

# **THE CHARTER OF THE CITY OF CERRITOS**

## **ARTICLE I – INCORPORATION AND SUCCESSION**

### **Section 100. NAME AND BOUNDARIES.**

The name of this City shall be "City of Cerritos" and said City shall continue to be a municipal corporation under such name. Whenever the term "City" or "City of Dairy Valley," the former name of this City, shall appear in this Charter or in any contract, ordinance, resolution, order or other document or action of this City, said term shall refer to and mean the City of Cerritos. The boundaries of the City shall be the boundaries as established at the time the Charter of this City took effect or as such boundaries may have been, or be, changed thereafter in the manner authorized by law. (As amended by Cerritos voters at the following election(s): January 10, 1970)

### **Section 101. SUCCESSION, RIGHTS, AND LIABILITIES.**

The City of Cerritos shall continue to own, possess, and control all rights and property of every kind and nature owned, possessed, or controlled by it at the time this Charter takes effect and shall be subject to all its debts, obligations, liabilities and contracts.

### **Section 102. ORDINANCES.**

All lawful ordinances, resolutions, rules and regulations, or portions thereof, in force at the time this Charter takes effect, and not in conflict or inconsistent herewith, are hereby continued in force until the same shall have been duly repealed, amended, changed or superseded by proper authority.

### **Section 103. CONTINUANCE OF PRESENT OFFICERS AND EMPLOYEES.**

The present officers and employees shall continue to perform the duties of their respective offices and employments without interruption for the same compensations and under the same conditions until the election or appointment, and qualification of their successors under this Charter and subject to such removal and control as is provided herein and subject to the other provisions hereof.

### **Section 104. EFFECTIVE DATE OF CHARTER.**

This Charter shall take effect upon its approval by the Legislature.

## **ARTICLE II – POWERS OF CITY**

### **Section 200. POWERS.**

The City shall have the power to make and enforce all laws and regulations in respect to municipal

affairs, subject only to such restrictions and limitations as may be provided in this Charter and in the Constitution of the State of California. It shall also have the power to exercise, or act pursuant to any and all rights, powers, privileges, or procedures, heretofore or hereafter established, granted, or prescribed by any law of the State, by this Charter, or by other lawful authority, or which a municipal corporation might or could exercise, or act pursuant to, under the Constitution of the State of California. The City shall also have the power to contract with any county, city or other governmental body for the performance of city functions or services by such county, city or other body and the city shall also have the power to transfer any of its functions and any of the functions of an officer, board or commission of the city to an officer, board or commission of the county in which the city is situated. The enumeration in this Charter of a particular power shall not be held to be exclusive of, or any limitation upon, the generality of the foregoing provisions.

## **ARTICLE III – FORM OF GOVERNMENT**

### **Section 300. FORM OF GOVERNMENT.**

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

## **ARTICLE IV – ELECTIVE OFFICERS**

### **Section 400. ELECTIVE OFFICERS.**

The elective officers of the City shall consist of a City Council of five members elected from the City at large at the times and in the manner provided in this Charter and who shall serve for a term of four years until their respective successors qualify.

The members of the City Council in office at the time this Charter takes effect shall continue in office until the expiration of their respective terms.

The term of each elective officer shall commence on the first Wednesday following such member's election. Ties among candidates for any office shall be settled by the casting of lots.

Limitation of Terms: Commencing on the April 12, 2022 general municipal election, and for each municipal election thereafter, any council member who has served two (2) complete four-year terms, whether consecutive or not, shall not be eligible after the completion of the second four-year term to be elected or appointed to the Cerritos City Council. (As amended by Cerritos voters at the following election(s): April 12, 2022, November 4, 1986)

### **Section 401. ELIGIBILITY.**

No person shall be eligible to hold an elective office unless that person shall have been for at least thirty days immediately preceding said person's filing of nomination papers election or appointment, a qualified elector of the City. (As amended by Cerritos voters at the following election(s): April 12, 2022, January 20, 1970)

#### **Section 402. COMPENSATION.**

The members of the City Council shall receive a salary in such amount as the City Council may by ordinance, from time to time approve. The members of the City Council shall receive reimbursement on order of the City Council for Council authorized traveling and other expenses when on official duty.

The City Clerk and City Treasurer shall receive compensation for their services in such amount and at such stated times as shall be prescribed by resolution adopted by the City Council. (As amended by Cerritos voters at the following election(s): January 20, 1970)

#### **Section 403. VACANCIES.**

A vacancy in an elective office, from whatever cause arising, shall be filled by appointment by the City Council, such appointee to hold office for the remainder of such unexpired term and until such appointee's successor qualifies.

If a member of the City Council is absent from all regular meetings of the City Council for a period of sixty days consecutively from and after the last regular City Council meeting attended by such member, unless by permission of the City Council expressed in its official minutes, or is convicted of a crime involving moral turpitude, or ceases to be a qualified elector of the City, such member's office shall become vacant.

The City Council shall declare the existence of any vacancy. In the event it shall fail to fill a vacancy by appointment within thirty days after such office shall have been declared vacant, it shall cause an election to be held forthwith to fill such vacancy. (As amended by Cerritos voters at the following election(s): April 12, 2022, March 2, 1965)

#### **Section 404. CITY COUNCIL, PRESIDING OFFICER, MAYOR.**

(a) On the first Wednesday following any general or special municipal election at which any council member is elected, the City Council shall meet and shall elect one of its members as its presiding officer, who shall have the title of Mayor. The Mayor shall have a voice and vote in all its proceedings. The Mayor shall be the official head of the City for all ceremonial purposes. The Mayor shall also act in a liaison capacity between the City Council and the City Manager, and in such capacity shall advise the City Manager on matters of Council policy. The Mayor shall perform

such other duties consistent with the office as may be prescribed by this Charter or as may be imposed by the City Council. The Mayor shall serve in such capacity at the pleasure of the City Council.

(b) MAYOR PRO TEMPORE. The City Council shall also designate one of its members as Mayor Pro Tempore, who shall serve in such capacity at the pleasure of the City Council. The Mayor Pro Tempore shall perform the duties of the Mayor during an absence or disability. (As amended by Cerritos voters at the following election(s): April 12, 2022)

#### **Section 405. POWERS VESTED IN THE CITY COUNCIL.**

All powers of the City shall be vested in the City Council except as otherwise provided in this Charter.

#### **Section 406. INTERFERENCE IN ADMINISTRATIVE SERVICE.**

Neither the City Council nor any of its members shall interfere with the execution by the City Manager of the City Manager's powers and duties, or order, directly or indirectly, the appointment by the City Manager or by any of the department heads in the administrative service of the City, of any person to an office or employments or such person's removal therefrom. Except for the purpose of inquiry, the City Council and its members shall deal with the administrative service under the City Manager solely through the City Manager and neither the City Council nor any member thereof shall give orders to any subordinate of the City Manager, either publicly or privately. (As amended by Cerritos voters at the following election(s): April 12, 2022)

#### **Section 407. REGULAR MEETINGS.**

The City Council shall hold regular meetings at least once each month at such times as it shall fix by ordinance or resolution and may adjourn or readjourn any regular meeting to a date and hour certain which shall be specified in the order of adjournment and when so adjourned each adjourned meeting shall be a regular meeting for all purposes. If the hour to which a meeting is adjourned is not stated in the order of adjournments, such meeting shall be held at the hour for holding regular meetings. If at any time any regular meeting falls on a holiday, such regular meeting shall be held on the next business day.

#### **Section 408. SPECIAL MEETINGS.**

Special Meetings may be called at any time by the Mayor, or by three members of the City Council, by delivering personally or by mail, written notice to each member of the City Council and to each local newspaper of general circulation, and radio or television station requesting notice in writing. Such notice shall be delivered personally or by mail at least 24 hours before the time of such

meetings as specified in the notice. The notice shall specify the business to be transacted and only such matters may be acted upon as are referred to in such written notice. A Special Meeting may be validly held without the giving of such written notice if all members shall give their consent, in writing, to the holding of such meeting and such consent is on file in the Office of the City Clerk at the time of such meeting. Written notice may also be dispensed with as to any member who is actually present at the meeting at the time it convenes. (As amended by Cerritos voters at the following election(s): April 12, 2022, January 10, 1970)

#### **Section 409. PLACE OF MEETING.**

All meetings shall be held in such place as the City Council shall fix by ordinance or resolution, or in such place to which any such meeting may be adjourned, and shall be open to the public. If, by reason of fire, flood, or other emergency, it shall be unsafe to meet in the place designated, the meetings will be held for the duration of the emergency at such place as is designated by the Mayor, or, if the Mayor should fail to act, by three members of the City Council. (As amended by Cerritos voters at the following election(s): April 12, 2022)

#### **Section 410. QUORUM, PROCEEDINGS.**

A majority of the members of the City Council shall constitute a quorum to do business but a less number may adjourn from time to time. In the absence of all the members of the City Council from any regular meeting, the City Clerk may declare the same adjourned to a stated day and hour. Notice of a meeting adjourned by less than a quorum or by the clerk shall be given by the clerk or may be waived by consent in the same manner as specified in this Charter for the giving or waiving of notice of special meetings of the City Council, but need not specify the matters to be acted upon.

The City Council shall judge the qualifications of its members as set forth by the Charter. It shall judge all election returns. It may establish rules for the conduct of its proceedings and evict or prosecute any member or other person for disorderly conduct at any of its meetings.

Each member of the City Council shall have the power to administer oaths and affirmations in any investigation or proceeding pending before the City Council. The City Council shall have the power and authority to compel the attendance of witnesses, to examine them under oath, and to compel the production of evidence before it. Subpoenas shall be issued in the name of the City and attested by the City Clerk. Disobedience of such subpoenas, or the refusal to testify (upon other than constitutional grounds), shall constitute a misdemeanor, and shall be punishable in the same manner as violations of this Charter are punishable.

At the demand of any member or upon the adoption of any ordinance, resolutions, or order for the

payment of money, the City Clerk shall call the roll and shall cause the ayes and noes taken on such question to be entered upon the minutes of the meeting.

#### **Section 411. CITIZEN PARTICIPATION.**

No citizen shall be denied the right, personally or through counsel, to present grievances at any regular meeting of the Council, or offer suggestions for the betterment of municipal affairs.

#### **Section 412. ADOPTION OF ORDINANCES AND RESOLUTIONS.**

With the sole exception of ordinances which take effect upon adoption, referred to in this Article, no ordinance shall be adopted by the City Council on the day of its introduction, nor within five days thereafter, nor at any time other than at a regular or adjourned regular meeting. However, an urgency ordinance may be passed immediately upon introduction and either at a regular or special meeting. At the time of its introduction an ordinance shall become part of the proceedings of such meeting in the custody of the City Clerk. At the time of adoption of an ordinance or resolution, it shall be read in full, unless after the reading of the title thereof, the further reading thereof is waived by majority consent of the councilmembers present. In the event that any ordinance is altered after its introduction, the same shall not be finally adopted except at a regular or adjourned regular meeting held not less than five days after the date upon which such ordinance was so altered. The correction of typographical or clerical errors shall not constitute the making of an alteration within the meaning of the foregoing sentence.

Unless a different vote is required by other provisions of this Charter, the affirmative votes of at least three members of the City Council shall be required for the enactment of any ordinance or resolution, or for the making or approving of any order for the payment of money. All ordinances and resolutions shall be signed by the Mayor and attested by the City Clerk.

Any ordinance declared by the City Council to be necessary as an emergency measure for preserving the public peace, health, or safety, and containing a statement of the reasons for its urgency, may be introduced and adopted at one and the same meeting. (As amended by Cerritos voters at the following election(s): April 12, 2022, January 20, 1970)

#### **Section 413. ORDINANCES. PUBLICATION.**

The City Clerk shall cause each ordinance to be published at least once in the official newspaper, if any, within fifteen days after its adoption.

#### **Section 414. CODIFICATION OF ORDINANCES.**

Any or all ordinances of the City which have been enacted and published in the manner required at the time of their adoption and which have not been repealed, may be compiled, consolidated,

revised, indexed and arranged as a comprehensive ordinance code, and such code may be adopted by reference, with the same effect as an ordinance, by the passage of an ordinance for such purpose. Such code need not be published in the manner required for other ordinances, but not less than three copies thereof shall be filed for use and examination by the public in the office of the City Clerk prior to the adoption thereof. Ordinances codified shall be repealed as the effective date of the code. Amendments to the code shall be enacted in the same manner as ordinances.

Detailed regulations pertaining to the construction of buildings, plumbing, and wiring, when arranged as a comprehensive code, may likewise be adopted by reference in the manner provided in this section.

#### **Section 415. ORDINANCE, WHEN EFFECTIVE.**

No ordinance shall be effective until thirty days from and after the date of its adoption, except the following, which shall take effect upon adoption:

- (a) An ordinance calling or otherwise relating to an election.
- (b) An improvement proceeding ordinance adopted under some law or procedural ordinance.
- (c) An ordinance relating to taxes, if any, for the usual and current expenses of the City.
- (d) An emergency ordinance adopted in the manner, provided for in this Article.

#### **Section 416. ORDINANCES. VIOLATION, PENALTY.**

A violation of any ordinance of the City shall constitute a misdemeanor and may be prosecuted in the name of the People of the State of California or may be redressed by civil action. The maximum fine or penalty for any violation of a city ordinance and/or the maximum term of imprisonment for such violation shall be in such amount and length as the City Council may by ordinance, from time to time, approve. (As amended by Cerritos voters at the following election(s): April 12, 2022)

#### **Section 417. PUBLISHING OF LEGAL NOTICES.**

In the event that there is more than one newspaper in circulation published and circulated in the City, the City Council, annually, prior to the beginning of each fiscal year, shall publish a notice inviting bids and contract for the publication of all legal notices or other matter required to be published in a newspaper of general circulation in said City, during the ensuing fiscal year. In the event there is only one newspaper of general circulation published and circulated in the City, then the City Council shall have the power to contract with such newspaper for the printing and publishing of such legal notices or matter without being required to advertise for bids therefor. The

newspaper with which any such contract is made shall be designated the official newspaper for the publication of such notices or other matter for the period of such contract.

In no case shall the contract prices for such publication exceed the customary rates charged by such newspaper for the publication of legal notices of a private character.

In the event there is no newspaper of general circulation published and circulated in the City, then all legal notices and other matter may be published by posting copies thereof in at least three public places in the City. No defect or irregularity in proceedings taken under this section, or failure to designate an official newspaper, shall invalidate any publication where the same is otherwise in conformity with this Charter or law or ordinance.

## **ARTICLE V – CITY MANAGER**

### **Section 500. CITY MANAGER.**

There shall be a City Manager who shall be the chief administrative officer of the City. In the selection of a city manager the City Council shall screen all applicants and other qualified persons known by the council to be available. It shall appoint, by a majority vote, the person that it believes to be the best qualified on the basis of such person's executive and administrative qualifications, with special reference to experience in, or knowledge of, accepted practice in respect to the duties of the office as set forth in this Charter. The City Manager shall serve at the pleasure of the City Council.

No person shall be eligible to receive appointment as City Manager while serving as a member of the City Council nor within one year after such member has ceased to be a member of the City Council. (As amended by Cerritos voters at the following election(s): April 12, 2022)

### **Section 501. CITY MANAGER. POWERS AND DUTIES.**

The City Manager shall be the head of the administrative branch of the city government. The City Manager shall be responsible to the City Council for the proper administration of all affairs of the City. Without limiting the foregoing general grant of powers, responsibilities and duties, the City Manager shall have power and be required to:

(a) Appoint, suspend, or remove all department heads and officers of the City except officers and those department heads and officers the power of whose appointment is vested by the Charter in the City Council.

(b) Prepare the budget annually, submit such budget to the City Council, and be responsible for its



administration after its adoption.

(c) Prepare and submit to the City Council as of the end of the fiscal year a comprehensive report on the finances and administrative activities of the City for the preceding year.

(d) Keep the City Council advised of the financial condition and the future needs of the City and make such recommendations as deemed desirable by the City Manager.

(e) Prepare rules and regulations governing the contracting for, purchasing, storing, distribution, or disposal of all supplies, materials, and equipment required by any office, department, or agency of the City government and recommend them to the City Council for adoption by it by ordinance.

(f) Perform such other duties consistent with this Charter as may be required by the City Council by ordinance or otherwise. (As amended by Cerritos voters at the following election(s): April 12, 2022)

#### **Section 502. CITY MANAGER. MEETINGS.**

The City Manager or designee shall be accorded a seat at the City Council table and at all meetings of boards and commissions and shall be entitled to participate in their deliberations, but shall not have a vote. (As amended by Cerritos voters at the following election(s): April 12, 2022)

## **ARTICLE VI – OFFICERS AND EMPLOYEES**

#### **Section 600. OFFICERS TO BE APPOINTED BY THE CITY COUNCIL.**

In addition to the City Manager there shall be a City Clerk, City Treasurer, City Attorney, and, in the discretion of the City Council, an Assistant City Attorney, who shall be appointed by and serve at the pleasure of the City Council. The offices of City Clerk and City Treasurer may be held by the same person.

#### **Section 601. ADMINISTRATIVE DEPARTMENT.**

The City Council may provide, by ordinance not inconsistent with this Charter for the organization, conduct, and operation of the several offices and departments of the City as established by this Charter, for the creation of additional departments, division, offices, and agencies and for their consolidation, alteration, or abolition. Each new department created by the City Council shall be headed by an officer as department head who shall be appointed and may be suspended or removed by the City Manager.

The City Council, by ordinance or resolution, may assign additional functions or duties to offices, departments, or agencies not inconsistent with this Charter. The City Council shall provide for the

number, titles, qualifications, powers, duties, and compensation of all officers and employees.

## **Section 602. CITY CLERK. POWERS AND DUTIES.**

The City Clerk shall have power and be required to:

(a) Attend all meetings of the City Council and be responsible for the recording and maintaining of a full and true record of all the proceedings of the City Council in books which shall bear appropriate titles and be devoted to such purpose.

(b) Maintain separate books in which shall be recorded respectively all ordinances and resolutions, with a certificate of the Clerk annexed to each thereof stating the same to be the original or a correct copy, and as to an ordinance requiring publication, stating that the same has been published or posted in accordance with this Charter; keep all books properly indexed and open to public inspection when not in actual use.

(c) Maintain separate books in which a record shall be made of all written contracts and fidelity and performance bonds.

(d) Be the custodian of the Seal of the City.

(e) Administer oaths or affirmations, take affidavits and depositions pertaining to the affairs and business of the City, and certify copies of the official records.

(f) Be ex officio assessor, unless the City Council has availed itself or does in the future avail itself of the provisions of the general laws of the State relative to any assessment of property and the collection of city taxes, if any, by county officers, or the City Council by ordinance provides otherwise.

(g) Be responsible for the conduct of all city elections.

(h) Deputize other persons to assist in carrying out the duties of the City Clerk.

## **Section 603. TREASURER.**

There shall be a treasurer who shall have power and shall be required to:

(a) Collect any license fees or other revenues of the City, or for whose collection the City is responsible and receive all taxes or other money receivable by the City from the County, State or Federal government, or from any Court or from any office, department or agency of the City.

(b) Have custody of all public funds belonging to or under control of the City or any office, department or agency of the City government and deposit all funds in such depository as may be designated by resolution of the City Council or if no such resolution be adopted, then in such depository designated in writing by the City Manager, and in compliance with all of the provisions of the State Constitution and laws of the State governing the handling, depositing and securing of public funds.

(c) Disburse moneys on demands audited in the manner provided for in the Charter.

(d) Prepare and submit to the City Council monthly written reports of all receipts, disbursements and fund balances, copies of which reports shall be filed with the City Manager. (As amended by Cerritos voters at the following election(s): April 12, 2022)

#### **Section 604. CITY ATTORNEY, POWERS AND DUTIES.**

To become eligible for City Attorney or Assistant City Attorney the person appointed shall be an attorney at law duly licensed as such under the laws of the State of California and shall have engaged in the practice of law for at least two years prior to appointment. The City Attorney shall have power and be required to:

(a) Represent and advise the City Council and all city officers in matters of law pertaining to their office.

(b) Represent and appear for the City in any or all actions and proceedings in which the City is concerned or is a party, except the prosecution of criminal actions, and represent and appear for any city officer or employee, or former city officer or employee, in any or all actions and proceedings in which any such officer or employee is concerned or is a party, for any act arising out of such employment or by reason by such officer or employee's official capacity.

(c) Attend all regular meetings of the City Council and give advice and opinions in writing whenever requested to do so by the City Council or by any of the boards or officers of the City.

(d) Approve the form of all contracts made by, and all bonds given to, the City, endorsing approval thereon in writing.

(e) Prepare any and all proposed ordinances or resolutions for the City and amendments thereto.

(f) Approve, as to legality, all investments of City funds.

The City Council shall have control of all legal business and proceedings and may employ other attorneys to take charge of a litigation or matter or to assist the City Attorney therein. (As amended by Cerritos voters at the following election(s): April 12, 2022)

**Section 605. ADMINISTERING OATHS.**

Each department head and deputies of each respective department head shall have the power to administer oaths and affirmations in connection with any official business pertaining to their respective department. (As amended by Cerritos voters at the following election(s): April 12, 2022)

**Section 606. ILLEGAL CONTRACTS, FINANCIAL INTEREST.**

No member of the City Council, department head or other officer of the City (except a member of any board or commission), shall be financially interested, directly or indirectly in any contract, sale or transaction to which the City is a party.

No member of any board or commission shall be financially interested, directly or indirectly, in any contract, sale or transaction to which the City is a party and which comes before the board or commission of which such person is a member for approval or other official action or which pertains to the department, office or agency of the City with which such board or commission is connected.

Any contract, sale or transaction in which there shall be such an interest, as specified in this section, shall become void at the option of the City when so declared by resolution of the City Council.

No member of the City Council, department head or other officer of the City, or member of any board or commission shall be deemed to be financially interested, within the meaning of the foregoing provisions, in any contract made with a corporation where the only interest in the corporation is that of a stockholder and the stock owned by such person shall amount to less than three percent of all the stock of such corporation issued and outstanding.

If any member of the City Council, department head or other officer of the City, or member of a board or commission shall be financially interested as aforesaid, upon conviction thereof such person shall forfeit the office in addition to any other penalty which may be imposed for such violation of this Charter. (As amended by Cerritos voters at the following election(s): April 12, 2022)

**Section 607. ACCEPTANCE OF OTHER OFFICE.**

Any elective officer of the City who shall accept or retain any other elective public office shall be deemed thereby to have vacated the office under the City government. (As amended by Cerritos voters at the following election(s): April 12, 2022)

## **Section 608. OFFICIAL BONDS.**

The City Council shall fix by ordinance or resolution the amounts and terms of the official bonds of all officials or employees who are required by ordinance to give such bonds. All bonds shall be executed by responsible corporate surety, shall be approved as to form by the City Attorney, and shall be filed with the City Clerk. Premiums on official bonds shall be paid by the City.

There shall be no personal liability upon, or any right to recover against, a superior officer, or such officer's bond for any wrongful act or omission of such officer's subordinate unless such superior officer was a party to, or conspired in, such wrongful act or omission. (As amended by Cerritos voters at the following election(s): April 12, 2022)

## **Section 609. ANTI-NEPOTISM.**

(a) The Mayor or City Council shall not appoint as an employee or officer any person who is a relative by blood or marriage within the third degree of the Mayor or any member of the Council, nor shall the City Manager appoint to any such position any relative of the City Manager or of the Mayor or any member of the Council within such degree of kinship.

(b) For purposes of this section, the following definitions apply:

(1) "City Council" is defined as an individual or any number of the members of the elected City Council of the City of Cerritos.

(2) "City Manager" is defined as the City Manager of the City of Cerritos.

(3) "Employee" is defined as the directly appointed employees of the City Council including the City Manager, City Attorney, City Clerk, and City Treasurer.

(4) "Mayor" is defined as the Mayor of the City of Cerritos.

(5) "Officer" is defined as any individual directly appointed by majority action of the City Council to serve upon any City-controlled board, commission, committee, or other such advisory body.

(6) "Relative within the third degree" is defined as a spouse, son, daughter, mother, father, brother, sister, grandchild, grandparent, aunt, uncle, niece, nephew, great-grandchild, or great-grandparent. Half-relatives, step-relatives and in-laws are included as relatives. (As amended by Cerritos voters at the following election(s): April 12, 2022)

## **ARTICLE VII – APPOINTIVE BOARDS AND COMMISSIONS**

### **Section 700. IN GENERAL.**

Except where specific State law provides the manner in which boards or commissions are to be created, the City Council may create by resolution, such boards or commissions as in its judgment are required and may grant to them such power and duties as are consistent with the provisions of this Charter as determined by the City Council. (As amended by Cerritos voters at the following election(s): January 20, 1970)

### **Sections 701, 702, 703, 704 and 705.**

(Repealed)

(As amended by Cerritos voters at the following election(s): January 20, 1970)

## **ARTICLE VIII – ELECTIONS**

### **Section 800. GENERAL MUNICIPAL ELECTIONS.**

General municipal elections for the election of officers and for such other purposes as the City Council may prescribe may be held in the City on any of the dates established by the law of the State of California for general municipal elections in general law cities. The date for the election shall be determined by ordinance of the City Council, which shall remain in effect until amended by a subsequent ordinance. A change in the date of the general municipal election may change the length of a term of office, whether established by this Charter or otherwise, but only to the extent required to accommodate that change of date, and subject to the limitation that as a result of any ordinance effecting a change in date of an election, no term of office shall be increased or decreased by more than 12 months; thereafter, such terms of office shall be of such length as is otherwise provided by law. (As amended by Cerritos voters at the following election(s): November 8, 1994)

## **ARTICLE VIII – ELECTIONS**

### **Section 801. SPECIAL MUNICIPAL ELECTIONS.**

All other municipal elections that may be held by authority of this Charter, or of any law, shall be known as special municipal elections.

### **Section 802. PROCEDURE FOR HOLDING ELECTIONS.**

Unless otherwise provided by ordinance hereafter enacted, all elections shall be held in

accordance with the provisions of the Elections Code of the State of California, as the same now exist or hereafter may be amended, for the holding of elections in general law cities so far as the same are not in conflict with this Charter.

**Section 803. INITIATIVE, REFERENDUM AND RECALL.**

There are hereby reserved to the electors of the City the powers of the initiative and referendum and of the recall of municipal elective officers. The provisions of the Election Code of the State of California, as the same now exist or hereafter may be amended, governing the initiative and referendum and the recall of municipal officers, shall apply to the use thereof in the City so far as such provisions of the Elections Code are not in conflict with the provisions of this charter.

## **ARTICLE IX – FISCAL ADMINISTRATION**

**Section 900. FISCAL YEAR.**

The fiscal year of the City government shall begin on the first day of July of each year and end on the thirtieth day of June the following year.

**Section 901. ANNUAL BUDGET. PREPARATION BY THE CITY MANAGER.**

At such date as the City Manager shall determine, the City Manager shall obtain from each department head estimates of revenue and expenditures of each respective department, detailed in such manner as may be prescribed by the City Manager. In preparing the proposed budget, the City Manager shall review the estimates, hold conferences thereon with the respective department heads and may revise the estimate as deemed advisable by the City Manager. (As amended by Cerritos voters at the following election(s): April 12, 2022)

**Section 902. BUDGET, SUBMISSION TO CITY COUNCIL.**

At least sixty days prior to the beginning of each fiscal year, the City Manager shall submit to the City Council the proposed budget. Copies of the proposed budget shall be available for inspection by the public in the office of the City Clerk. At a regular meeting, the City Council shall consider the proposed budget and make any revisions thereof that it may deem advisable and on or before August 31, it shall adopt the budget. A copy thereof, certified by the City Clerk, shall be filed with the person retained by the City Council to perform auditing functions for the Council and a further copy shall be placed and shall remain on file in the office of the City Clerk where it shall be available for inspection. (As amended by Cerritos voters at the following election(s): April 12, 2022)

**Section 903. TAX LIMITS.**

(a) [reserved]

(b) The City Council shall be empowered to levy and collect at the time and in the same manner as other property taxes, if any, for municipal purposes are levied and collected, as additional taxes, if no other provision for payment thereof is made.

(c) A tax sufficient to meet all liabilities of the City for principal and interest of all bonds or judgments due and unpaid, or to become due during the ensuing fiscal year, which constitute general obligations of the City.

(d) The procedure for the assessment, levy, and collection of taxes, if ever, upon property, taxable for municipal purposes, may be prescribed by ordinance of the City Council. (As amended by Cerritos voters at the following election(s): April 12, 2022)

#### **Section 904. BONDED DEBT LIMIT.**

The City shall not incur an indebtedness evidenced by general obligation bonds which shall in the aggregate exceed the sum of fifteen percent of the total assessed valuation, for purposes of city taxation, of all the real and personal property within the City, exclusive of any indebtedness that may hereafter be incurred for the purpose of constructing sewers or drains in the City, for which purposes a further indebtedness may be incurred for the issuance of bonds, subject only to the provisions of the State Constitution and of this Charter.

No bonded indebtedness which shall constitute a general obligation of the City may be created unless authorized by the affirmative votes of two-thirds of the electors voting on such proposition at any election at which the question is submitted to the electors and unless in full compliance with the provisions of the State Constitution and of this Charter.

#### **Section 905. CONTRACTS ON PUBLIC WORKS.**

Every project involving an expenditure greater than an amount as set by ordinance of the City Council for the construction or improvement of public buildings, works, streets, drains, sewers, utilities, parks or playgrounds shall be let by the City Council by contract to the lowest responsible bidder after notice by publication in the official newspaper by one or more insertions, the first of which shall be at least ten days before the time for opening bids. Projects for the construction, resurfacing, maintenance or repair of street, drains or sewers are excepted from the requirements of this paragraph if such work is performed by a City or County of Los Angeles department.

All bids shall be accompanied by either a certified or cashier's check, or a bidder's bond executed by a corporate surety authorized to engage in such business in California, made payable to the City. Such security shall be in an amount not less than that specified in the notice inviting bids or in the specifications referred to therein, or if no amount be so specified then in an amount not less



than ten percent of the aggregate amount of the bid. If the successful bidder neglects or refuses to enter into the contract, within the time specified in the notice inviting bids or in the specifications referred to therein, the amount of the bidder's security shall be declared forfeited to the City and shall be collected and paid into its general fund, and all bonds so forfeited shall be prosecuted and the amount thereof collected and paid into such fund.

The City Council may reject any and all bids presented and may readvertise in its discretion.

The City Council, after rejecting bids, or if no bids are received, may declare and determine that in its opinion, based on estimates approved by the City Manager, the work in question may be performed better or more economically by the City with its own employees or the materials may be purchased more economically on the open market, and after the adoption of a resolution to this effect by at least three affirmative votes of the Council may proceed to have said work done in the manner stated, without further observance of the provisions of this section. Such contracts likewise may be let without advertising for bids, if such work shall be deemed by, the City Council to be of urgent necessity for the preservation of life, health or property, and shall be authorized by resolution passed by at least three affirmative votes of the Council and containing a declaration of the facts constituting such urgency. (As amended by Cerritos voters at the following election(s): April 12, 2022, March 2, 1965)

#### **Section 906. PRESENTATION OF DEMANDS.**

Any demand against the City must be in writing and may be in the form of a bill, invoice, payroll, or formal demand. Each such demand shall be presented to the City Clerk, who shall examine the same. If the amount thereof is legally due and there remains on the City Clerk's books an unexhausted balance of an appropriation against which the same may be charged, he shall approve such demand and draw a warrant on the City Treasurer therefor, payable out of the proper fund. Objections of the City Clerk may be overruled by the City Council and the warrant ordered drawn.

The City Clerk shall transmit such demand, with the City Clerk's approval or rejection thereof, endorsed thereon, and warrant, if any, to the City Manager. If a demand is one for an item included within an approved budget appropriation, it shall require the approval of the City Manager, otherwise it shall require the approval of the City Council. Any person dissatisfied with the refusal of the City Manager to approve any demand, in whole or in part, may present the same to the City Council which, after examining into the matter, may approve or disapprove the demand in whole or in part. (As amended by Cerritos voters at the following election(s): April 12, 2022)

### **Section 907. REGISTERING WARRANTS.**

Warrants on the City Treasurer which are not paid for lack of funds shall be registered. All registered warrants shall be paid in the order of their registration when funds therefor are available and shall bear interest from the date of registration at such rate as shall be fixed by the City Council by resolution.

### **Section 908. ACTIONS AGAINST CITY.**

No suit shall be brought on any claim for money or damages against the City Council or any board or officer thereof until a demand for the same had been presented as herein provided and rejected in whole or in part. If rejected in part, suit may be brought to recover the whole. Except in those cases where a shorter time is otherwise provided by law, all claims for damages against the City must be verified and presented to the City Clerk within the time provided by law, and shall set forth in detail the name and address of the claimant, the time, date, place and circumstances of the occurrence and the extent of the injuries or damages received; all other claims or demands shall be presented within ninety days after the last item of the account or claim occurred.

In all cases such claims shall be approved or rejected in writing by order of the City and the date thereof given. Failure to complete the action or demand within sixty days from the day the same is filed with the City Clerk shall be deemed a rejection thereof. (As amended by Cerritos voters at the following election(s): April 12, 2022, January 20, 1970)

### **Section 909. INDEPENDENT AUDIT.**

The City Council shall employ at the beginning of each fiscal year, a certified public accountant who shall, at such time or times as may be specified by the City Council, and at such other times as he shall determine, examine the official books, records, inventories and reports of all officers and employees who receive, handle or disburse public funds and all such other officers, employees or departments as the City Council may direct. Within sixty days from the end of the fiscal year, unless such time shall be extended by the Council, a final audit and report shall be submitted by such accountant to the City Council, one copy thereof to be distributed to each member, one to the City Manager, Treasurer and City Attorney, respectively, and three additional copies to be placed on file in the office of the City Clerk where they shall be available for inspection by the general public.

## **ARTICLE X - FRANCHISES**

### **Section 1000. GRANTING OF FRANCHISES.**

Any person, firm or corporation furnishing the City or its inhabitants with transportation, communication, terminal facilities, water, light, heat, gas, power, refrigeration, storage or any other

public utility or service, or using the public streets, ways, alleys, or places for the operation of plants, works, or equipment for the furnishing thereof or traversing any portion of the City, for the transmitting or conveying of any such service elsewhere, may be required by ordinance to have valid and existing franchises thereof. The City Council is empowered to grant such franchise to any person, firm or corporation, whether operating under an existing franchise or not. The City Council may prescribe the terms and conditions of any such grant. It may also provide by procedural ordinance the method of procedure and additional terms and conditions of such grants, or the making thereof, subject to the provisions of this Charter.

Nothing in this Section, or elsewhere in this Article, shall apply to the City, or any department thereof, when furnishing any such utility or service.

#### **Section 1001. RESOLUTION OF INTENTION. NOTICE AND PUBLIC HEARING.**

Before granting any franchise, the City Council shall pass a resolution declaring its intention to grant the same, stating the name of the proposed grantee, the character of the franchise and the terms and conditions upon which it is proposed to be granted. Such resolution shall fix and set forth the day, hour and place when and where any persons having any interest therein or any objection to the granting thereof may appear before the City Council and be heard thereon. It shall direct the City Clerk to publish, at the expense of the proposed grantee, said resolution at least once within fifteen days of the passage thereof, in the official newspaper. Said notices shall be published at least ten days prior to the date of hearing.

At the time set for the hearing the City Council shall proceed to hear and pass upon all protests and its decision thereon shall be final and conclusive. Thereafter it may grant or deny the franchise on the terms and condition specified in the resolution of intention to grant the same, subject to the right of referendum of the people. If the City Council shall determine that changes should be made in the terms and conditions upon which the franchise is proposed to be granted, a new resolution of intention shall be adopted and like proceedings had thereon.

#### **Section 1002. TERM OF FRANCHISE.**

Every franchise, other than an indeterminate franchise, shall state the term for which it is granted, which shall not exceed twenty-five years.

A franchise grant may be indeterminate, that is to say, it may provide that it shall endure in full force and effect until the same, with the consent of the Public Utilities Commission of the State of California, shall be voluntarily surrendered or abandoned by its possessor, or until the State of California or some municipal or public corporation, thereunto duly authorized by law shall purchase

or shall condemn and take under the power of eminent domain, all property actually used and useful in the exercise of such franchise and situate within the territorial limits of the State, municipal or public corporation purchasing or condemning such property, or until the franchise shall be forfeited for non-compliance with its terms by the possessor thereof.

### **Section 1003. GRANT TO BE IN LIEU OF ALL OTHER FRANCHISES.**

Any franchise granted by the City hereunder with respect to any given utility service shall be in lieu of all other franchises, rights or privileges owned by the grantee, or by any successor of the grantee to any rights under such franchise granted hereunder, for the rendering of such utility service within the limits of the City as they now or may hereafter exist except any franchise derived under Section 19 of Article XI of the Constitution of California as said section existed prior to the amendment thereof adopted October 10, 1911. The acceptance of any franchise hereunder shall operate as an abandonment of all such other franchises, rights and privileges within the limits of the City as such limits shall at any time exit.

Any franchise granted hereunder shall not become effective until written acceptance thereof shall have been filed by the grantee thereof with the City Clerk. Such acceptance shall be filed within ten days after the adoption of the ordinance granting the franchise, or any extension thereof granted by the City Council, and when so filed such acceptance shall constitute a continuing agreement of such grantee that if and when the City shall thereafter annex, or consolidate with additional territory, any and all franchises, rights and privileges owned by the grantee therein, except a franchise derived under said constitutional provision, shall likewise be deemed to be abandoned within the limits of such additional territory. No grant of any franchise may be transferred or assigned by the grantee except by consent in writing of the City Council and unless the transferee or assignee thereof shall covenant and agree to perform and be bound by each and all of the terms and conditions imposed in the grant or by procedural ordinance and by this Charter.

### **Section 1004. EMINENT DOMAIN.**

No franchise grant shall in any way, or to any extent, impair or affect the right of the City to acquire the property of the grantee thereof either by purchase or through the exercise of the right of eminent domain, and nothing therein contained shall be construed to contract away or to modify or to abridge, either for a term or in perpetuity, the City's right of eminent domain with respect to any public utility.

### **Section 1005. DUTIES OF GRANTEES.**

By its acceptance of any franchise hereunder, the grantee shall covenant and agree to perform and be bound by each and all of the terms and conditions imposed in the grant or by procedural

ordinance and shall further agree to:

(a) Comply with all lawful ordinances, rules and regulations theretofore adopted by the City Council in the exercise of its authority governing the construction, maintenance and operation of its plants, work or equipment.

(b) Pay to the City on demand the cost of all repairs to public property made necessary by any of the operations of the grantee under such franchise.

(c) Indemnify and hold harmless the City and its officers from any and all liability for damages proximately resulting from any operations under such franchise.

(d) Remove and relocate without expense to the City any facilities installed, used and maintained under the franchise if and when made necessary by any lawful change of grade, alignment or width of any public street, way, alley or place, including the construction of any subway or viaduct, or if the public health, comfort, welfare, convenience or safety so demands.

(e) Pay the City during the life of the franchise a percentage, to be specified in the grant, of the gross annual receipts of the grantee within the limits of the City, or such other compensation as the City Council may prescribe in the grant.

#### **Section 1006. EXERCISING RIGHTS WITHOUT FRANCHISE.**

The exercise by any person, firm or corporation of any privilege for which a franchise is required, without possessing a valid and existing franchise therefore, shall be a misdemeanor and shall be punishable in the same manner as violations of this Charter are punishable and each day that such condition continues to exist shall constitute a separate violation.

## **ARTICLE XI - MISCELLANEOUS**

#### **Section 1100. DEFINITIONS.**

Unless the provision or the context otherwise requires, as used in this Charter.

(a) "Shall" is mandatory, and "may" is permissive.

(b) "City" is the City of Cerritos, and "department," "board," "commission," "agency," "officer," or "employee," is a department, board, commission, agency, officer or employee, as the case may be, of the City of Cerritos.

(c) "County" is the County of Los Angeles.

(d) "State" is the State of California.

#### **Section 1101. PURPOSE OF CHARTER.**

It shall be the purpose of this Charter to maintain a city government responsive to the citizens of the City of Cerritos, and to provide adequate local government with a minimum of taxation. (As amended by Cerritos voters at the following election(s): April 12, 2022)

#### **Section 1102. VIOLATIONS.**

The violation of any provision of this Charter shall be deemed a misdemeanor and be punishable upon conviction by a fine or by imprisonment in the amount or length as set by ordinance of the City Council. (As amended by Cerritos voters at the following election(s): April 12, 2022)

#### **Section 1103. SEVERABILITY.**

If any provision of this Charter, or the application thereof to any person or circumstance is held invalid or unenforceable by a court of law, the remainder of the Charter, and the application of such provision to other persons or circumstances, shall not be affected thereby and shall remain enforceable. (As amended by Cerritos voters at the following election(s): April 12, 2022)

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The Cerritos Municipal Code is current through Ordinance 1048, passed February 27, 2025.

Disclaimer: The city clerk's office has the official version of the Cerritos Municipal Code. Users should contact the city clerk's office for ordinances passed subsequent to the ordinance cited above.

City Website: <http://www.cerritos.us/>

City Telephone: (562) 916-1248

Codification services provided by [General Code](#)