SEPARATE AND SWORN TO; GENERAL PROCEDURE FOR HANDLING CERTIFICATES AFTER PRESENTATION; AMENDED CERTIFICATES.

Each certificate must be separate, and contain the name of but one signer, who must make oath before a notary public or verification deputy as to the truth of the statements therein. All such certificates signed by electors of each precinct, shall be arranged alpha-betically and bound together. Upon receipt of such petition, the city clerk shall indorse thereon the time it was received. He or she shall thereupon examine said petition, to ascertain whether it conforms to the requirements of this Charter.

Within ten days after such presentation, the city clerk must determine whether said petition so conforms and shall attach thereto his or her certificate showing the result of his or her examination, and send by registered mail a copy of said certificate to the person named in said petition to whom it shall be returned. If the petition does not conform to said requirements, the certificate of the city clerk shall designate the defects in the petition and in the individual certificates. If the certificate of the city clerk shows the petition to be deficient, it may be amended by presentation, within fifteen days after mailing said certificate of the city clerk, of an amended petition, containing additional certificates, arranged and bound as above provided. The city clerk shall, within seven days after the presentation of such amended petition, make like investigation and determination as to the amended petition and attach to it a like certificate and mail a copy as aforesaid, and, if his or her certificate shall show the amended petition to be deficient, or if no amended petition shall have been presented, the petition shall be returned to the person named therein to whom it shall be returned, without prejudice to the filing of a new petition to effect the same purpose.

Should any certificate or certificates to the petition not substantially conform to the requirements of this Charter such fact shall not invalidate the petition if a sufficient number of the certificates substantially conform to such requirements. Should the city clerk find that the said petition or amended petition conforms to such requirements, he or she shall endorse the fact thereon and file and present it to the council.

Editor's note: *This section was amended by the voters of the city on March 26, 1996.*

SEC. 168. AFFIDAVIT OF PERSON PROPOSING RECALL; DELIVERY OF AFFIDAVIT TO PERSON SOUGHT TO BE RECALLED AND HIS OR HER ANSWER.

Before any petition for recall is circulated, an affidavit in triplicate by or on behalf of the person or persons proposing such recall shall be made and delivered to the city clerk, one to be filed with the city clerk, one to be left by him or her at the office of the officer sought to be recalled, and one to be sent by him or her by registered mail to the residence of such officer. Such affidavit shall contain the address of the person or persons making the same, a statement of the intention to circulate a petition for the recall of said officer containing no more than two hundred words, giving the reasons for such recall. Said officer may, within five days after the mailing of such affidavit, send by registered mail to the address of the party making such affidavit, his or her answer thereto in not more than two hundred words. Such statement and answer, if any, shall be printed on each individual certificate. No original petition for recall of any officer shall be presented to the city clerk later than forty days after the filing of the affidavit.

Editor's note: *This section was amended by the voters of the city on March 26, 1996.*

SEC. 169. EFFECT OF FAILURE OF OFFICER SOUGHT TO BE RECALLED TO RESIGN; WHEN ELECTION FOR RECALL TO BE HELD.

If the officer sought to be removed fails to resign within five days after the recall petition is filed, and the petition requests a special municipal election to be held, the council shall cause a special municipal election to be held within not less than thirty nor more than forty-five days after the filing of said petition, to determine whether said officer shall be recalled, but if a general or special municipal election is to occur within sixty days after the filing of said petition, the council may postpone the holding of such election to such general or special election.

SEC. 170. QUESTION OF RECALL TO REMAIN IN FORCE IF NOT SUBMITTED AT TIME SPECIFIED.

If any question of recall, for which a petition has been filed, be not submitted to the electors of the city at or within the time specified, such petition shall remain in force until such question has been submitted.

SEC. 171. STATEMENTS TO BE PRINTED ON OFFICIAL BALLOTS.

There shall be printed on the sample and the official ballots, the statement of the reasons for the recall of the officer, and his or her answer, if any.

Editor's note: *This section was amended by the voters of the city on March 26, 1996.*

SEC. 172. VOTING PROCEDURE; NOMINATION AND ELECTION OF OFFICER REPLACING RECALLED OFFICER.

At the same election by which the recall of any officer is sought, the election of a successor to the person sought to be recalled may be had, provided the petition for recall demands the election of a successor to the person sought to be recalled.

Any qualified person may be nominated for the office which is to be filled at any recall election by a petition signed by electors, qualified to vote at such recall election, equal in number to at least five per cent of the total number of votes cast at the last preceding election for all candidates for the office which the incumbent sought to be removed occupies. Each such nominating petition shall be filed with the city clerk at least twenty-five days before the date of such recall election.

There shall be printed on the recall ballot, as to every officer whose recall is to be voted on thereat, the following question: "Shall (person sought to be recalled) be removed from the office of (name of office)"

Following the question shall be printed the words "Yes" and "No," on separate lines, with a voting square at the right of each, in which the voter shall stamp a cross (X) for or against such recall.

On such ballots, under such question, there shall also be printed the names of those persons who have been nominated as candidates to succeed the person recalled, in case he or she shall be removed from office by said recall election; but no vote shall be counted for any candidate for said office unless the voter also voted on said question of the recall of the person sought to be recalled from said office. The name of the person against whom the petition is filed shall not appear on the ballot as a candidate for the office. If a majority of those voting on said question of the recall of the incumbent from office shall vote "No" then said incumbent shall continue in said office. If a majority shall vote "Yes," then said incumbent shall thereupon be deemed removed from such office upon the qualification of his or her successor. The canvassers shall canvass all votes for candidates for said office and declare the result in like manner as in a regular election. If the vote at any such recall election shall recall the officer, then the candidate who has received the highest number of votes for the office shall be thereby declared elected for the remainder of the term.

In case the person who received the highest number of votes shall fail to qualify within ten days after receiving the certificate of election, or in case the majority shall vote "Yes" on the question of recall, but no candidate was nominated or ran at said election to succeed the person sought to be recalled, then said office shall be deemed vacant and shall be filled according to law.

All requirements of this Charter relating to ballots at general municipal election shall, so far as applicable, apply to all ballots at every election at which a question of recall is to be voted upon.

The call for elections under this article shall be the same as the call for general or special municipal elections. (Stats. 1927, p. 2057).

Editor's note: *This section was amended by the voters of the city on March 26, 1996.*

SEC. 173. PERSON SOUGHT TO BE RECALLED TO CONTINUE IN OFFICE UNTIL ELECTION RESULTS ARE DECLARED.

After a petition for recall of a person from office has been filed, he or she may continue to perform the duties of his or her office until the council has canvassed the returns of the election and declared that a majority of the votes upon the question of his or her recall was cast in favor thereof. (Stats. 1927, p. 2058).

Editor's note: *This section was amended by the voters of the city on March 26, 1996.*

SEC. 174. RECALL PETITION NOT TO BE FILED AGAINST ELECTIVE OFFICER UNTIL SIX MONTHS AFTER HOLDING OFFICE; DEPOSIT OF CASH REQUIRED.

No recall petition shall be filed against any elective officer until he or she has actually held this office for at least six months, and no second or subsequent recall petition shall be filed against the same officer for a period of six months from the time of the last recall election relating to said officer and for any second or subsequent recall election the petitioners shall first deposit with the director of finance an amount of cash equal to the total cost of the last recall election, for the purpose of defraying the expenses of the recall election petitioned for; if at the election said officer is recalled, said deposit shall be returned to the petitioners, but if said officer is not recalled, it then shall be the property of the city and shall be credited to the general fund of the city.

Editor's note: *This section was amended by Assembly Concurrent Resolution No. 72, which was approved by the voters of the city at an election held June 7, 1966. This section was further amended by the voters of the city on March 26, 1996.*

SEC. 175. ADDITIONAL REGULATIONS TO CARRY OUT PROVISIONS OF ARTICLE.

The council shall by ordinance, make such further regulations as may be necessary to carry out the provisions of this article.

Editor's note: *The word "article" appeared as "section" in the original act.*

ARTICLE XXIII. INITIATIVE

SEC. 176. RIGHT OF ELECTORS TO PROPOSE AND ADOPT ORDINANCES; PROPOSING, FILING AND SIGNING

INITIATIVE PETITION.

The electors of the city shall have the right to propose, by petition, and to adopt at the polls, any ordinance which the council might enact. Such ordinance shall be proposed by petition filed with the city clerk, setting forth said ordinance in full, signed by electors in numbers as hereinafter required.

SEC. 177. PROPONENTS' AFFIDAVIT TO BE FILED PRIOR TO CIRCULATION OF PETITION; COUNCIL'S STATEMENT AS TO PROPOSED ORDINANCE.

Before any petition for submission of such ordinance shall be circulated, an affidavit by or on behalf of its proponents, shall be filed with the city clerk, containing a copy of the proposed ordinance, a statement in not more than two hundred words giving the reasons of said proponents for the adoption of such ordinance, a statement of the intention to secure submission of said ordinance to a vote of the electors by an initiative petition, and the address of the party making such affidavit. The council shall have five days after the filing of such affidavit to send by registered mail to the address given in such affidavit, a statement in not more than two hundred words, of the reasons why such proposed ordinance should not be adopted. These reasons for and against the adoption of the proposed ordinance shall be printed as a part of the individual certificates constituting the petition.

SEC. 178. FORM AND CONTENTS OF PETITION; REASONS FOR AND AGAINST TO BE PRINTED ON PETITION.

The form and contents of the petition and mode of certification shall be substantially as provided in Article XXII of this Charter, with changes as may be required to comply with the provisions of this article, and each individual certificate constituting said petition shall have printed thereon the reasons for and against the adoption of the proposed ordinance, and the signer of said certificate must certify that he or she has read such reasons.

Editor's note: This section was amended by the voters of the city on March 26, 1996.

SEC. 179. NUMBER OF SIGNATURES REQUIRED ON PETITION; ENACTMENT BY COUNCIL OR SUBMISSION TO VOTERS AT GENERAL OR SPECIAL ELECTIONS.

Upon presentation to the council of such petition, signed and verified by qualified electors in number equal to fifteen percent of the total vote cast at the last preceding general municipal election, asking for the submission to the electors of an ordinance that the council itself might adopt, it must either adopt and enact such measure without alteration, or submit the same to the electorate at the next city election occurring subsequent to sixty days after the filing of said petition. But if said petition requests the calling of a special election and is signed and verified as herein provided and by electors in number equal to twenty-five percent of said vote, then such ordinance, if not so adopted and enacted by the council, must be submitted to the electorate at a special election to be called within sixty days from the presentation of such petition.

Editor's note: The first sentence of this section was amended by Charter Amendment No. 2, ratified by the qualified electors of the city on June 8, 1954.

SEC. 180. ORDINANCE WHICH MUST BE SUBMITTED TO VOTERS AT GENERAL ELECTION.

If such proposed ordinance is one that the council might adopt, except that it involves the repeal or amendment of an ordinance adopted by the electorate, as herein provided, and if in such case said petition is signed and verified by qualified electors in number equal to thirty percent of the above-mentioned vote, then such proposed ordinance must be submitted to the electors of the city at the next general municipal election occurring subsequent to sixty days after its presentation.

SEC. 181. CERTAIN PROVISIONS OF ARTICLE XXII APPLICABLE TO PETITIONS.

All provisions of article XXII of this Charter, relating to the examination and amendment of petitions, shall be applicable to petitions under this article.

SEC. 182. WHEN PETITION SHALL BE FILED; EFFECT OF ORDINANCES NOT SUBMITTED TO VOTERS IN SPECIFIED TIME.

All petitions under this article shall be filed with the city clerk within forty days after the date of the first signature thereto. If any ordinance proposed by petition, or upon which a referendum vote is requested by petition, be not submitted to the voters at or within the time specified in this Charter, such petition shall remain in force until said ordinance shall be submitted to the voters.

SEC. 183. NO LIMITATION UPON NUMBER OF ORDINANCES WHICH MAY BE VOTED ON.

Any number of proposed ordinances under the initiative or the referendum may be voted upon at one election.

SEC. 184. LIMITATION UPON NUMBER OF SPECIAL ELECTIONS WHICH MAY BE HELD.

There shall not be held under the provisions of this article, more than one special election in any period of six months.

SEC. 185. BALLOTS; WHEN APPROVED ORDINANCES BECOME EFFECTIVE.

The ballots used when voting upon ordinances proposed under the initiative or under the referendum, shall set forth the title of the proposed ordinance, and shall state its general nature, and shall contain the words, "For the ordinance," and

"Against the ordinance." If a majority of the votes cast on any ordinance initiated as herein provided, by the electorate of the city, shall be in favor of said ordinance, it shall, if not already in effect, go into effect as a valid ordinance of the city, one day after the official canvass and declaration of the result, unless a later date is provided by the terms of said initiative measure; otherwise such ordinance shall be rejected.

SEC. 186. AMENDING OR REPEALING ORDINANCES ADOPTED BY VOTE OF ELECTORS.

No ordinance, that has been or that may hereafter be adopted by a vote of the electors, shall be amended or repealed except by a vote of the electors.

SEC. 187. CONFORMITY WITH CERTAIN PROVISIONS OF ARTICLE XXII; COUNCIL TO PROVIDE FURTHER REGULATIONS.

All matters relating to the form of the ballot and manner of conducting the election shall conform substantially to the requirements set forth in Article XXII with changes as required to comply with the provisions of this article and a substantial compliance with the provisions of this article shall be sufficient for the holding of an election hereunder, and the approval or rejection of any measure submitted thereat, and the council shall by ordinance make such further regulations as may be necessary to carry out the provisions of this article.

ARTICLE XXIV. REFERENDUM

SEC. 188. RIGHT TO SUBMIT ORDINANCES TO VOTE OF ELECTORS.

The council may submit to a vote of the electors of the city any ordinance that it or the electorate has authority to adopt.

SEC. 189. WHEN ORDINANCES BECOME EFFECTIVE; RIGHT OF ELECTORS TO DEMAND REFERENDUM; REFERENDUM PROCEDURE GENERALLY.

No ordinance passed by the council shall go into effect until the expiration of thirty days from its final publication or posting, except when otherwise required by the general laws of the state or by the provisions of this Charter, respecting street improvements and except an ordinance making the annual tax levy or calling an election and except an ordinance for the immediate preservation of the public peace, health or safety, which contains a statement of its urgency and is passed by a four-fifths vote of the council: provided, that no grant of any franchise shall be construed to be an urgency measure but all franchises shall be subject to the referendum vote herein provided. At the expiration of said thirty-day period, such ordinance shall be in force and effect, unless within such period there shall be filed with the city clerk a petition signed by qualified electors equal in number to fifteen percent of the total vote cast at the last preceding general municipal election, praying that such ordinance be submitted to a vote of the electors and thereupon such ordinance shall be suspended from operation and it shall be the duty of the council to reconsider such ordinance; and if the same be not repealed, the council shall submit the ordinance as is provided in Articles XXII and XXIII of this Charter to the vote of the qualified electors, either at the next general municipal election occurring subsequent to the sixty days after the filing of said petition, or, if such petition be signed by qualified electors equal in number to twenty percent of said vote, then at a special election to be called for that purpose within sixty days from the presentation of such petition and such ordinance shall not go into effect or become operative unless a majority of qualified electors voting on the same shall vote in favor thereof.

Editor's note: The second sentence of this section was amended by Charter Amendment No. 2. ratified by the qualified electors of the city on June 8, 1954.

SEC. 190. CONFORMITY WITH ARTICLES XXII AND XXIII.

All matters relating to the form of the petition, certification, examination and amendment thereof, form of the ballot, and manner of conducting the election under this article, shall conform substantially to the requirements set forth in Articles XXII and XXIII of this Charter, with changes as may be required to comply with the provisions of this article.

SEC. 191. RESUBMISSION OF ORDINANCES.

No ordinance once so submitted shall, within one year, be again submitted, except by a four-fifths vote of the council or upon a petition in regular form signed and verified, as required by qualified electors equal to forty per cent of the entire vote provided in section 189.

SEC. 192. WHEN ORDINANCES APPROVED BY ELECTORATE BECOME EFFECTIVE.

If a majority of the votes cast on any ordinance referred to the electorate under the provisions of this article shall be in favor of said ordinance, it shall, if not already in effect, go into effect as a valid ordinance of the city one day after the official canvass, and declaration of the result.

SEC. 192a. FURTHER REGULATIONS BY COUNCIL TO CARRY OUT PROVISIONS OF ARTICLE.

The council shall by ordinance make such further regulations as may be necessary to carry out the provisions of this article.

ARTICLE XXIVa. CIVIL SERVICE

SEC. 192b. CIVIL SERVICE DEPARTMENT CREATED; CIVIL SERVICE COMMISSION.

A department of civil service is hereby created to be under the control and management of a commission of five members, which said commission shall be known and designated as the civil service commission. The members of said commission shall serve without compensation.

All references in this Charter to the board of civil service trustees shall be deemed to mean and refer to the civil service commission.

All terms of office of all present members of the civil service commission shall expire at 12:01 a.m. on March 23, 1987. Each councilperson, at the second regular city council meeting held in March, 1987, shall appoint one member to the civil service commission and shall announce the names of his or her or her appointee at that meeting.

The term of office for each member of the civil service commission shall terminate annually at 12:01 a.m. on the date of the second regular city council meeting held in March of each year. Commencing on the date of the second regular city council meeting held in March, 1988, and annually thereafter, each councilperson shall appoint one member to the civil service commission and shall announce the name of his or her appointee at that meeting.

No person appointed to the civil service commission shall serve more than eight consecutive yearly terms.

To be eligible to membership on the civil service commission, a person must be a qualified elector of the city and shall have resided in the city for at least thirty days next preceding the date of his or her appointment.

The civil service commission shall organize by electing one of their number president and some suitable person as secretary who shall act and hold office at the pleasure of the commission.

Said commission shall keep a record of its proceedings and transactions, and shall provide rules and regulations for the keeping of service records of city employees and for the classification of such employees.

Editor's note: This section was added by Senate Concurrent Resolution No. 142, which was ratified by the qualified electors of the city June 3, 1969; and amended as approved by the voters of the city at a general municipal election held November 4, 1986. This section was further amended by the voters of the city on March 26, 1996.

SEC. 192c. CITY EMPLOYEES TO WHOM ARTICLE APPLIES.

The provisions of this article shall apply to all members and employees of the fire department and of the police department, except the chief of the fire division and the chief of police, and also to such other employees of the city as the council may, in its discretion, from time to time by ordinance designate.

(Stats. 1927, p. 2059).

SEC. 192d. EXAMINATIONS OF APPLICANTS FOR EMPLOYMENT, ETC., IN CIVIL SERVICE.

All applicants for office, places or employment in the classified civil service of said city, shall be subject to examinations which shall be public, competitive and free to all United States citizens, subject to reasonable regulations and limitations of the civil service commission which are not in conflict with Federal or State law. Such examinations shall be practical in character, and shall relate to those matters which will fairly test the relative capacity of the persons examined to discharge the duties of the position to which they seek to be appointed, and may include tests of physical qualifications, health and manual skill. Appropriate notice of all examinations, according to rule adopted by said civil service commission, shall be given.

Editor's note: This section was amended as approved by the voters of the city at a general municipal election held November 4, 1986.

SEC. 192e. METHOD OF MAKING APPOINTMENTS; PROBATIONARY PERIOD OF APPOINTEES.

A record of all examinations shall be kept. Appointments to all positions under civil service shall be made by the board or officer having the power of appointment from a list of those who have taken examinations for such positions, and such appointment must be made from the three holding the highest rating on such list. Persons appointed to permanent positions shall be on probation for a period of not less than one year before appointment or promotion is made complete, during which period a probationer may be discharged or reduced by the appointing board or officer. (Stats. 1927 p. 2095; Stats. 1938 p. 152).

SEC. 192f. REMOVAL OR DISCHARGE FROM CIVIL SERVICE; REVIEW OF REMOVAL AND REINSTATEMENT.

No person in the classified civil service shall be removed or discharged from his or her position except for cause, which shall be stated in writing to the board of civil service trustees by the officer or board having the power to remove or discharge such employee, and a copy of said statement shall be served upon the person to be so removed or discharged. At any time within fifteen days after the filing with said board of civil service trustees of such statement, said board may on its own motion, and must on application of the discharged employee, inquire into such removal or discharge, and if in its judgment such removal or discharge was without justification and said person removed or discharged is a fit and competent

person to retain his or her position, he or she shall be reinstated and restored and shall be entitled to receive compensation during the period of his or her suspension and pending such hearing and reinstatement. (Stats. 1927, p. 2059).

Editor's note: *This section was amended by the voters of the city on March 26, 1996.*

SEC. 192g. ADDITIONAL RULES AND REGULATIONS.

The council shall by ordinance adopt such further rules and regulations not in conflict herewith as may be necessary for the complete and efficient operation of said civil service department. (Stats. 1927, p. 2060).

SEC. 192h. REMOVAL OF STRIKING EMPLOYEES.

No employees of the city of Alhambra shall participate in, or afford leadership to a strike against the city of Alhambra, or engage in any form of concerted action to withhold service from said city. In the event of any such strike or concerted action against the city, it shall be the duty of the city manager, or other appointing authority to ascertain the identity of any employee of the city under his or her jurisdiction who is in violation of the provisions of this section and to initiate dismissal proceedings against such employee in accordance with the applicable provisions of this charter and the Alhambra Municipal Code. Any citizen of the city may file written charges against an employee in violation of the provisions of this section. The appropriate appointing authority shall, upon receipt of such written charges, investigate without delay any such written charge, and forthwith inform said citizen of the findings and action, or proposed action, to be taken thereon.

Appointing authorities shall cause timely hearings to be held for any employee charged here-under, if the city manager, or other appointing authority, after a hearing, determines that the charges are supported by the evidence submitted, and that the employee willfully engaged in the strike or action, said appointing authority shall dismiss the employee involved, and said person shall not be reinstated or returned to the city of Alhambra employment except as a new employee who is employed in accordance with the regular employment practices of the city in effect at that time for the particular position of employment.

No officer, board or commissioner of the city, elected or appointed, shall have the power to grant amnesty to any person charged with a violation of any of the provisions of this section.

Every employee of the city of Alhambra on the effective date of this section, and each person employed on or after the effective date of this section, shall be furnished a copy and apprised of the provisions of this section.

In the event of any strike or concerted action to withhold service from the city of Alhambra by an employee organization, or employees represented thereby, the city council is hereby prohibited from granting any improvement in wages, hours or working conditions beyond those in effect or last offered to the striking organizations or employees represented thereby by the city prior to the commencement of such strike or concerted activity, and is prohibited from considering the granting of any such improvement beyond that which may have been last offered by the city prior to the strike or concerted activity until the commencement of meet and confer negotiations in the next subsequent calendar year at the time regularly scheduled for commencement under adopted city council policy governing such negotiations.

Notwithstanding any other provision of this charter, a dismissal imposed pursuant to this section shall not be appealable.

Editor's note: *This section was added as Charter Amendment No. 1 approved by the voters in Resolution No. R78-157, at an election held November 6, 1978. This section was further amended by the voters of the city on March 26, 1996.*

ARTICLE XXV. MISCELLANEOUS

SEC. 193. EFFECTIVE DATE OF CHARTER.

For the further purpose of the qualification and of the nomination of candidates and of electing and qualifying all officers provided for in this Charter, this Charter shall take effect from the time of the approval of the same by the legislature; for all other purposes it shall take effect on the first day of July, 1915.

SEC. 193.1. REPEALED.

Editor's note: *This section was repealed by Ordinance 4788, which was approved by the voters of the city at a special municipal election held November 2, 2021.*

SEC. 194. CERTAIN OFFICERS TO HOLD OFFICE; TERMINATION OF TERMS OF OFFICE.

The members of the board of trustees, city clerk, city treasurer, city tax and license collector, city assessor, city recorder and the trustees of the school districts in office at the time of the approval of this Charter by the legislature shall severally continue to hold office and discharge their respective duties until the election and qualification of the commission, auditor, treasurer, city attorney and members of the board of education respectively first elected under this Charter. The term of office of all other officers in office at the time this Charter shall take effect shall cease and terminate when the commission first elected hereunder shall by resolution so declare.

SEC. 195. FIRST GENERAL MUNICIPAL ELECTION UNDER CHARTER.

The board of trustees of the City of Alhambra, in office at the time this Charter is approved by the legislature, shall provide for the holding of the first general municipal election of officers under this Charter, shall canvass the votes, declare the result and fix the amounts and approve the bonds of all officers elected at such election according to the provisions relating to said bonds herein provided.

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

SEC. 196. ORDINANCES, RESOLUTIONS AND REGULATIONS TO REMAIN EFFECTIVE.

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

SEC. 197. VIOLATION OF CHARTER OR ORDINANCE DEEMED MISDEMEANOR; PROSECUTION; IMPRISONMENT FOR VIOLATION IN CITY OR COUNTY JAIL.

The violation of any provision of this Charter or of any ordinance of the city shall be deemed a mis-demeanor, and may be prosecuted by the authorities of the city in the name of the people of the State of California, or may be redressed by civil action, at the option of said authorities. Any person sentenced to imprisonment for the violation of a provision of this Charter or of any ordinance may be imprisoned in the city jail, or if the council by ordinance shall so prescribe, in the county jail of the county in which the City of Alhambra is situated, in which case the expense of such imprisonment shall be a charge in favor of such county against the City of Alhambra.

SEC. 198. RIGHTS OF PUBLIC UTILITIES COMMISSION UNIMPAIRED.

The provisions of this Charter as to supervision and regulation by said city of any public utility operating therein shall not, and shall not be construed to affect or impair the right of the public utilities commission to exercise any powers of supervision, regulation or control over any such public utility, which the city may by vote have surrendered to such public utilities commission or which such public utilities commission may have been empowered to exercise by constitutional amendment adopted prior to the taking effect of this Charter.

Editor's note: This section was amended by the voters of the city on March 5, 2002.

SEC. 199. AMENDMENT OF CHARTER.

This Charter may be amended at such times and in such manner as is provided by the constitution of the State of California.

SEC. 200. APPLICATION OF GENERAL STATE LAW PERTAINING TO MUNICIPAL OFFICERS.

In all matters pertaining to municipal officers, concerning which no special provision is made in this Charter, the general law of the state shall be a part of this Charter as far as the same may be applicable.

SEC. 201. "STREETS" DEFINED.

The word "streets" when used in this Charter, includes streets, highways, alleys, lanes, courts and public places.

SEC. 202. DEFINITIONS GENERALLY.

The word "city" wherever it is used in this Charter, means the City of Alhambra, and every commission, department, board, division, officer or employee wherever mentioned in this Charter means the commission, department, board, division, officer or employee, as the case may be, of the City of Alhambra, except that specific mention of the board of education and members thereof, refers only to said board or its members as the case may be. The term "council" when used in this Charter, means the council of the City of Alhambra.

SEC. 203. RIGHTS, ACTIONS, CONTRACTS, ETC., UNIMPAIRED.

All rights, actions, proceedings, prosecutions, and contracts of the city, or any of its departments or officers, pending or unexecuted, when this Charter goes into effect, and not inconsistent therewith, shall be enforced, continued, or completed, in all respects as though begun or executed hereunder.

ARTICLE XXVI. STATE

EMPLOYEES' RETIREMENT ACT

SEC. 204. ADOPTION OF "STATE EMPLOYEES' RETIREMENT ACT"; RETIREMENT GENERALLY.

The "State Employees' Retirement Act", as now amended or as it may hereafter be amended, is hereby adopted for the City of Alhambra.

Plenary authority and power is hereby vested in the City of Alhambra, its council, and its several officers, agents and employees to do and perform any act, or exercise any authority granted, permitted or required, whereby said city, under the provisions of said retirement act, shall become a contracting city fully participating in the state employees' retirement system, on the same basis as state employees wherever and whenever said act permits; provided, however, that the legislative body of the City of Alhambra may terminate any contract entered into with the board of administration of the state employees' retirement system only under authority granted by ordinance adopted by a majority vote of the electors of the City of Alhambra. The employees of the Alhambra City Library shall be considered and held to be employees of the City of Alhambra for the purpose of the establishment and maintenance of the retirement system hereby authorized.

The council shall levy and collect taxes sufficient to pay all costs and expenses to be paid by the City of Alhambra to enable said city to participate in the state employees' retirement system, and limitations of article XVIII, section 128, of the Charter of the City of Alhambra, with respect to the levying and collection of municipal taxes, shall not apply to any tax authorized by this article. (1944, A.C. Res. 33.3).