

**CHARTER**  
**of the CITY OF PACIFIC GROVE, CALIFORNIA**

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## **CHARTER of the CITY OF PACIFIC GROVE, CALIFORNIA**

### **Article 1 Name**

The municipal corporation now existing and known as “The City of Pacific Grove” shall remain and continue a body politic and corporate, as at present, in fact and in law, by the name of the “The City of Pacific Grove,” and by such name shall have perpetual succession.

### **Article 2 Boundaries**

The boundaries of the City of Pacific Grove shall continue as now established and be changed only in a manner authorized by law.

### **Article 3 Inalienable Rights of City**

The rights of the City in and to its waterfront, lands under water, and such public wharves, docks and landings as may be hereafter thereon constructed are hereby declared inalienable.

### **Article 4 Powers**

The City of Pacific Grove by and through its Council and other officials, shall have and may exercise all powers necessary or appropriate to a municipal corporation and the general welfare of its inhabitants, which are not prohibited by the Constitution of the State and which it would be competent for this Charter to set forth particularly or specifically; and the specification herein of any

particular powers shall not be held to be exclusive or any limitation upon this general grant of powers.

### **Article 5 General Laws Applicable**

All General Laws of the State applicable to municipal corporations now or hereafter enacted and which are not in conflict with the provisions of this Charter shall be applicable to the City of Pacific Grove, provided that the Council may adopt and enforce ordinances in compliance with the provisions of this Charter which shall control in relation to municipal affairs as against General Laws of the State.

### **Article 5.5 Residential Character of the City**

In the exercise of their duties, obligations and authorities, the Council, boards and commissions, officers and employees of the City shall be guided by the determination of the people that Pacific Grove is primarily a city of homes and that business and industry shall be compatible with its residential character.

(Added in the November 6, 1990 general election).

### **Article 6 Officers and Employees**

The officers of the City of Pacific Grove shall consist of six Councilmembers and a Mayor, a City Manager, a City Clerk, a City Treasurer, a City Attorney, other officers as provided by ordinance, and members of Commissions, Boards and Committees as provided by Charter and by ordinance; provided, the Council may by ordinance provide for such subordinate officers, assistants, deputies, clerks and employees as it deems necessary, and that the Council may at any time, when in its judgment the interest of the City so demands, consolidate by ordinance the powers and duties of two or more City officers, and place the same in charge of one such officer. The Mayor and the members of the Council shall be elected from the City at large. All other officers, assistants, deputies, clerks, and employees shall be appointed as provided in this Charter, or as the Council may provide by ordinance in case no provision for their appointment is herein made, and they shall hold their respective offices or positions at the pleasure of the appointing power, except as otherwise herein provided.

(Measure R provisions removed pursuant to June 18, 2013 order of Superior Court of California, County of Monterey; amended in the November 2, 2010 general election (Measure R)).

### **Article 7 Residential Qualifications**

No person shall be eligible to hold, by election or appointment, any elective office of the City unless he/she shall have been a resident and elector of the City for at least thirty (30) days before the date

of his or her election or appointment.

(Res. 7-034 § 2, 2007; amended in the November 6, 1990 general election).

### **Article 8 Elections**

General municipal elections shall be held in the City on the first Tuesday after the first Monday in November in each even numbered year under and pursuant to the provisions of the General Laws of the State of California so far as the same may be applicable, except as herein otherwise provided. All other municipal elections that may be held by authority of this Charter or of the General Law shall be known as special municipal elections. At the time of filing nomination papers, each candidate for an elective office shall file with the City Clerk a sworn statement containing the following information: (A) his or her name; (B) the office for which he or she is a candidate; (C) his or her present residence and occupation; (D) the public offices he or she has held, if any, as principal, deputy or employee; (E) experience, training or education received which, in the candidate's opinion, would qualify him or her to fill the office for which he or she is a candidate. Said form shall be posted in a conspicuous public place in the City offices.

(Amended in the November 6, 1990 general election; amended in the June 5, 1984 general election; amended in the April 10, 1979 general election).

### **Article 9 Canvass of Returns**

At its first regular meeting after certification of the election results of any municipal election, the City Council shall convene to duly canvass the returns of the election, declare the results of that election, and install the newly elected officers; provided however, that no officer shall be installed prior to filing by that officer of all disclosure or other statements required by ordinance or State law. (Res. 7-034 § 3, 2007)

### **Article 10 Oath of Office**

Every officer shall take and subscribe to the oath of office as provided in the Constitution of the State before entering upon the performance of official duties.

(Amended in the November 6, 1990 general election).

### **Article 11 The Mayor**

A Mayor shall be elected at each general municipal election and shall hold office for the term of two years from and after the Tuesday next succeeding the day of such election and until a successor is elected and qualified. The Mayor may receive compensation as provided by ordinance, but in no case shall the compensation exceed that amount which is permitted by State Law for General Law cities of comparable size to Pacific Grove. The Mayor shall be ineligible to hold any office or

employment with the City except as a member of any board, commission or committee thereof of which the Mayor is constituted such member by General Law. In the name and on behalf of the City the Mayor shall sign all contracts, deeds, bonds and other legal instruments in which the City is a party. The Mayor or the Mayor's designate shall represent the City at all ceremonial functions of a social or patriotic character when it is desirable or appropriate to have the City represented officially thereat. The Council shall choose one of its members to serve as Mayor pro tempore during the absence of the Mayor. The Mayor shall preside over all Council meetings and shall be entitled to one vote.

In the event a vacancy occurs in the office of the Mayor, the remaining Council Members shall appoint, by four affirmative votes, one of their number to serve as Mayor for the remaining term of the vacated office of Mayor. If the Council does not fill the Mayoral vacancy within thirty (30) days its appointment power shall lapse and the Mayor Pro Tempore shall assume the office of Mayor. In either event, a vacancy shall then exist as to that Council seat, which shall be filled in accord with the provisions of Article 12 of this Charter.

(Res. 7-034 § 4, 2007; amended in the November 6, 1990 general election; amended in the November 8, 1988 general election).

## **Article 12 The Council**

Three Councilmembers shall be elected at each general municipal election and shall hold office for the term of four years each from and after the Tuesday next succeeding the day of such election, and until their successors are elected and qualified.

A vacancy in an elective office shall be filled by appointment by the Council, such appointee to hold office until the next general municipal election and until a successor is elected and qualified. Such successor shall be elected for the unexpired term of his or her predecessor at the general municipal election and until his successor is elected and qualified. Such successor shall be elected for the unexpired term of his or her predecessor at the general municipal election next succeeding such appointment. Should the Council fail to fill any such vacancy within thirty days after the same occurs, then it shall be filled by appointment by the Mayor; provided, however, that if the offices of a majority, or more, of the Council shall become vacant, then the City Clerk shall call a special election at once to fill the vacancies for the unexpired terms, and the same shall be conducted substantially in the manner provided for general municipal elections.

If any Councilmember of the City shall be absent for more than two consecutive regular meetings without good cause as determined by the Council, or shall cease to be a resident or elector of the City, or shall fail to qualify, or shall resign or be convicted of a felony, or be adjudged mentally

incompetent, the Councilmember's office shall thereupon become vacant.

The Councilmembers may receive compensation as provided by ordinance, but in no case shall the compensation exceed that amount which is permitted by the State Law for General Law cities of comparable size to Pacific Grove.

No Councilmember shall be eligible to hold any other office or employment with the City except as a member of any board, commission, or committee thereof, of which the Councilmember is constituted such member by the General Law of the State.

The term of office for a Councilmember who files as a candidate for the Office of Mayor shall automatically expire on the Tuesday next succeeding the general municipal election held following that filing. The filing period for candidates to fill such Councilmember's term shall be extended an additional five days.

(Amended in the November 6, 1990 general election; amended in the June 5, 1984 general election).

#### **Article 12.5 Limitation of Terms**

Neither the Mayor nor any member of the Council shall serve in the same office for more than eight years in succession. Any time in office resulting from a partial term which is one-half or less the length of the full term for the office shall not be counted toward the eight year limitation. Time served in office prior to the November 1990 general municipal election shall not be counted toward the eight year limitation.

(Added in the November 6, 1990 general election).

#### **Article 13 Meetings of the Council**

All meetings of the Council shall be duly noticed and shall be open to the public and shall otherwise comply with applicable State Law. All meetings of the Council shall be held in the Council Chambers, except that the Council may hold meetings at another location either to (1) accommodate those who wish to attend, or to (2) accommodate an emergency situation, or to (3) accommodate the needs of a particular meeting as determined in the sole discretion of the Council. There shall be two regular meetings of the Council in each month at a day and hour by ordinance determined, and any regular meeting may be adjourned to a date and hour certain and such adjourned meeting shall be a regular meeting for all purposes; provided however, the Council may cancel one of those meetings, as circumstances may require, by five (5) affirmative votes. The Council shall adopt rules for the conduct of its proceeding and shall provide by ordinance the manner in which its special meetings may be called.

(Res. 7-034 § 5, 2007; amended in the November 8, 1988 general election).

#### **Article 14 Quorum**

A majority of the Council shall constitute a quorum for the transaction of business, but a less number may adjourn from time to time and compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance.

#### **Article 15 Ordinances**

(a) The enacting clause of all ordinances passed by the Council shall read as follows: "The Council of the City of Pacific Grove does ordain as follows." The enacting clause of all ordinances passed by the vote of the electors of the City through the exercise of the initiative or referendum shall be: "The people of the City of Pacific Grove do ordain as follows:"

(b) The affirmative vote of four members of the Council shall be necessary to adopt any ordinances, resolutions or claims against the City, which vote shall be taken by ayes and noes and entered upon the record, and upon the request of any member of the Council the ayes and noes shall be taken and recorded upon any vote.

(c) No ordinance shall be passed by the Council on the day of its introduction nor within five days thereafter, nor at any time other than at a regular meeting, nor until its publication at least once in the official newspaper at least three days before its adoption. Provided, that the publication of ordinances as required herein may be satisfied by publication of a summary of a proposed ordinance, if at the time the ordinance is introduced the Council directs a summary to be published. Any summary so published shall be approved by the City Attorney. A copy of the full text of proposed ordinances for which summaries are published shall be on file in the office of the City Clerk and available to the public on and after the first business day following introduction.

(d) Notwithstanding the five day waiting period required in (c), immediately hereinabove, any ordinance declared by the Council to be necessary as an emergency measure for preserving the public peace, health, safety or public welfare, and containing the reasons for its urgency, may be introduced and if passed by a vote of no fewer than five members of the Council shall become effective immediately.

(e) A proposed ordinance may be amended or modified between the time of its introduction and the time of its final passage, provided its general scope and original purpose are retained.

(f) No ordinance or portion thereof shall be repealed, revised or amended except by ordinance, and all ordinances shall be signed by the Mayor and attested by the City Clerk.



(g) Except as provided by General Law, or by this Charter, no action providing for the approval or amendment of the annual fiscal year budget, or for the acquisition, sale, lease, encumbrancing or disposition of real property of the City, or any interest therein, or for the levying of any tax or assessment, or for the granting of any franchise, or for the establishment or changing of zoning regulations, or for the imposing of any penalty, shall be taken except by ordinance.

(h) All ordinances subject to the right of referendum shall become effective 30 days following final passage. All other ordinances shall be effective immediately upon final passage. The provisions of this subarticle shall not affect the ability of the Council to adopt emergency measures pursuant to subarticle (d) of this Article.

(Amended in the November 8, 1988, general election; Amended in the June 5, 1984, general election).

### **Article 16 The Initiative and Referendum**

The right of initiative and referendum is hereby preserved to the citizens of the City to be exercised in accordance with the procedures prescribed by the Constitution and General Laws of this State.

### **Article 17 The Recall**

The recall may be exercised in accordance with the Constitution and General Laws of this State as to municipal officers.

### **Article 18 Oaths and Subpoenas**

The Mayor, City Manager, and City Clerk shall have power to administer oaths, to issue subpoenas, to compel by subpoena the production of the books, papers and documents of the City and to take and hear testimony whenever necessary in carrying out their official duties.

### **Article 19 City Manager**

There shall be a City Manager appointed by the affirmative vote of five-sevenths of the Council who shall be the administrative head of the City government. The City Manager shall be chosen by the Council without regard to political consideration and with reference solely to qualifications for such office. The procedure for removal of the City Manager shall be prescribed by ordinance.

It shall not be necessary that the City Manager reside in the City at the time of appointment, but the City Manager shall become a resident thereof within sixty days thereafter and thereafter during incumbency shall actually reside in the City.

The powers and duties of the City Manager shall be:

a. To see that all ordinances are enforced.

- b. To appoint all heads of departments, subordinate officials and employees, and remove the same, and have general supervision and control over the same.
- c. To exercise general supervision over all privately owned public utilities operating within the City so far as the same are subject to municipal control.
- d. To see that the provisions of all franchises, leases, contracts, permits and privileges granted by the City are fully observed and to report to the Council any violations thereof.
- e. To act as purchasing agent for the City. The City Manager shall know the exact condition of the treasury at all times, and shall approve all demands before the same have been allowed by the Council if the City Manager is satisfied that the money is lawfully due.
- f. To attend all meetings of the Council unless excused therefrom by three members thereof or by the Mayor.
- g. To examine, or cause to be examined, without notice, the conduct, or the official account and records, of any officer or employee of the City.
- h. To keep the Council advised as to the needs of the City.
- i. To have supervision over all City property, including public buildings, parks and playgrounds.
- j. To appoint such advisory boards as the City Manager may deem desirable to advise and assist the City Manager provided the members of such boards shall receive no compensation.
- k. To cause a quarterly statement of all funds in the treasury to be submitted to the Council. Such statements shall be submitted not later than the first meeting in November, February, May and August.
- l. To assume general control of the City government and all of its branches in case of riot, insurrection or extraordinary emergency, and to be responsible for the suppression of disorders and the restoration of normal conditions.

(Amended in the November 6, 1990 general election; amended in the November 8, 1988, general election).

## **Article 20 City Manager Pro Tempore**

In case of the absence from the City of the City Manager, or the City Manager's temporary disability to act as such, the Council shall appoint a City Manager pro tempore who shall possess the powers

and discharge the duties of the City Manager during such absence or disability only; provided, however, that a City Manager pro tempore shall have no authority to appoint or remove any City officer or employee; provided that the Assistant City Manager (if any) shall be the City Manager pro tempore. If there is no Assistant City Manager, then the Council shall appoint a City Manager pro tempore as provided above.

(Amended in the November 6, 1990 general election).

### **Article 21 Interference with or by City Manager**

Neither the Council nor any of its committees or members shall dictate or attempt to dictate, either directly or indirectly, the appointment of any person to office or employment by the City Manager, or in any manner interfere with the City Manager or prevent the City Manager from exercising his or her own judgment in the appointment of officers and employees in the administrative service. Except for the purpose of inquiry the Council and its members shall deal with the administrative service solely through the City Manager, and neither the Council nor any member thereof shall give orders to any of the subordinates of the City Manager, either publicly or privately.

(Amended in the November 6, 1990 general election).

### **Article 22 City Clerk**

A City Clerk shall be appointed by the City Manager. The City Clerk shall be Clerk of the Council. It shall be the duty of the City Clerk, or the City Clerk's deputy, to attend all sessions of the Council and to keep an accurate record of the proceedings in a book marked "Minutes of the Council." The City Clerk shall also keep a book marked "Ordinances" and record in it all City ordinances. The official City records in the custody of the City Clerk shall not be filed in any court proceeding or other action.

The City Clerk shall be the keeper of the corporate seal of the City, and shall affix the same to instruments or writings requiring authentication.

The City Clerk and the City Clerk's deputies may certify affidavits and depositions pertaining to City affairs and business which may be used in any court proceedings in the State.

The City Clerk is the accounting officer of the City and shall maintain records readily reflecting the financial condition of the City. At the end of each fiscal year the City Clerk shall prepare and present to the legislative body a summary statement of receipts and disbursements by departments and funds, including opening and closing fund balances in the treasury. The financial and accounting duties imposed upon the City Clerk may be transferred to a director of finance when

such office has been established and the powers and duties thereof defined by ordinance.

The City Clerk shall perform such additional duties as are prescribed by ordinance.

(Amended in the November 6, 1990 general election).

### **Article 23 City Treasurer**

A City Treasurer shall be appointed by the City Manager. The City Treasurer shall receive and safely keep all money coming into his or her hands as treasurer. The City Treasurer shall pay out money only on warrants signed by legally designated persons. Regularly, at least once each month, the City Treasurer shall submit to the City Clerk and City Manager a written report and accounting of all receipts, disbursements, and fund balances. A copy of such reports shall be filed with the City Council as may be prescribed by ordinance. The City Treasurer shall perform such duties relative to the collection of City taxes and license fees as are prescribed by ordinance.

(Amended in the November 6, 1990 general election).

### **Article 24 City Attorney**

There shall be a City Attorney appointed by the City Council. The City Attorney shall be an attorney-at-law, admitted to the bar of the Supreme Court of this State, and one who has been in actual practice in the State, for at least three years next preceding appointment. All other things being equal, an attorney who has had special training for this office or experience in municipal corporation law shall be appointed to this office, if practicable. The City Attorney shall be legal advisor of the Council and shall be available to all other City officials on city business.

The City Attorney shall prosecute all violations of City ordinances, and shall draft all ordinances, resolutions, contracts, or other legal documents or proceedings required by the Council or other officials, except as may be otherwise provided, and shall perform such legal services from time to time as the Council may require, and shall attend all meetings of the Council unless excused therefrom by three members thereof or by the Mayor. When from any cause therefrom the City Attorney is unable to perform the duties of office, the City Attorney shall with the consent of the Council appoint some other qualified attorney to act temporarily as City Attorney. Whenever, in the judgment of the Council, the interests of the City require it, assistant counsel may be employed. The City Attorney shall deliver all books, records, papers, documents, and property of every description, under his or her control, owned by the City, to his or her successor in office, and shall possess such other powers, and perform such additional duties, not in conflict with this Charter, as may be prescribed by ordinance.

(Amended in the November 6, 1990 general election).

## **Article 25 Compensation**

The Council shall fix the compensation of all City officers and employees.

The compensation of all officers and employees shall be fixed by ordinance. Any fees received by any officer or employee in connection with official duties shall be paid into the City Treasury.

(Amended in the November 6, 1990 general election).

## **Article 26 Appointive Commissions and Boards**

There shall be the Commission and Boards enumerated in this Article which shall have the powers and duties as provided herein. The appointment of persons to serve on these Commissions and Boards shall be made by the Mayor subject to the confirmation by affirmative vote of four members of the Council.

Before making such appointments the Mayor shall consult with the Council and shall consider fully any and all nominations suggested by other members of the Council.

Members of Commissions and Boards shall serve at the pleasure of the Council. The Council, by an affirmative vote of four of its members, may remove any member of any commission or Board at any time during the Commission or Board member's term of office.

The term of office for members of Commissions and Boards shall be four years, but in no event shall any person serve more than three successive full terms on a single Commission or Board. For the purposes of this Article, service upon appointment to a vacated mid-term seat shall be deemed service for a full term. A person who has served for such three term period on a Commission or Board shall be eligible for reappointment to that Commission or Board after the expiration of two years.

Any person appointed to serve on such Commissions or Boards shall be a registered elector of the City and shall not hold any paid office or employment in the City government or be a member of any other Board as herein enumerated, or be a member of the City Council, except as an ex officio member without vote.

a. City Planning Commission. There shall be a Planning Commission consisting of seven members, and shall have the following powers and duties:

(1) Recommend to the Council the adoption, amendment, or repeal of a General Master Plan,

or any part thereof, for the physical development of the City.

(2) Exercise such functions with respect to land subdivisions, planning and zoning as may be prescribed by ordinance or resolution.

(3) Perform such other duties relating to planning and zoning as the Council may require by ordinance or resolution, or as may be prescribed by the General Laws of the State.

b. Library Board. There shall be a Library Board consisting of five members and shall have the following powers and duties:

(1) Act in an advisory capacity to the Council and City Manager in all matters pertaining to the operation of a public library.

(2) Recommend to the City Council the adoption of such laws, rules, and regulations as it may deem necessary for the administration and protection of the City Library.

(3) Perform such other duties relating to the library services as the Council may require by ordinance or resolution.

c. Museum Board. There shall be a Museum Board consisting of five members and shall have the following powers and duties.

(1) Act in an advisory capacity to the Council and City Manager in all matters pertaining to the operation of a public museum.

(2) Recommend to the City Council the adoption of such laws, rules, and regulations as it may deem necessary for the administration and protection of the City Museum.

(3) Perform such other duties relating to the museum service as the Council may require by ordinance or resolution.

d. Recreation Board. There shall be a Recreation Board consisting of five members and shall have the following powers and duties:

(1) Act in an advisory capacity to the Council and City Manager in all matters pertaining to the operation of a City recreation program.

(2) Recommend to the City Council the adoption of such laws, rules and regulations as it may

deem necessary for the administration and operation of a City recreation program.

(3) Promote and stimulate public interest in a recreation program and solicit to the fullest extent possible the cooperation of school authorities and other public and private agencies interested therein.

(4) Perform such other duties relating to the recreation program as the Council may require by ordinance or resolution.

(Amended in the November 8, 1988, general election: Amended in the June 5, 1984 general election).

### **Article 27 Approving Illegal Claims**

Every officer who shall willfully and knowingly approve, allow, or pay, any demand on the treasury knowing it is not authorized by law, shall be liable to the City individually and on his or her official bond for the amount of the demand so approved, allowed, or paid, and if an appointive officer, shall forfeit his office and be forever disbarred and disqualified from holding any position in the service of the City.

(Amended in the November 6, 1990 general election).

### **Article 28 The Fiscal Year**

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

### **Article 29 Budget**

The City Manager shall submit the annual fiscal year budget to the Council at a time and in a form prescribed by ordinance.

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

### **Article 30 Taxation**

Except as otherwise herein provided, the Council, by ordinance, shall provide a system for the assessment, levy, collection, and equalization of taxes which, as nearly as may be, shall conform to the system provided by the General Laws of the State. The City shall have the privilege to enact by ordinance a license and privilege tax and excise taxes for the purpose of both regulation and revenue.

### **Article 31 Annual Tax Levy**

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

Should the Council fail to fix the tax rate within the time prescribed, then the tax rate for the previous year shall constitute the rate for the current year.

### **Article 32 Limit and Apportionment of the Tax Levy**

The tax levy authorized by the Council to meet the municipal expenses for each fiscal year shall not exceed the rate of One Dollar and Fifty-eight cents on each One Hundred Dollars of the assessed valuation of the real and personal property within the City, except as in this Charter otherwise provided. The moneys collected from such levy shall be placed in the general fund of the City and may be apportioned in separate funds as determined by the Council.

No transfer of money shall be made from one fund to another, except of balance in excess of the amount required in a fund or from the general fund to meet deficiencies, or to provide for the redemption of City bonds.

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

### **Article 33 Special Tax Levy**

The Council shall have power to levy and collect additional taxes sufficient to pay interest on the bonded indebtedness of the City, and to pay and maintain the sinking fund thereof, and for the following purposes only:

(a) For the acquisition and/or construction, as the case may be, of permanent public improvements, or real property, of public buildings and structures including equipping and furnishing the same, and the tax levied for any and all such purposes combined shall not exceed fifteen cents on each one hundred dollars of the assessed valuation of the real and personal property within the City, and no such acquisition or construction shall be charged against the general tax levied to meet current municipal expenses for each fiscal year.

(b) For the acquisition of equipment and supplies and provide training for personnel for a Civil



Defense Program. The tax levy for such purpose shall not exceed five cents on each one hundred dollars of the real and personal property within the City.

#### **Article 34 Tax Liens**

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

#### **Article 35 Deposit of City Moneys**

All moneys collected for the City by any officer or department thereof shall be paid daily if possible, into the City treasury, credited to the funds to which such moneys severally belong.

#### **Article 36 Payment of City Moneys**

Every demand against the City shall be presented to the finance officer, who shall examine the same. If the amount thereof is legally due and there remains an unexhausted balance or an appropriation against which the same may be charged, the finance officer shall approve such demand and draw a check or warrant on the City treasury therefor, payable out of the proper fund. The finance officer shall transmit such demand or a summary thereof, with his or her approval or rejection noted thereon, to the City Manager. If the City Manager determines that a demand is one for an item included within an approved budget appropriation, the City Manager shall approve it, 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 the matter, may approve or disapprove the demand in whole or in part.

Provided, that warrants for wages and salaries shall be approved by the City Manager and paid regularly from the treasurer without the necessity of any demand therefor as in this Article prescribed for other claims.

(Amended in the November 6, 1990 general election).

### **Article 37 Annual Audit**

The Council shall employ a Certified or a thoroughly qualified Public Accountant annually to investigate and render a report on the transactions and accounts of all officers or employees having the collection, deposit, custody or disbursement of public money or property, or the power to approve, allow or audit demands on the treasury.

### **Article 38 Inventory of City Property**

An inventory of property belonging to the City shall be prepared and maintained as prescribed by ordinance and shall be open to inspection during normal business hours.

### **Article 39 Franchises**

Every franchise or privilege to construct, maintain, or operate any means or method of transportation on or over any street, lane, alley, or other public place within the City, or to lay pipes or conduits, or erect poles or wires or other structures in or across any public way or place, for the transmission of gas, electricity, or other commodity, or for the use of public property or places now or hereafter owned by the City, shall be granted under and in pursuance to the General Laws of the State relating to the granting of franchises; provided, no new franchise or the renewal of an existing franchise shall be granted except upon the condition that at least two percent (2 per cent) of the gross annual receipts derived from the use of such franchise shall be paid the City. In all cases the applicant for a franchise shall advance the cost of advertising the same.

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

### **Article 40 Contracts on Public Works; Materials and Supplies**

(a) In the erection, improvement and repair of all public buildings and works, in all street and sewer work, and in furnishing supplies or materials for same when the expenditure required for the same shall exceed the sum of Fifteen Thousand Dollars (\$15,000.00), the same shall be done by contract and shall be let to the lowest responsible bidder, after notice by publication in the official newspaper, and security for the due execution and performance of any such contract may be required of the successful bidder. The Council may provide by ordinance for the detailed procedure for carrying out this Article.

Provided, that the Council may reject any and all bids presented and may re-advertise in their discretion, and provided further, that after rejecting bids the Council may declare and determine by an affirmative vote of five of its members that in its opinion the work in question may be more economically or satisfactorily performed by day labor, by either city employees or others, and after adoption of a resolution to this effect, it may proceed to have the same done in the manner stated without further observance of the foregoing provisions of this Article.

Provided, further, that such contracts likewise may be let without advertising for bids if such work shall be deemed by the Council to be of urgent necessity for the preservation of life, health or property, and shall be authorized by resolution passed by an affirmative vote of five Council members and containing a declaration of facts constituting such urgency.

(b) The Council by ordinance shall adopt policies and procedures, including appropriate bidding regulations, governing purchases of or contracts for supplies, materials and equipment. Purchases of supplies, materials and equipment shall be made only in accordance with the adopted policies and procedures.

(Amended in June 5, 1984, general election).

#### **Article 41 Official Records**

All books and records of every office and department shall be open to inspection by any citizen during business hours, subject to the proper rules and regulations for the efficient conduct of the business of such department or office; provided, the records of the police department shall not be subjected to such inspection except by permission of the proper police authorities. Information provided by taxpayers on which tax assessments are based shall be confidential as shall all records so restricted by General Law.

Copies or extracts, duly certified, from said books and records open to inspection, shall be given by the officer having the same in custody to any person demanding the same and paying or tendering an established charge.

All officers, boards, commissions and committees shall deliver to their successors all papers, books, documents, records, archives and other properties pertaining to their respective offices or departments, in their possession or under their control.

#### **Article 42 Newspaper Advertising**

The Council shall advertise annually for bids for a contract or contracts for official publications, ordinances and other legal notices required to be published. The newspaper or newspapers to

which such a contract or contracts are awarded shall be known as an Official Newspaper of the City. Rates for publishing public notices shall not exceed the customary rates charged for publishing legal notices of a private character.

Each bidder seeking to qualify as an Official Newspaper shall include with its bid a verifiable statement of both net paid circulation and net unpaid circulation of its newspaper within the City. The Council may accept more than one bid in any year. During any such year the City may utilize one or more of said Official Newspapers for any legal publications.

In determining which bids are lowest and best, the Council shall take into consideration, without limitation, the circulation, publication rates, frequency of publication and ability to provide legally required advertising.

The Council may reject any and all bids and may, in the event no acceptable bid is received, adopt any other legal method for legal publications.

No employee of an Official Newspaper shall be an employee of the City during his or her employer's term as an Official Newspaper.

(Amended in the November 6, 1990 general election; amended in the June 5, 1984 general election).

### **Article 43 Political Activities**

(a) No candidate for elective or appointive office in the City shall solicit any assessment, subscription, contribution or political service for any political purpose from anyone on the employment lists of the City.

(b) One who holds or seeks election or appointment to any public office in the City shall not directly or indirectly use or promise or threaten to use authority or influence to secure any vote, political influence or action or contribution from any officer or employee of the City.

(c) No officer or employee of the City shall advertise the fact of his or her employment by the City in any public advertisement for a political candidate or ballot issue.

(d) Nothing herein contained applies to funds, contributions and services solicited or received to promote or defeat any ballot measure which would affect the rate of pay, hours of work, retirement, civil service or other working conditions of said officers and employees, provided such activity does not occur during working hours or in places of public duty.

(Amended in the November 6, 1990 general election).

#### **Article 44 Conflict of Interest and Disclosure of Interest**

All officers and employees of the City shall comply with the provisions of the General Law of the State and ordinances of the City in avoiding conflicts of interest and making disclosures of interest.

#### **Article 45 Enforcement.**

A violation of the City Charter or any ordinance shall constitute either a misdemeanor or an infraction, either of which may be prosecuted in the name of the people of the State of California, or may be redressed by civil action by the City Attorney or any member of the public. The Council may specify any violation to constitute a misdemeanor; all other violations shall constitute infractions. The Council may, by ordinance, establish a minimum or maximum penalty for violation of the City Charter or of an ordinance; provided, however, that in the absence of such an ordinance, the maximum penalty shall be that established by the general law of the State of California for misdemeanors or infractions, respectively. Further, the Council may, by ordinance, establish an administrative remedy process to enforce the City Charter and Municipal Code, and set administrative penalties and a citation schedule that shall apply to violations of the City Charter or Municipal Code.

(Res. 7-034 § 6, 2007; introduced in the June 5, 1984 general election).

#### **Article 46 Validity.**

The provisions of this Charter are independent and separable. If any one provision is held to be invalid or unenforceable, the people of the City of Pacific Grove declare their intention that they would have enacted each provision separately.

(Res. 7-034 § 7, 2007).

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The Pacific Grove Municipal Code is current through Ordinance 24-019, and legislation passed through November 20, 2024.

Disclaimer: The City Clerk's office has the official version of the Pacific Grove Municipal Code. Users should contact the City Clerk's office for ordinances passed subsequent to the ordinance cited above.

City Website: <https://www.cityofpacificgrove.org/>

City Telephone: (831) 648-3100

Codification services provided by [General Code](#)