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ARTICLE I  
**SUCCESSION, FORM OF GOVERNMENT, POWERS**

**Section 100. NAME.**

The municipal corporation now existing and known as the City of San Leandro shall remain and continue to be a body politic and corporate in fact and in law by the name of the City of San Leandro, and shall hereinafter be referred to as the City.

**Section 105. BOUNDARIES.**

The boundaries of the City shall be the boundaries existing on the effective date of this Charter, until changed in the manner authorized by law.

**Section 110. SUCCESSION, RIGHTS AND LIABILITIES.**

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

**Section 115. CONTINUANCE OF LAWS.**

All lawful ordinances, resolutions, and rules and regulations in force on the effective date of this Charter and not in conflict or inconsistent herewith are continued in force until repealed or amended.

**Section 120. CONTINUANCE OF OFFICERS AND EMPLOYEES.**

The present officers and employees of the City shall retain their respective offices and employments, subject, however, to the provisions of this Charter.

**Section 125. FORM OF GOVERNMENT.**

The government established by this Charter shall be the Mayor-Council-Manager form of government.

**Section 130. POWERS.**

The City shall have the power to make and enforce all ordinances and regulations in respect to municipal affairs, subject only to restrictions and limitations provided in this Charter or in the Constitution of the State of California. The City shall have all the powers that are provided by the Constitution or by statute for cities. The City may exercise any of its powers jointly with other public agencies, and may agree with the County of Alameda for the assumption and discharge by the County of any of the City's municipal functions.

ARTICLE II  
**CITY COUNCIL: MEMBERSHIP, COMPENSATION**

**Section 200. COMPOSITION.**

The City Council, hereinafter referred to as the Council, shall consist of six Council Members and the Mayor.

**Section 205. QUALIFICATION OF COUNCIL MEMBERS.**

- (a) Any person is eligible to hold office as elected Council Member if such person is a registered voter of the City and a resident of the geographical area which constituted the district from which such person was nominated at the time of filing nomination papers, and was a resident of such area and a registered voter of the City at the time of filing nomination papers and for a period of 30 days immediately preceding the date of filing.
- (b) Any person is eligible to hold office as appointed Council Member if such person is a registered voter of the City and a resident of the geographical area which constitutes the district from which such person's elected predecessor was nominated, and was a resident of such area and a registered voter of the City at the time of appointment and for a period of 30 days immediately preceding appointment.

**Section 210. QUALIFICATION OF MAYOR.**

Any person is eligible to hold office as elected Mayor if such person is a registered voter of the City and was a registered voter of the City at the time of filing nomination papers and for a period of 30 days immediately preceding the date of filing. Any person is eligible to hold office as appointed Mayor if such person is a registered voter of the City and was a registered voter of the City for a period of 30 days immediately preceding appointment.

**Section 215. NOMINATION OF COUNCIL MEMBERS.**

Each candidate for election to the office of Council Member shall be nominated from the district in which such candidate resides by the signatures of registered voters residing within said district.

**Section 220. NOMINATION OF MAYOR.**

Each candidate for election to the office of Mayor shall be nominated from the City at large by the signatures of registered voters residing within the City.

**Section 225. ELECTION OF COUNCIL.**

- (a) All Council Members and the Mayor shall be elected by the registered voters of the City at large. One Council Member shall be elected from each Council Member district.
- (b) The candidate receiving the highest number of votes for the offices of Mayor and Council Members of the City shall be elected to such offices, provided that such candidate receives at least 50% plus one of the votes cast for each such office. In the event that no candidate for such elective office of the City receives at least 50% plus one of the votes cast for that office, the City Council shall provide for a run-off vote to determine the person elected. The City Council shall adopt an ordinance establishing a run-off system. The run-off system may include mailed ballots, an instant run-off voting system when such technology is available to the City, or a special run-off election. The ordinance setting forth the run-off system may be amended from time to time for any reason, but no amendment to the

ordinance may take effect less than 103 days prior to any municipal election.

- (c) If at any election two or more persons receive an equal and highest number of votes for any office, the City Clerk shall order a public recount of the ballots cast for that office to be conducted in the manner provided by the Elections Code of the State of California. The expense of such recount shall be borne by the City.
- (d) If the results of such recount indicate that two or more persons have received an equal and highest number of votes for any office, the City Clerk shall so certify to the Council. Upon receipt of the Clerk's certificate, the Council shall call a special election among the persons having an equal and highest number of votes for such office. The election shall be conducted and canvassed in the manner provided for general municipal elections.

### **Section 230. DISTRICTS.**

The boundaries of Council Member districts shall be the boundaries existing upon the effective date of this Charter, until changed by ordinance of the Council. Within one year after publication of the results of each federal census, and within one year after a determination that the population of the City has changed by five percent or more since the most recent division of the City into districts, the Council by ordinance shall divide the City into six districts numbered one through six. Each district shall consist of geographically compact contiguous territory and shall contain, as nearly as possible, equal numbers of residents. District boundaries shall approximate election precinct boundaries established by the Board of Supervisors of the County of Alameda. No change in district boundaries shall operate to disqualify an incumbent from office before the expiration of the term for which such person was elected or appointed.

### **Section 235. TERM OF OFFICE.**

- (a) Council Members and the Mayor shall hold office for four years. The term of office shall commence on January 1 following the election.
- (b) Notwithstanding the provisions of Section 235(a) of this Charter, the officers elected in 2002 shall hold office for a term ending December 31, 2006 and officers elected in 2004 shall hold office for a term ending December 31, 2008.

### **Section 240. INCOMPATIBLE OFFICE OR EMPLOYMENT.**

A Council Member or Mayor who accepts or retains an incompatible public office or incompatible public employment after taking office on the Council shall be deemed thereby to have resigned as Council Member or Mayor.

### **Section 245. VACANCIES: EXISTENCE.**

A vacancy shall exist in the office of Council Member or Mayor when the person elected or appointed to such office fails to qualify or becomes disqualified, or upon the occurrence of any event which, under the general laws, would cause a vacancy in such office.

### **Section 250. VACANCIES: FILLING.**

A vacancy in the office of Council Member or Mayor shall be filled by appointment by the Council. The appointee shall hold office until the next general municipal election and until a successor is elected and qualified. Any unexpired remainder of the term of such office shall be filled by the voters at such election. If the Council fails to fill such vacancy within sixty days after its existence, the Council shall call a special

election, at which the unexpired remainder of the term of such office shall be filled by the voters.

**Section 255. COMPENSATION OF COUNCIL MEMBERS.**

All provisions of the Government Code of the State of California relating to compensation, benefits and reimbursement for expenses applicable to members of a City Council of a general law city shall be applicable to Council Members.

**Section 260. COMPENSATION OF MAYOR.**

The Mayor shall receive a salary established by ordinance. In addition, the Mayor shall be entitled to the same benefits and reimbursement for expenses as are Council Members.

**Section 265. LIMITATION ON TERMS OF COUNCIL MEMBERS.**

No person shall be eligible for the office of Council Member who has served two, complete four-year terms as Council Member immediately prior to the term for which such person seeks election or appointment.

**Section 270. LIMITATION ON TERM OF MAYOR.**

No person shall be eligible for the office of Mayor who has served two, complete four-year terms as Mayor immediately prior to the term for which such person seeks election or appointment.

**Section 275. VACANCY IN OFFICE OF COUNCIL MEMBER.**

Notwithstanding Section 265 of the Charter, should a Council Member vacate his or her office prior to completion of a second consecutive four year term as Council Member, he or she shall be ineligible for the office of Council Member for the following term.

**Section 280. VACANCY IN OFFICE OF MAYOR.**

Notwithstanding Section 270 of the Charter, should the Mayor vacate his or her office prior to completion of a second consecutive four year term as Mayor, he or she shall be ineligible for the office of Mayor for the following term.

ARTICLE III  
CITY COUNCIL: FUNCTIONS

**Section 300. POWERS OF COUNCIL.**

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

**Section 305. POWERS AND DUTIES OF MAYOR.**

The Mayor shall be the political head of the City. The Mayor shall:

- (a) recommend City policy;
- (b) recommend to the Council appropriate and necessary legislation;
- (c) recommend programs for the physical, economic, social and cultural development of the City;
- (d) be responsible for public relations activities and represent the City for ceremonial purposes;
- (e) represent the City in intergovernmental relations, personally or by delegated representative, at the direction of the Council;
- (f) preside at meetings of the Council;
- (g) establish and dissolve ad hoc committees, subject to approval by the Council;
- (h) possess the authority to suspend implementation of any action taken by the Council by filing with the City Clerk, within three days after such Council action, a notice of suspension thereof. Such suspension shall constitute a motion for reconsideration of the action taken, to be voted upon by the Council at its next regular meeting;
- (i) provide leadership and marshal citizen participation in City activities;
- (j) report to the public from time to time on the affairs of the City;
- (k) possess the authority and attributes of a Council Member;
- (l) possess such authority and perform such duties as are granted or required by this Charter or by the Council.

**Section 310. VICE MAYOR.**

At its first regular meeting in January of each year, the Council shall designate one of its members Vice Mayor, to serve for a period of one year and until a successor is elected and qualified. In the absence of the Mayor, the Vice Mayor shall possess and perform the powers and duties of the Mayor.

**Section 315. REGULAR MEETINGS.**

The Council shall hold regular meetings at least twice each month at such times as it shall fix by ordinance or resolution.

**Section 320. PLACE OF MEETING.**

All regular Council meetings shall be held in the Civic Center Complex or on public property within the

City, should the Council find and determine that the Civic Center Complex is hazardous or unsuitable for the conduct of a regular Council meeting.

**Section 325. QUORUM.**

A majority of the Council shall constitute a quorum for the transaction of business.

**Section 330. ACTIONS.**

The Council by ordinance shall establish rules of procedure for taking actions. Such rules shall:

- (a) provide that Council actions shall require the affirmative votes of a majority of the entire Council membership.
- (b) provide for the introduction, publication, adoption, amendment, effective date and codification of ordinances.
- (c) provide for the introduction and adoption of resolutions.

**Section 335. PUBLIC PARTICIPATION.**

No one shall be denied the right, personally or through counsel, to present grievances or offer suggestions for the betterment of municipal affairs at any regular meeting of the Council, nor to speak to the subject of any special meeting.

**Section 340. PUBLICATION OF LEGAL NOTICES.**

The Council by ordinance shall provide for a method of publication of legal notices.

**Section 345. INTERFERENCE IN ADMINISTRATIVE SERVICE.**

Neither the Mayor nor any Council Member shall interfere with the execution of the powers and duties of the City Manager, or order, directly or indirectly, the City Manager or any department head to appoint or remove any person to or from any office or employment with the City. Except for the purpose of inquiry, the Mayor, and Council Members shall deal with the administrative service under the City Manager solely through the City Manager and neither the Mayor nor any Council Member shall give orders to any subordinate of the City Manager, either publicly or privately.

**Section 350. BOARDS AND COMMISSIONS.**

The Council by ordinance shall create boards and commissions as necessary to facilitate governmental operations in all appropriate fields, including, but not limited to:

- (a) Board of Zoning Adjustment;
- (b) Historical-Cultural Commission;
- (c) Human Resources Commission;
- (d) Library Board;
- (e) Personnel Relations Board;
- (f) Planning Commission;



(g) Recreation and Parks Commission.

An ordinance creating a board or commission shall specify its powers and duties, number of members and their terms of office, and such other matters as the Council deems appropriate. The Council by ordinance may consolidate, reorganize and rename any of such boards and commissions, provided that no board or commission shall be abolished except upon a determination by the Council after public hearing that the functions of such board or commission are no longer necessary for the proper administration of the City's business. The City Manager shall designate the officers and employees who shall provide staff assistance to each board and commission.

**ARTICLE IV  
ADMINISTRATION**

**Section 400. CITY MANAGER: APPOINTMENT.**

The Council shall adopt a City Manager, who:

- (a) shall serve at the pleasure of the Council;
- (b) shall be the chief administrative officer of the City;
- (c) shall be chosen on the basis of administrative qualifications;
- (d) shall be paid at a salary fixed by the Council commensurate with the responsibilities of the position;
- (e) shall not have served on the Council within a period of one year immediately preceding the date of appointment.

During a period of ninety days immediately following the date of installation of any person newly elected to the Council at a regular or special municipal election or of any person newly appointed to the Council, the Council shall take no action, whether immediate or prospective, to remove, suspend, request the resignation of, or reduce the salary of, the City Manager.

**Section 405. CITY MANAGER: POWERS AND DUTIES.**

The City Manager shall be responsible to the Council for the proper administration of all affairs of the City, and:

- (a) shall appoint, remove and discipline all administrative officers of the City, except as otherwise provided by or pursuant to this Charter;
- (b) shall approve, modify or disapprove all recommendations for appointment of, removal of, and disciplinary actions to be taken against, employees by administrative officers of the City, except as otherwise provided by or pursuant to this Charter;
- (c) shall, annually, prepare and submit to the Council a proposed budget for the ensuing fiscal year, and properly administer the budget as adopted by the Council;
- (d) shall keep the Council advised of the financial condition and future needs of the City, and make such recommendations to the Council concerning the affairs of the City as are deemed necessary or desirable;
- (e) shall provide for enforcement of all laws and regulations which the City is required to administer;
- (f) shall engage in no incompatible business or occupation;
- (g) shall perform such other duties consistent with this Charter as may be required by the Council.

**Section 410. CITY MANAGER: MEETINGS.**

The City Manager:

- (a) shall be accorded a seat at the Council table and at all meetings of boards and commissions;

- (b) shall be entitled to participate in the deliberations of the Council, boards and commissions, but shall not have a vote;
- (c) shall receive notices of all special meetings of the Council, boards and commissions.

**Section 415. CITY MANAGER: ASSISTANTS; ACTING CITY MANAGER.**

The City Manager shall appoint:

- (a) professional assistants to positions authorized by the Council for the proper administration of the City Manager's office. Such assistants:
  - (1) shall serve at the pleasure of the City Manager;
  - (2) shall exercise such powers and perform such duties of the City Manager as are specified by the City Manager;
- (b) subject to the approval of the City Council, an administrative officer of the City to serve as Acting City Manager during any temporary absence or temporary disability of the City Manager. The Acting City Manager shall exercise all the powers and perform all the duties of the City Manager.

**Section 420. DEPARTMENTS AND DIVISIONS.**

The Council by ordinance shall create, reorganize and abolish departments and divisions thereof as necessary for the proper administration of the City's business. The City Manager shall appoint an administrative officer to head each department. Such department heads shall serve at the pleasure of the City Manager. The City Manager also may appoint an administrative officer of the City to serve as a deputy for the purpose of performing any legally required act of a department head.

**Section 425. CITY ATTORNEY: APPOINTMENT; POWERS AND DUTIES.**

The Council shall appoint a City Attorney, who:

- (a) shall serve at the pleasure of the Council;
- (b) shall be the chief legal officer of the City;
- (c) shall perform such duties consistent with this Charter as may be required by the Council;
- (d) shall recommend to the Council proposals for additions to, deletions from, and amendments of this Charter as are deemed necessary or desirable.

**Section 430. CITY ATTORNEY: ASSISTANTS; ACTING CITY ATTORNEY.**

The Council, upon recommendation of the City Attorney, shall appoint:

- (a) professional assistants to positions authorized by the Council for the proper administration of the City Attorney's office. Such assistants:
  - (1) shall serve at the pleasure of the Council;
  - (2) shall exercise such powers and perform such duties of the City Attorney as are specified by the City Attorney;

- (b) a professional assistant to serve as Acting City Attorney during any temporary absence or temporary disability of the City Attorney. The Acting City Attorney shall exercise all the powers and perform all the duties of the City Attorney.

**Section 435. CITY CLERK.**

- (a) The Council shall appoint a City Clerk, who shall serve at the pleasure of the Council, and shall perform such duties consistent with this Charter as may be required by the Council.
- (b) The Council by ordinance may consolidate the office and functions of the City Clerk with that of the City Manager.

**Section 440. FIDELITY BONDS.**

The Council shall determine the need for and the amounts of fidelity bonds for the officers and employees.

Bond premiums shall be paid by the City.

**Section 445. PUBLIC EMPLOYEES RETIREMENT SYSTEM.**

The City shall remain a contracting agency under the provisions of the Public Employees' Retirement Law until this section is repealed in the manner authorized by law.

**Section 450. BINDING ARBITRATION.**

- (a) Declaration of Policy. It is the policy of the City of San Leandro that strikes by its firefighters and police officers pose an imminent threat to public health and safety and should be prohibited, and that alternate methods should be adopted for peacefully and equitably resolving disputes that might otherwise lead to such strikes.
- (b) Prohibition Against Strikes. No City police officer or firefighter employee, employee union, association or organization shall strike, slow down, sickout or engage in such concerted economic activity against the City. Disputes unresolved by negotiations shall be resolved by the procedure set forth herein. Any such employee who fails to report for work without good cause during negotiations or who aids, abets or encourages strikes, slow downs or sickouts against the City during such time shall be subject to disciplinary action, including, but not limited to, termination from City employment, subject to the provisions of this Charter, the City's Personnel Rules and Regulations and lawful procedures.
- (c) Obligation to Negotiate in Good Faith. The City, through its duly authorized representatives, shall negotiate in good faith with recognized fire and police employee organizations on wages, hours, and other terms and conditions of employment, including procedures for the resolution of grievances submitted by the employee organization over the interpretation or application of any negotiated agreement, including provisions for binding arbitration of grievances. Unless and until agreement is reached through negotiations between the City and the recognized employee organization or a determination is made through the arbitration procedure hereinafter provided, no existing benefit or condition of employment for those employees shall be eliminated or changed.
- (d) Both parties shall exchange their written demands at least 180 calendar days before the expiration of the then current agreement or arbitration award. Collective negotiations shall commence at least 150 calendar days before the expiration of the then current agreement or arbitration award.

- (e) Agreements reached between City representatives and the representatives of the recognized employee organizations shall be submitted in writing to the City Council for its approval, modification, or rejection. All phases of negotiations, mediation and arbitration including the final binding decision of the mediator/arbitrator shall be completed at least 25 calendar days before the expiration of the then current agreement or arbitration award.
- (f) Both parties shall select and schedule a person to act as both mediator and arbitrator (hereafter "arbitrator") at least 200 calendar days before the expiration of the then current agreement or arbitration award. If they are unable to agree upon an arbitrator, they shall select such person from a list of seven names to be provided by an impartial third-party arbitration service mutually acceptable to the parties. The parties shall provide the arbitration service with sufficient notice to insure receipt of the list at least 190 calendar days before the expiration of the then current agreement or arbitration award. If at least 180 calendar days before the expiration of the then current agreement or arbitration award the parties still cannot agree upon an arbitrator, they shall immediately alternately strike names from the list, the choice of the first strike to be determined by lot. The last remaining unstruck name shall be selected and scheduled as arbitrator.
- (g) If 90 calendar days before the expiration of the current agreement or arbitration award no agreement can be reached, or if the City Council refuses to ratify the agreement arrived at or modifies such agreement in any manner unacceptable to the employee organization, the parties shall commence mediation.
- (h) If no agreement between the parties has been reached within 14 calendar days after the start of mediation, the arbitrator shall thereupon commence arbitration proceedings to deal with the issues still in dispute. Each party shall put in writing its last best offer on each of the issues still in dispute within 14 calendar days after the start of arbitration proceedings, and these offers shall immediately be made public. The arbitrator shall choose one of the parties' last best offer for each such issue still in dispute and shall have no power to modify or compromise the last best offers of either party. The arbitrator shall hear the evidence presented and consider all factors relevant to the issues from the standpoint of both employer and effected employees, including the interests and welfare of the public and the financial ability of the City to meet those costs. If one of the parties fails to submit its last best offer within the above allotted time, then the arbitrator shall be obligated to make an award incorporating the terms and conditions of the last best offer made by the party that has submitted its offer within the above allotted times. The decision of the arbitrator shall be final and binding on all parties.
- (i) The costs of mediation and arbitration, including the scheduling of the arbitrator, shall be borne equally by all parties. Mediation and arbitration hearings shall be conducted within the City and closed to the public, unless otherwise mutually agreed upon by the parties with the concurrence of the arbitrator.
- (j) The provisions of this Section shall not be construed as making any of the provisions of Section 923 of the Labor Code of the State of California applicable to City employees. The provisions of this Section pertaining to arbitration shall be construed as an "arbitration agreement" for the purpose of making applicable to the extent not in conflict herewith the provisions of Chapter 1 (commencing with Section 1280), Title IX, Part 3 of the Code of Civil Procedure of the State of California.
- (k) The time limits set forth above may be waived by the mutual, written agreement of the parties and the arbitrator.

ARTICLE V  
**FISCAL ADMINISTRATION**

**Section 500. FISCAL YEAR.**

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

**Section 505. PROPOSED BUDGET.**

At least 35 days prior to the beginning of each fiscal year, the City Manager shall submit to the Council a proposed budget for such fiscal year, and shall file a copy of the proposed budget with the City Clerk for inspection by the public.

**Section 510. BUDGET: PUBLIC HEARING.**

The Council shall hold a public hearing on the proposed budget. Notice of the hearing shall be published once in the official newspaper not less than ten days prior to the date of the hearing. All interested persons shall be heard at the hearing.

**Section 515. BUDGET: ADOPTION; AMENDMENT.**

After the conclusion of the public hearing, and not later than June 30, the Council by resolution shall adopt the budget with such revisions as it deems necessary. A copy of the adopted budget shall be available for inspection in the office of the City Clerk.

The Council may amend the budget at any time by resolution adopted by five affirmative votes.

**Section 520. BUDGET: APPROPRIATIONS; EXPENDITURES.**

The budget shall provide appropriations to such capital and operating funds as are required for proper accounting and fiscal management. Expenditures of City funds shall be made only in accordance with such appropriations, and only upon presentation of accounting evidence of a City obligation. Appropriations to capital funds may be carried for not more than five fiscal years.

**Section 525. PROPERTY TAX: PROCEDURE.**

The Council by ordinance shall provide a procedure for the assessment, levy and collection of taxes upon property.

**Section 530. PROPERTY TAX: LEVY; LIMIT.**

Annually, within the time provided by law, the Council by ordinance shall levy a tax upon all property taxable by the City at a rate adequate to meet obligations of the City for the fiscal year. The tax levied upon each \$100 of the assessed valuation of property shall not exceed, in the aggregate:

- (a) one dollar (\$1) for general municipal purposes, including:
  - (1) fifteen cents for libraries;
  - (2) twenty cents for recreation and parks;
- (b) additional amounts required to pay the cost of retirement and pension benefits under the provisions

of the Public Employees' Retirement Law;

(c) additional amounts authorized by the voters of the City for specified purposes.

**Section 535. BONDED DEBT LIMIT.**

The indebtedness of the City evidenced by general obligation bonds shall at no time exceed fifteen percent of the assessed valuation of all property taxable by the City.

**Section 540. PUBLIC WORKS CONTRACTS.**

The Council by ordinance shall provide for a method of competitive bidding upon and award of contracts for public works, other than maintenance and repair, requiring an expenditure of an amount which, under the general laws, would require bidding. The ordinance shall permit:

- (a) the award of contracts without competitive bidding in emergencies;
- (b) the accomplishment of public works by City employees.

**Section 545. PURCHASING AND PERSONAL SERVICES.**

The Council by ordinance shall provide for a method of contracting for the purchase of equipment and supplies and for the obtaining of personal services. The ordinance shall provide ample opportunity for competitive bidding, with such exceptions as are necessary.

**Section 550. SIGNATURES ON CHECKS.**

City checks shall bear the facsimile signatures of the City Manager and the Finance Director or their respective assistants.

**Section 555. INDEPENDENT AUDIT.**

The Council shall provide for an annual independent audit of the City's fiscal affairs by a holder of a valid permit to practice public accountancy issued by the State Board of Accountancy.

**ARTICLE VI  
ELECTIONS****Section 600. GENERAL MUNICIPAL ELECTIONS.**

General Municipal elections for the election of officers and for such other purposes as are required by law or as the Council may prescribe shall be held on the second Tuesday in April of each even numbered year. In order to consolidate the General Municipal election with the statewide direct primary or statewide general election, the Council may by ordinance provide for such consolidation.

**Section 605. SPECIAL MUNICIPAL ELECTIONS.**

The Council may, and when required by law shall, call special municipal elections for such purposes as are required by law or as the Council may prescribe. A special municipal election may be held on any date specified by the Council.

**Section 610. CONDUCT OF MUNICIPAL ELECTIONS.**

The Council by ordinance may provide for the method of conducting municipal elections. Any matter not provided for by ordinance or by this Charter shall be governed by the provisions of the general laws.

**Section 615. INITIATIVE, REFERENDUM AND RECALL.**

The electors of the City reserve to themselves the powers of initiative and referendum and the recall of elective officers, to be exercised in the manner prescribed by the Elections Code of the State of California.



ARTICLE VII  
**MISCELLANEOUS**

**Section 700. FRANCHISES.**

The Council by ordinance may require, and provide a procedure for, the obtaining of a franchise for the furnishing of any utility, service or commodity, or the use of public streets or other public places or the traversing of any part of the City for such purpose.

**Section 705. NEPOTISM.**

No person shall be appointed to the office of Council Member or Mayor or to any permanent salaried office or employment if such person is related by blood or marriage within the third degree to a Council Member or Mayor or to the appointing officer.

**Section 710. VIOLATIONS.**

A violation of any provision of this Charter shall constitute a misdemeanor punishable by imprisonment in the County Jail not exceeding six months, or by fine not exceeding five hundred dollars, or by both.

**Section 715. SEVERABILITY.**

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.