

Title CHA. Charter

Ordaining Clause.

WE, the people of the City of Loma Linda, County of San Bernardino, State of California, do ordain and establish this Charter as the organic law of the City of Loma Linda under and by virtue of the Constitution of the State of California.

ARTICLE I. Status of City

Section 100. Name of City.

The general law city, in existence prior to the effective date of this Charter, known as the "City of Loma Linda," shall be deemed, for all purposes, to continue in existence, as a chartered city from and after the effective date of this charter, said city, as a chartered city, shall continue to be known as the "City of Loma Linda," and shall hereafter be referred to and termed the City.

Section 101. Boundaries.

The boundaries of the City, as a chartered city, shall be identical to the boundaries of said City, a general law city, as were lawfully in existence as of the effective date of this Charter. After the effective date of this Charter, the boundaries may be altered only as authorized by general law.

Section 102. Effective Date of Charter.

This Charter shall be effective from and after the date upon which a favorable vote of the electors occurs and when accepted and filed by the Secretary of State of the State of California.

ARTICLE II. Succession

Section 200. Rights and Liabilities.

The City shall be deemed, for all purposes, to be the successor in interest to the former city. The said City shall continue to own, possess, hold and control all rights, including, but not limited to, rights in and to personal and real property of every kind and nature owned, possessed, controlled, or held by said former city, as of the effective date of this Charter. The City shall be subject to all debts, obligations, liabilities, duties and contracts of the said former city, as such existed as of the effective date of this Charter.

Section 201. Validation of Prior Acts.

All lawful acts heretofore taken by, or on behalf of, the said former city, by its City Council, or any commission, committee, board, officer, or employee thereof, shall continue in full force and effect from and after the effective date of this Charter, until they shall have been duly repealed, amended, changed, or superseded by proper authority. The validation of such acts as provided for herein shall include, but not be limited to, all ordinances, resolutions, codes, rules and regulations or any portion thereof in force at the time this Charter takes effect, and not in conflict or inconsistent herewith.

Section 202. Continuance of Terms of Office.

The members of the City Council in office at the time this Charter takes effect shall continue to hold their respective offices for the terms for which they were elected.

Section 203. Status of Officers and Employees.

All officers and employees in offices or positions at the time this Charter takes effect shall continue to perform the duties of their offices, positions and employment without interruption and for the same compensation and under the same conditions until the election or appointment and qualification of their successors and subject to removal and control as herein provided.

Section 204. Pending Proceedings.

Any action or proceeding, civil, criminal or administrative, pending as of the effective date of this Charter, brought by or against the City or any officer, employee, office, department, or agency thereof, shall not be effected or altered by reason of the adoption of this Charter or anything herein contained. Any such action or proceeding shall proceed to its conclusion in accordance with all rules, regulations, and laws applicable thereto.

ARTICLE III. Powers of the City

Section 300. Powers.

The City shall have all powers possible for a general law City to have under the Constitution and laws of the State of California as fully and completely as though they were specifically enumerated in this Charter. The City shall have the power to make and enforce all laws and regulations in respect to municipal affairs which may be heretofore or hereafter established, granted or prescribed to cities organized under the general laws of the State of California, and such additional powers in respect to municipal affairs as may be provided for in this Charter.

Section 301. Intergovernmental Relations.

The City may exercise any of its powers to perform any of its functions and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with any one or more cities, counties, states, or civil divisions or agencies thereof, or the United States or any agency thereof.

Section 302. Financing.

The City may finance or refinance the acquisition, construction, improvement, furnishing, equipping, repair, reconstruction or rehabilitation of public facilities, hospitals and health care facilities, and such

residential, industrial, and commercial facilities as the City Council may determine to be a proper public purpose, in whole or in part, through the issuance of bonds secured by the revenue of such facilities, or otherwise, or by means of such other methods of financing that the City Council determines to be a proper public purpose; and provided further that where the general laws of the state provide a procedure for carrying out an enforcement of the powers granted herein, such procedure shall control and be followed, unless a different procedure shall have been provided in this Charter, or by ordinance.

ARTICLE IV. Definitions

Section 400. Definitions.

For the purposes of this Charter, the following definitions shall apply unless from the context thereof a contrary meaning is clearly intended:

"City" is the City of Loma Linda, 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 Loma Linda.

"City Council" shall mean the legislative body of the City.

"Constitution" shall mean the Constitution of the State of California.

"Facilities" shall mean land, including without limitation, the acquisition, preparation, and development thereof; and all improvements thereon, including without limitation, structures, buildings, roadways, landscaping, furnishings, equipment, machinery, and appurtenances.

"General Law" shall mean an enactment of the Legislature of the State of California which lawfully governs, allows, or regulates activities of a general law city as defined in Sec. 34102 of the **Government Code** of the State of California.

"Law" includes ordinance.

"May" is permissive.

"Municipal Affair" shall mean those matters which have been, and continue to be held to be such by courts of record in the State of California.

"Shall" is mandatory.

"State" is the State of California.

The masculine, feminine, and neuter genders shall be interchangeable, as shall be the singular and plural.

Section 401. Reference to Laws.

Whatever reference is made in this Charter to any law or Code provision enacted by the Legislature of the State, or to any constitutional provision, said reference shall mean, and include, any amendment thereto, enacted after the effective date of this Charter; provided, however, if any such law is repealed in whole or in part, the City Council, by ordinance, may enact provisions consistent with this Charter, covering the substance of such repealed legislation.

ARTICLE V. Violations

Section 500. Violations.

A violation of this Charter, or any ordinance of the City, shall constitute an infraction. Any person violating any of such provisions or failing to comply with any of the requirements of this Charter or any ordinance of the City, shall be guilty of an infraction. Any person convicted of an infraction under the provisions hereof shall be punishable by (1) a fine not exceeding Fifty dollars for a first violation; (2) a fine not exceeding \$100 for a second violation of the same ordinance within one year; and (3) a fine not exceeding \$250 for each additional violation of the same ordinance within one year. Each such person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of this Charter or any City ordinance is committed, continued, or permitted by such person and shall be punishable accordingly.

ARTICLE VI. Validity

Section 600. Validity.

If any provision of this Charter, or the application thereof to any person or circumstance, is held invalid, the remainder of the Charter, and the application of such provision to other persons or circumstances, shall not be affected thereby.