

PART I - THE CHARTER

THE CHARTER
OF THE
CITY OF MOUNTAIN VIEW

We, the people of the City of Mountain View, State of California, do ordain and establish this Charter as the organic law of said City under the Constitution of said State.

CERTIFICATE

WHEREAS, the City of Mountain View for many years last past has been and now is a city containing a population of more than 3,500 inhabitants as ascertained by the last preceding census taken by the authority of the Congress of the United States of America; and

WHEREAS, on the 15th day of May, 1951, at a municipal election duly held in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, the electors of the said city did choose and elect Malcolm D. Aitken, Wilbur L. Camp, James H. Cochran, Robert D. Foster, William V. Henderson, Harold Hiner, Merrill S. Hugo, Donald Luis, Paul R. McGuire, Alexander Mena, Charles H. Moore, Jack Salyer, Kenneth N. Slater, Clarence E. Smith, and Raymond R. Wright, who were on said date all electors of said city and eligible as candidates in said election, as a Board of Fifteen Freeholders to prepare and propose a Charter for the government of said city; and

WHEREAS, the result of said election was duly declared by the legislative body, to-wit, the Council of said city on the 22nd day of May, 1951, and the said electors so elected as Freeholders thereafter duly qualified as such Freeholders in accordance with law; and

WHEREAS, a period of one year since the result of said election was declared as aforesaid has not expired;

NOW, THEREFORE, in pursuance of the said provisions of said Constitution of the State of California and within one year after the result of the said election was so declared, said Board of Freeholders has prepared and does now propose the foregoing Charter as and for the Charter of the City of Mountain View for the government thereof;

And said Board of Freeholders hereby requests said legislative body of said city to cause the publication of said proposed Charter, as provided in said Constitution, and does hereby fix and designate Tuesday, the 15th day of January, 1952, as the date for holding a special municipal election of the said city at which the said proposed Charter shall be submitted to the qualified electors of the said city for their ratification and adoption.

IN WITNESS WHEREOF, the undersigned Freeholders of said City have subscribed their names hereto

at the City of Mountain View in the State of California, on the 22nd day of October, 1951.

JAMES H. COCHRAN,
Chairman of the Board of Freeholders.

WILBUR L. CAMP,
Secretary of the Board of Freeholders.

MALCOLM D. AITKEN
ROBERT D. FOSTER
WILLIAM V. HENDERSON
HAROLD HINER
MERRILL S. HUGO
DONALD LUIS
PAUL R. McGUIRE
ALEXANDER MENA
CHARLES H. MOORE
JACK SALYER
KENNETH N. SLATER
CLARENCE E. SMITH
RAYMOND R. WRIGHT

Footnotes:

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Editor's note— Set out herein is the Charter of the city, as amended. A uniform system of capitalization and punctuation have been employed and, in some instances, catchlines have been changed or expanded to facilitate use. Otherwise, the Charter has been printed exactly as adopted and amended. Amendments may be identified by the historical citation appearing at the end of the of amended section.

Article I. - Incorporation and Succession.

Section 100. - Name.

The municipal corporation now existing and known as the City of Mountain View shall remain and continue a body politic and corporate in name and in fact, by the name of the City of Mountain View.

Section 101. - Boundaries.

The boundaries of the City of Mountain View shall continue as now established until changed in the

manner authorized by law.

Section 102. - Rights and Liabilities.

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

Section 103. - Continuation of ordinances.

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

Section 104. - Continuance of contracts and public improvements.

All contracts entered into by the city or for its benefit prior to the effective date of this Charter, shall continue in full force and effect. Public improvements for which proceedings have been instituted under laws existing at the time this Charter takes effect, in the discretion of the council, may be carried to completion as nearly as practicable in accordance with the provisions of such existing laws or may be continued or perfected under this Charter.

Section 105. - Continuance of pending actions and proceedings.

No action or proceeding, civil or criminal, pending at the time when this Charter takes effect, brought by or against the city or any officer, office, department or agency thereof, shall be affected or abated by the adoption of this Charter or by anything herein contained, but all such actions or proceedings may be continued notwithstanding that functions, powers and duties of any officer, office, department or agency a party thereto, may be assigned or transferred by or under this Charter to another officer, office, department or agency, but in that event the same may be prosecuted or defended by the head of the office, department or agency to which such functions, powers and duties have been assigned or transferred by or under this Charter.

Section 106. - Continuance of present officers and employees.

The present officers and employees shall, without interruption, continue to perform the duties of their respective offices and employments for the compensation provided by existing ordinances, resolutions, rules or laws, until the appointment, or election, and qualification of their successors under this Charter and subject to such removal and control as is provided in this Charter.

Article II. - Powers of the City.

Section 200. - Generally.

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 any and all rights, powers and privileges 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 under the Constitution and laws of the State of California. The enumeration in this Charter of any particular power shall not be held to be exclusive of, or any limitation upon, this general grant of power.

Section 201. - Procedural Authority.

The city shall have the power and may act pursuant to any procedure established by any law of the state, unless a different procedure is established by this Charter or by ordinance.

Article III. - Plan of Government.

Section 300. - Council-manager form of government.

The municipal government provided by this Charter shall be known as the "council-manager" form of government.

Article IV. - The Elective Officers.

Section 400. - Enumeration.

The elective officers of the city shall consist of a city council composed of seven members.

Section 401. - Elected at large.

The council shall be elected at the general municipal election on a general ticket from the city at large.

Section 402. - When an elective office becomes vacant.

An elective office becomes vacant when the incumbent dies, resigns, is removed from office under recall proceedings, is adjudged insane, convicted of a felony, or of an offense involving a violation of the incumbent's official duties, or ceases to be a resident of the city, or neglects to qualify within the time prescribed by the provisions of this Charter, or shall have been absent from the state without leave for more than sixty days, or fails to attend the meetings of the council for a like period without being excused therefrom by said body.

(As amended June 3, 1980.)

Article V. - The Council

Section 500. - Term of office.

Except as otherwise provided in this section, the members of the council shall hold office for a term of four (4) years from and after the first meeting in January following their election and continuing until their respective successors qualify.

Ties among candidates for any office shall be settled by the drawing of lots.

No person shall be eligible to serve as a member of the city council for more than two successive four-year elective terms. Any person appointed or elected to the city council to fill an unexpired term of not more than two years in length shall, however, be eligible to serve two successive four-year elective terms upon the expiration of the unexpired term for which that person was appointed or elected.

(As amended March 4, 1975; June 3, 1980; November 2, 1993.)

Section 501. - Eligibility.

No person shall be eligible to be nominated for or to hold office as a member of the council unless that person is and shall have been a resident and a registered voter of the City of Mountain View at the time nomination papers are issued to the candidate and that the person shall remain a resident and a qualified elector of the City of Mountain View or of territory annexed thereto, as defined in the California Elections Code.

(As amended April 9, 1974; June 3, 1980; November 3, 1998.)

Section 502. - Councilmember to hold no other office.

No member of the council shall hold any other city office or city employment except as is otherwise provided by this Charter. No member of the council shall be eligible to be elected or appointed to any city position, office or employment which was created or the compensation of which was increased by the council while that person was a member thereof, until one year after the expiration of the term for which the councilmember was elected or appointed.

(As amended June 3, 1980.)

Section 503. - Compensation.

Each member of the city council shall receive as salary, each month, that sum which has been established by the electorate as of November 4, 2014, as the baseline salary amount of one thousand dollars (\$1,000) per month with automatic annual adjustments based on the lesser of the San Francisco Bay Area Consumer Price Index for urban wage earners or the average cost-of-living adjustment granted to the miscellaneous city employee bargaining groups and not to exceed five percent (5%) per year. The mayor shall receive as salary, each month, that amount as calculated for a councilmember above, plus an additional twenty-five percent (25%) of said sum. Any amounts paid to a councilmember for retirement, health and welfare, and federal Social Security benefits shall not be included for purposes of determining salary pursuant to this section provided the same benefits are available and paid by the city for its employees. Notwithstanding the foregoing, the city council shall have no power to increase its salary by ordinance, resolution or motion. If a member of the city council, or mayor, does not attend all regular meetings of the city council called on order of the city council and held during the month, that person's salary for such month shall be reduced by the sum of twenty-five dollars (\$25) for each regular meeting not attended unless that person is absent with the consent of the mayor or for official city business.

(As amended, April 9, 1968; June 3, 1980; November 6, 1984; November 4, 2014.)

Section 504. - Vacancies.

The council shall, within 30 days from the commencement of any vacancy on the council from whatever cause arising, either fill the vacancy by appointment or call a special election to fill the vacancy. If the vacancy is filled by appointment, the person so appointed shall hold office until the first Tuesday following the next general municipal election at which a successor could be elected and until that person's successor qualifies. At that next general municipal election following any vacancy, a councilmember shall be elected to serve for the remainder of any unexpired term. If the vacancy be filled by election, the person so elected shall hold office for the unexpired term of the former incumbent and until that person's successor qualifies. When any vacancy occurs, if there are two councilmembers at that

time serving terms to which they were appointed, then in that event, the vacancy shall be filled solely by election. Notwithstanding the provisions of Charter Section 1302, a special election to fill a council vacancy may be held on any date.

(As amended, April 12, 1960; June 3, 1980; November 6, 1984.)

Section 505. - Election, powers and duties of mayor; designation of vice mayor.

- (a) Mayor. The council shall meet and 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 perform such other duties consistent with the mayoral office as may be prescribed by this Charter or as may be imposed by the council. The mayor shall serve in such capacity at the pleasure of the council.

The selection of mayor shall occur annually. If possible, the selection shall be made at the first meeting in January or, at the council's discretion, at such other meeting to accommodate the needs of the council.

- (b) Vice mayor. At the time set for selection of mayor, the council shall also designate one of its members as vice mayor who shall serve in such capacity at the pleasure of the council. The vice mayor shall perform the duties of the mayor during the mayor's absence or disability.

(As amended June 3, 1980; November 3, 1998.)

Section 506. - Powers vested in the council.

All powers of the city, except as otherwise provided in this Charter, shall be vested in the council, and said council may establish the method by which any of such powers may be exercised.

Section 507. - Meetings of the council.

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

Section 508. - Meetings to be public.

All legislative sessions of the council, whether regular or special, shall be open to the public.

Section 509. - 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 postpone the consideration of pending business.

Section 510. - Administering oaths; subpoenas.

Each member of the council shall have the power to administer oaths and affirmations in any investigation or proceeding pending before the council. The 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 may be issued in the name of the city and be attested by the city clerk. Disobedience of such subpoena or the refusal to testify (upon other than constitutional grounds), shall be deemed contempt and shall be punishable as provided by the general laws of this state.

Section 511. - Citizen participation.

No citizen 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 512. - Rules of proceeding.

The council shall determine its own rules of procedure, may punish its members for disorderly conduct and compel their attendance at the council meetings.

Section 513. - Council action.

Legislative action shall be taken by the council only by means of an ordinance, resolution or minute action duly recorded in the official minutes of the city council. (As amended November 3, 1998.)

Section 514. - 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 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 nor until such ordinance shall have been published as required in this Charter. At the time of introduction or 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 unanimous 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.

No order for the payment of money shall be adopted or made at any other than a regular or adjourned regular meeting.

Any ordinance declared by the 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 if passed by at least five affirmative votes.

(As amended June 3, 1980.)

Section 515. - Ayes and noes.

Upon the adoption of any ordinance the clerk shall call the roll and shall cause the ayes and noes to be entered in the minutes of the meeting. Upon the request of any member the ayes and noes shall be taken and recorded on any vote.

Section 516. - Majority vote of council.

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

Section 517. - Acts to be by ordinance; enacting clause.

In addition to such acts of the council as are required by other provisions of this Charter to be by ordinance, every act of the council establishing a fine or other penalty or granting a franchise, shall be by ordinance. The enacting clause of all ordinances adopted by the council shall be substantially as follows:

"The city council of the City of Mountain View does ordain as follows:"

Section 518. - Signing and attesting ordinances.

All ordinances shall be signed by the mayor and attested by the city clerk.

Section 519. - Effective date of ordinances.

No ordinance adopted by the council shall become 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 declaring the amount of money necessary to be raised by taxation, or fixing the rate of taxation, or levying the annual tax upon property.
- (d) An emergency ordinance adopted in the manner provided for in this article.

(e) An ordinance annexing areas to the city.

(f) An ordinance providing for a tax levy or appropriation for the usual current expenses of the city.

Section 520. - Violation of ordinances; penalty.

A violation of any ordinance of the city shall constitute a misdemeanor, unless the violation of such ordinance is designated as an infraction, 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 misdemeanor or infraction shall not exceed the maximum fine or penalty as set forth in the Government Code of the State of California for the violation of a municipal ordinance.

(As amended November 2, 1993; November 3, 1998.)

Section 521. - Amendment of ordinances.

The amendment of any section or sections of an ordinance may be accomplished solely by the re-enactment of such section or sections at length, as amended.

Section 522. - Publication of ordinances.

Except as otherwise provided in this Charter, the city clerk shall cause each proposed ordinance, other than an emergency ordinance or an ordinance which takes effect upon adoption, to be published at least once in the official newspaper at least two (2) days prior to its adoption; or, as an alternative method of publication, the council may order copies of any proposed ordinance to be posted at least two (2) days prior to its adoption in three (3) prominent places in the city and cause a single publication in the official newspaper of a notice setting forth the title of the ordinance, the date of its introduction, and a list of the places where copies of the proposed ordinance are posted.

The city clerk shall cause each emergency ordinance or ordinance which takes effect on adoption to be published at least once in the official newspaper within fifteen (15) days after its adoption.

(As amended, April 12, 1960.)

Section 523. - 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 of the effective date of the code. Subsequent amendments to sections of the code shall be enacted in the same manner as herein required for the amendment of ordinances generally.

Detailed regulations pertaining to any subject such as the construction of buildings, plumbing, wiring or other subjects which require extensive regulations, when arranged as a comprehensive code, may likewise be adopted by reference in the manner provided in this section.

Article VI. - City Manager.

Section 600. - Appointment; qualifications; removal; ineligibility of councilmembers.

There shall be a city manager who shall be the chief administrative officer of the city. The city manager shall be appointed for an indefinite term by the council and shall serve at the pleasure of the council, provided that the city manager shall not be removed from office except by the affirmative votes of at least five members of the council. The city manager shall be chosen on the basis of the person's executive and administrative qualifications, with special reference to actual experience in, or knowledge of, accepted practice in respect to the duties of office as hereinafter set forth.

No councilmember shall be eligible for appointment to the office of city manager during the term for which that councilmember shall have been elected nor within two years thereafter.

(As amended June 3, 1980; November 2, 1993.)

Section 601. - Compensation.

The city manager shall be paid a salary commensurate with the city manager's responsibilities as chief administrative officer of the city, which salary shall be established by ordinance or resolution.

(As amended June 3, 1980.)

Section 602. - Powers and duties.

The city manager shall be head of the administrative branch of the city government. He shall be responsible to the 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, discipline and remove, subject to the personnel provisions of this Charter, all

officers and employees of the city except as otherwise provided by this Charter. The city manager may authorize the head of any department or office to appoint or remove subordinates in such office.

- (b) Prepare the budget annually, submit it to the council, and be responsible for its administration after its adoption.
- (c) Prepare and submit to the council as of the end of the fiscal year, a complete report on the finances and administrative activities of the city for the preceding year.
- (d) Keep the council advised of the financial condition and future needs of the city and make such recommendations on any matter as may to the city manager seem desirable.
- (e) Establish a centralized purchasing system for all city offices, departments and agencies.
- (f) Prepare rules and regulations governing the contracting for, purchasing, inspection, storing, inventory, 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 council for adoption by ordinance.
- (g) Enforce the laws of the state pertaining to the city, the provisions of this Charter and the ordinances, franchises and rights of the city.
- (h) Make investigations into the affairs of the city, or any department or division thereof, on any contract, or the proper performance of any obligation running to the city.
- (i) Perform such other duties as may be prescribed by this Charter or required of the city manager by the council not inconsistent with this Charter.

(As amended June 3, 1980.)

Section 603. - Participation in council action.

The city manager shall be accorded a seat at the 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. The city manager shall receive notice of all special meetings of the council, boards, and commissions.

(As amended June 3, 1980.)

Section 604. - Rules and regulations.

The city manager may prescribe such general rules and regulations as the city manager may deem necessary or expedient for the general conduct of the administrative offices and departments of the city under the city manager's jurisdiction.

(As amended June 3, 1980.)

Section 605. - Manager pro tempore.

The city manager shall appoint, subject to the approval of the council, one of the other officers of the city to serve as manager pro tempore during any temporary absence or disability of the city manager.

Section 606. - Additional duties.

Subject to the approval of the council, the city manager may act as head of any office, department or agency of the city under the city manager's control for which the city manager is qualified by training or experience.

(As amended June 3, 1980.)

Section 607. - Noninterference with administrative service.

Neither the 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 any office or employment, or that person's removal therefrom. 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 subordinate of the city manager, either publicly or privately.

(As amended June 3, 1980.)

Article VII. - Officers and Employees.

Section 700. - Enumeration.

The officers of the City of Mountain View shall consist of the council, a city manager, a city clerk, a city attorney, a city auditor, and such other subordinate officers, assistants, deputies, and employees as the council may deem necessary to provide by ordinance.

(As amended June 3, 1980.)

Section 701. - Appointment and removal.

The city manager, city clerk, city auditor and city attorney shall be appointed by and may be removed by the affirmative votes of at least five members of the council. All other officers and department heads of the city shall be appointed by the city manager and shall serve at the pleasure of the city manager.

(As amended April 12, 1960; June 3, 1980.)

Section 702. - Administrative departments.

The 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, divisions, offices and agencies and for their alteration or abolition. It may further provide by ordinance or resolution for the assignment and reassignment of divisions, offices and agencies to departments, and for the number, titles, qualifications, powers, duties, and compensation for all officers and employees, consistent with this Charter.

Each department so created shall be headed by an officer as department head who shall be appointed by the city manager, except as otherwise provided by this Charter.

When the positions are not incompatible, the council may combine in one person the powers and duties of two or more offices.

The council may transfer or consolidate functions of the city government to or with appropriate functions of the state or county government, or may make use of such functions of the state or county government, and in case of any such transfer or consolidation the provisions of the Charter providing for the function of the city government so transferred or consolidated shall be deemed suspended during the continuance of such transfer or consolidation to the extent that such suspension is made necessary or convenient and is set forth in the ordinance or resolution establishing such transfer or consolidation. Any such transfer or consolidation may be repealed in like manner.

Section 703. - Compensation.

The compensation of all city officers and employees, except as otherwise provided in this Charter, shall be by salary to be fixed for ordinance or resolution. No officer or employee shall be allowed any

fees, perquisites, emoluments, rewards or compensation, aside from the salary or compensation as fixed by the council, but all fees received by that person in connection with that person's official duties shall be paid by that person into the city treasury.

(As amended June 3, 1980.)

Section 704. - Oath of office.

Every officer of the city, before entering upon the duties of that person's office, shall take the oath of office as provided for in the constitution of this state, and shall file the same with the city clerk.

(As amended June 3, 1980.)

Section 705. - Official bonds.

The council shall fix by ordinance 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 that officer's bond, for any wrongful act or omission of that officer's subordinate, unless such superior officer was a party to, or conspired in such wrongful act or omission.

(As amended June 3, 1980.)

Section 706. - Financial interest in city contracts prohibited.

No officer or employee of the city shall become financially interested except by testate or intestate succession, either directly or indirectly, in any contract, sale, purchase, lease or transfer of real or personal property to which the city is a party, or be employed by any public service corporation regulated by, or holding franchises in the city if such activity or contract would violate the provisions of California Government Code Section 1090, et seq. A willful violation of this provision shall be deemed a misdemeanor. Any contract made in contravention of this section shall be void.

(As amended June 3, 1980; November 3, 1998.)

Section 707. - Nepotism.

The council shall not appoint to a salaried position under the city government any person who is a relative by blood or marriage within the second degree of any one or more of the members of such council and neither shall any department head or other officer having appointive power appoint any

relative within such degree to any such position.

Section 708. - Discrimination on grounds of political opinions or religion prohibited.

Except as otherwise provided by the general laws of this state heretofore or hereafter enacted, no appointment to any position under the city government shall be made or be withheld by reason of any religious or political opinions or affiliations or political services, and no appointment to or selection for or removal from any office or employment and no transfer, promotion, reduction, reward or punishment shall be in any manner affected by such opinions, affiliations or service.

Section 709. - Powers and duties of city clerk.

The city clerk shall have the power and be required to:

- (a) Attend all meetings of the council and be responsible for the recording and maintaining of a full and true record of all the proceedings of the council in books that 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 the 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.
- (c) Maintain separate books, in which a record shall be made of all written contracts and official bonds.
- (d) Keep all aforementioned books properly indexed and open to public inspection when not in actual use.
- (e) Be the custodian of the seal of the city.
- (f) Administer oaths or affirmations, take affidavits and depositions pertaining to the affairs and business of the city and certify copies of the official records.
- (g) Have charge of all city elections.
- (h) Perform such other duties consistent with this Charter as may be required of the city clerk by the council.

(As amended June 3, 1980.)

Section 710. - Powers and duties of city auditor.

The city auditor shall be an experienced accountant, preferably with municipal accounting experience. The city auditor shall have power and be required to perform such duties consistent with this Charter as may be required by the city council. This position may be combined with any other officer of the city as

designated by the city council. Council, in its discretion, may retain the professional accounting services of an independent audit firm to serve as city auditor from time to time. The city council shall also annually employ an independent auditor as required by Section 1106 of this Charter.

(As amended June 3, 1980; November 3, 1998.)

Section 711. - Powers and duties of city attorney; eligibility, employment of attorneys to assist, etc., in legal matters.

The city attorney shall have the power and be required to:

- (a) Represent and advise the council and all city officers in all matters of law pertaining to their offices.
- (b) Represent and appear for the city in any or all actions and proceedings in which the city is concerned or is a party; and represent and appear for any city officer or employee or former city officer or employee for any action arising out of that person's employment or by reason of that person's official capacity as may be required by law.
- (c) Attend all meetings of the council and give the city attorney's advice or opinion in writing whenever requested to do so by the council or by any of the boards or officers of the city.
- (d) Approve the form of all bonds given to and all contracts made by the city, endorsing the city attorney's approval thereon in writing.
- (e) Prepare any and all proposed ordinances or resolutions for the city, and amendments thereto.
- (f) Prosecute on behalf of the people all criminal cases for violation of this Charter and of city ordinances.
- (g) Perform such other duties consistent with this Charter as may be required of the city attorney by the council.
- (h) On vacating the office, surrender to his or her successor all books, papers, files and documents pertaining to the city's affairs.

To become eligible for appointment as a city attorney, the appointee shall have been admitted to practice as an attorney at law before the Supreme Court of the State of California, and shall have been engaged in the practice of law for at least three years immediately prior to that person's appointment.

The council shall have control of all legal business and proceedings and may employ other attorneys to take charge of any litigation or matter or to assist the city attorney therein.

(As amended June 3, 1980; November 3, 1998.)

Section 712. - Repealed April 14, 1964.

Section 713. - Repealed by election June 3, 1980.

Section 714. - Amended April 12, 1960; Repealed by election June 3, 1980.

Section 715. - Repealed by election June 3, 1980.

Section 716. - Repealed by election June 3, 1980.

Article VIII. - Retirement System.

Section 800. - Creation.

The council shall have power to provide for the creation, establishment and maintenance of a retirement or pension plan or plans for any or all of the appointive officers and employees of the city.

Section 801. - Authority to join other systems.

The City of Mountain View, by and through its council, is hereby empowered to join in any retirement or pension system or systems created under the law of the State of California or the United States of America, to which municipalities and municipal officers and employees are eligible.

Article IX. - Appointive Boards and Commissions.

Section 900. - Generally.

There shall be the boards and commissions enumerated in this article which shall have the powers and duties herein stated. Unless otherwise provided by this Charter, the number of members to comprise any commission shall be determined by ordinance or resolution of the council. No member of any board or commission shall hold any paid office or employment in the city government. In order to be eligible for any appointment to any board or commission, a person shall be a qualified elector of the city. In addition to those herein provided, the council may create by ordinance or resolution such boards or commissions as in its judgment are required and may grant to them such powers and duties as are consistent with the provisions of this Charter.

Section 901. - Appropriations.

The council shall include in the annual budget such appropriations of funds as in its opinion shall be sufficient for the efficient and proper functioning of such boards and commissions.

Section 902. - Appointments; terms.

The members of each of such boards or commissions shall be appointed by the council. They shall be subject to removal by motion of the council adopted by at least four affirmative votes. Unless otherwise provided by this Charter, the members thereof shall serve for a term of four years and until their respective successors are appointed and qualified.

The members first appointed to such boards and commissions shall so classify themselves by lot that each succeeding January first the term of one of their numbers shall expire. If the total number of members of a board or commission to be appointed exceeds four the classification by lot shall provide for the grouping of terms to such an extent as is necessary in order that the term of at least one member shall expire on each succeeding January first, and that the number of terms expiring in any year does not exceed by more than one the number expiring in any other.

Section 903. - Repealed by election November 3, 1998.

Section 904. - Meetings; chairman.

As soon as practicable, following the first day of January of every year, each of such boards and commissions shall organize by electing one of its members to serve as presiding officer at the pleasure of such board or commission. Each board or commission shall hold such regular and special meetings as such board or commission may require. All proceedings shall be open to the public.

The affirmative or negative vote of a majority of the entire membership of such board or commission shall be necessary for it to take any action, except to adjourn.

The city manager shall designate a secretary for the recording of minutes for each of such boards and commissions, who shall keep a record of its proceedings and transactions. Each board or commission may prescribe its own rules and regulations which shall be consistent with this Charter and copies of which shall be kept on file in the office of the city clerk where they shall be available for public inspection. Each shall have the same power as the council to compel the attendance of witnesses, to examine them under oath and to compel the production of evidence before it.

Section 905. - Compensation; vacancies.

The members of the boards and commissions shall serve without compensation for their services as such, but may receive reimbursement for necessary traveling and other expenses incurred on official

duty when such expenditures have received authorization by the council. Any vacancies on any board or commission, from whatever cause arising, shall be filled by appointment by the council. Upon a vacancy occurring, leaving an unexpired portion of a term, any appointment to fill such vacancy shall be for the unexpired portion of such term. If a member of a board or commission is absent from three regular meetings of such board or commission, consecutively, or within a calendar quarter, or is convicted of a crime involving moral turpitude, or ceases to be a qualified elector and resident of the city, that office shall become vacant upon the declaration of council. The council may, for good cause, determine that a vacancy has not been created.

(As amended by election June 3, 1980; November 3, 1998.)

Section 906. - Planning commission.

There shall be a planning commission consisting of at least seven members, the number of which membership shall be established, from time to time, by ordinance. The planning commission shall have the power to:

- (a) Recommend to the council, after a public hearing thereon, the adoption, amendment or repeal of a master plan or any part thereof for the physical development of the city.
- (b) Exercise such functions with respect to land subdivisions, planning and zoning as may be prescribed by ordinance or resolution.
- (c) Exercise such functions regarding the environmental quality of the community as may, from time to time, be prescribed by ordinance or resolution. A special membership for the planning commission when exercising functions pursuant to this subsection may also be established by ordinance or resolution. (As amended November 3, 1970.)

Section 907. - Amended April 12, 1960; Repealed by election June 3, 1980.

Section 908. - Repealed by election June 3, 1980.

Section 909. - Recreation and parks commission(Established; composition.

There shall be a recreation and parks commission consisting of five members. In the event that the council contracts with other agencies interested in recreation and parks for the joint exercise of any of such functions, such contract may provide for representation on the commission of nominees of such agencies during the existence of such contract or extensions thereof.

Section 910. - Same—Powers and duties.

The recreation and parks commission shall have the power and duty to:

- (a) Act in advisory capacity to the council in all matters pertaining to recreation and parks.
- (b) Consider provisions of the annual budget for recreation and park purposes during the process of the preparation of the budget and make recommendations with respect thereto to the city manager and the council.
- (c) Assist in the planning of a recreation program for the inhabitants of the city, promote and stimulate public interest therein, and to that end, solicit to the fullest extent possible the cooperation of school authorities and other public and private agencies interested therein.
- (d) Accept money, personal property or real estate donated to the city for recreational or park purposes, subject to the approval of the council.

Section 911. - Powers and duties of board of library trustees; establishment.

There shall be a board of library trustees consisting of five (5) members. The board of library trustees shall have the power and duty to:

- (a) Adopt such rules and regulations as it may deem necessary for the administration and protection of the city library.
- (b) Act in an advisory capacity to the council in all matters pertaining to the city library.
- (c) Consider provisions of the annual budget for library purposes during the process of the preparation of the budget, and make recommendations with respect thereto to the city manager and the council.
- (d) Assist in the planning of the library program for the inhabitants of the city, and promote and stimulate public interest therein.
- (e) Accept money, personal property, or real estate donated to the city for library purposes, subject to the approval of the council.
- (f) Contract with school, county or other government agencies to render or receive library services or facilities subject to the approval of the council.

(As amended, April 12, 1960.)

Article X. - Personnel System.

Section 1000. - Merit principle.

Appointments and promotions in the classified service of the city shall be made according to merit and fitness and from eligible lists to be established in accordance with personnel rules and regulations adopted in the manner provided in this Charter.

Section 1001. - Unclassified and classified service.

The administrative service of the city shall be divided into unclassified and classified service;

(a) The unclassified service shall comprise the following officers and positions:

- (1) All elected officers.
- (2) City manager, city attorney, city auditor, city clerk, the head of each department and subordinate attorneys within the city attorney's office hired after the effective date of this Charter amendment.
- (3) All members of boards and commissions.
- (4) Persons employed as unskilled laborers.
- (5) Positions in any class or grade created for a special or temporary purpose for a period of not longer than 90 days in any one fiscal year.
- (6) Persons employed to render professional, scientific, technical or expert services of any occasional or exceptional character.
- (7) Volunteer members of the fire department.
- (8) Part-time employees paid on an hourly or per diem basis.

(b) The classified service shall comprise all positions not specifically included by this section in the unclassified service.

(As amended November 3, 1998.)

Section 1002. - Rules and regulations.

The personnel system provided by this article shall be implemented by such rules and regulations governing the administration thereof as are adopted by the council upon the recommendation of the city manager.

(As amended June 3, 1980.)

Section 1003. - Political activities prohibited; discrimination.

No employee of the city shall, while in uniform or during that employee's city working hours, take an active part in any municipal or other political campaign, nor seek or accept contributions for or against

any candidate or issue therein, nor seek or accept signatures to any petition for or against any such candidate or issue. Nothing in this section shall be construed to prevent any such persons from seeking election or appointment to public office.

Except as otherwise provided by the general laws of this state heretofore or hereafter enacted, no person in the classified service, or seeking admission thereto, shall be employed, promoted, demoted or discharged or in any way favored or discriminated against because of political opinions or affiliations or because of race or religious belief.

(As amended April 9, 1974; June 3, 1980.)

Section 1004. - Contract for performance of administrative functions.

The council may contract with the governing body of a city, or county within this state, or with a state department or other public or private agency for the preparation or conducting of competitive examinations for positions in the city service or for the performance of any other personnel administration service.

Article XI. - Fiscal Administration.

Section 1100. - The fiscal year.

Unless otherwise provided by ordinance, 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 1101. - Tax system.

Unless otherwise provided by ordinance, the city shall continue to use, for the purpose of ad valorem municipal taxation, the county system of assessment and tax collection, as such system is now in effect or may hereafter be amended and insofar as such provisions are not in conflict with this Charter.

Section 1102. - Tax limits.

- (a) **General.** Except as otherwise provided by this section, the council shall not levy a property tax for municipal purposes in excess of one dollar and forty cents on each one hundred dollars of assessed value of the taxable property in the city, unless authorized by the affirmative votes of a majority of the electors voting on a proposition to increase such levy at any election at which the question of such additional levy for municipal purposes is submitted to the electors. The number of years that such additional levy is to be made

shall be specified in such proposition.

- (b) **Additional taxes.** There shall be levied and collected at the same time and in the same manner as other property taxes are levied and collected, as additional taxes, if no other provision for the payment thereof is made:

A tax sufficient to meet all obligations 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 the general obligations of the city.

Section 1103. - Annual budget.

On such date in each year as shall be fixed by the council, the city manager shall send to the council a careful estimate, in writing, of the amounts, specifying in detail the objects thereof required during the next ensuing year for the business and proper conduct of the various departments, offices, boards and commissions of the city, over which the city manager has control. The city manager shall also at such time submit to the council an estimate of the amount of income from fines, licenses, and other sources of revenue, exclusive of taxes upon property, and the probable amount required to be levied and raised by taxation.

(As amended June 3, 1980.)

Section 1104. - Public hearing on the budget.

After reviewing the proposed budget as submitted by the city manager and making such revisions as it may deem advisable, the council shall determine the time for holding of a public hearing upon, and shall cause a notice thereof to be published not less than ten days prior to such hearing by at least one insertion in the official newspaper of the city.

Copies of the proposed budget shall be available for inspection by the public at the office of the city clerk at least ten days prior to said hearing.

At the time so advertised or at any time to which such public hearing shall from time to time be adjourned, the council shall hold a public hearing on the proposed budget at which interested persons desiring to be heard shall be given such opportunity.

Section 1105. - Adoption of the budget.

After the conclusion of the public hearing the council shall further consider the proposed budget and make any revisions thereof that it may deem advisable and thereafter it shall adopt the budget with revisions, if any. Upon final adoption, the budget shall be in effect for the ensuing fiscal year.

From the effective date of the budget, the several amounts stated therein as proposed expenditures shall be and become appropriated to the various departments or activities therein described. All appropriations shall lapse at the end of the fiscal year to the extent that they shall not have been expended or lawfully encumbered.

At any meeting after the adoption of the budget, the council may amend or supplement the budget by motion adopted by the affirmative votes of at least five members, so as to authorize the transfer of unused balances appropriated for one purpose to another purpose, or to appropriate available revenue not included in the budget.

Section 1106. - Independent audit.

The council shall employ, at the beginning of each fiscal year, an independent certified public accountant who, at such time or times as may be specified by the council, at least annually, shall examine the books, records, inventories, and reports of all officers and employees who receive, handle or disburse public funds and all such other officers and employees and departments as the council may direct.

As soon as practicable after the end of the fiscal year, a final audit and report shall be submitted by such accountant to the council, one copy thereof to be distributed to each member, one to the city auditor, city manager 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.

Section 1107. - Contracts for public works.

- (a) Every project involving an expenditure of public monies of more than fifteen thousand dollars (\$15,000) appropriately indexed to 1978 dollars for the construction or improvement of public buildings, works, drains, sewers, utilities, parts, playgrounds, and streets (exclusive of projects for resurfacing, maintenance and repair of streets) shall be let 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 seven days before the time for opening bids.

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 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 council may reject any and all bids presented and may readvertise in its discretion. The 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 and after the adoption of a resolution to this effect by at least five affirmative votes of the council may proceed to have such 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 council to be of urgent necessity for the preservation of life, health or property and shall be authorized by resolution passed by at least five affirmative votes of the council and containing a declaration of the facts constituting such urgency.

Noting in this section shall be construed to apply to the acquisition or purchase of electricity, electric power or electric energy by the city for any use or purpose.

(As amended April 9, 1974; June 3, 1980.)

- (b) As an alternate procedure to subsection (a) above, Council may, by ordinance, establish an alternate bidding procedure for public works contracts where the amount does not exceed the limit for the alternate bidding procedures for general law cities as set forth in the California Public Contract Code at Section 22034 as amended from time to time.

(As amended April 9, 1974; June 3, 1980; November 3, 1998.)

Section 1108. - 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 per cent 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 has been or may hereafter be incurred for the purposes of acquiring, constructing, extending or maintaining municipal utilities for which purpose a further indebtedness may be incurred by the issuance of bonds, subject only to the provisions of the State Constitution and of this Charter.

(As amended November 3, 1970.)

Section 1109. - Contracts for official advertising.

The council shall let annually contracts for the official advertising for the ensuing fiscal year. In the event there is more than one newspaper of general circulation published and circulated in the city, the council shall advertise for one day, setting forth distinctly and specifically the work contemplated to be done, and asking for sealed proposals therefor. The proposals shall specify the type and spacing to be

used at the rate or rates named in the bids. The council shall let the contracts for such official advertising to the lowest responsible bidder publishing a newspaper in the city which is a newspaper of general circulation and has been in existence at the time of the awarding of the contract at least one year; provided, that the council may reject any or all bids and advertise for new bids.

Section 1110. - Actions against the city.

All claims and actions for money or damages against the city or any commission, board, officer, or employee thereof shall be governed by the California Tort Claims Act, commencing with Title 1, Division 3.6, Section 810 of the Government Code .

(As amended April 12, 1960; November 2, 1993.)

Section 1111. - Competitive bidding.

Before making purchases of, or contracts for, supplies, materials or equipment, ample opportunity shall be given for competitive bidding, under such rules and regulations and with such exceptions as the council may prescribe in the ordinance setting up such rules and regulations. When making purchases for the city, merchants with places of business located within the city shall be given the preference, quality and prices being equal.

Section 1112. - Centralized purchasing.

A centralized purchasing system shall be established for all city departments, offices and agencies. The city manager shall recommend and the council shall consider and adopt by ordinance, rules and regulations governing the contracting for, purchasing, inspection, storing, distribution or disposal of all property, supplies, materials, and equipment required by any department, office or agency of the city government.

Article XII. - Franchises.

Section 1200. - When franchises are required.

No person, firm or corporation shall exercise any franchise right or privilege mentioned in this article in the city except insofar as that person or it may be entitled to do so by direct authority of the constitution of the State of California or of the United States, unless that person or it shall have obtained a grant therefor in accordance with the provisions of this article of this Charter and in accordance with the procedure prescribed by ordinance. Nothing contained in this article shall be construed to invalidate any lawful franchise heretofore granted nor to necessitate the obtaining of a new franchise for a use for

which a franchise holder shall have a valid unexpired franchise.

(As amended June 3, 1980.)

Section 1201. - Authorization by ordinance.

The council is empowered to grant by ordinance a franchise to any person, firm or corporation, whether operating under an existing franchise or not, to furnish the city and its inhabitants with transportation, communication, terminal facilities, water, light, heat, power, refrigeration, storage or any other public utility or service, or to use the public streets, ways, alleys and places, as the same may now or may hereafter exist, either separately or in connection therewith.

Section 1202. - Terms, conditions and procedures.

The council shall, by ordinance, prescribe the terms and conditions under which franchises will be granted, subject to the provisions of this Charter, and the procedure for granting franchises; provided, however, that such procedural ordinance or ordinances shall make provisions:

- (a) For the giving of public notice of franchise applications;
- (b) For protests against the granting of such franchises;
- (c) For public hearings on such applications.

The council, in granting franchises, shall prescribe the terms and conditions of such franchises in accordance with the applicable provisions of this Charter and any ordinance adopted pursuant thereto, and may in such franchise impose such other and additional terms and conditions not in conflict with said Charter or ordinances, whether governmental or contractual in character, as in the judgment of said council are in the public interest or as the people, by initiative, indicate they desire to have so imposed.

Section 1203. - Granting of franchise; term.

- (a) The council after calling for bids, may grant a franchise to any bidder it determines to be a responsible and responsive bidder, provided the grant is not in conflict with the provisions of this article.
- (b) Every franchise so granted shall be for either a fixed term or for an indefinite period. If for a fixed term, the franchise shall state the term for which it is granted; however, said fixed term shall not exceed 10 years unless the council makes formal findings that the franchisee has made a substantial investment in equipment or improvements to conduct the franchise that justifies the years in excess of the 10-year limitation. If the franchise is granted for an indefinite term, it shall set forth with particularity the terms and conditions pursuant to which it may be terminated. In no event shall the term of any franchise exceed 25 years.

(As amended November 3, 1998.)

Section 1204. - Repealed by election November 3, 1998.

Section 1205. - Right of acquisition of property not impaired.

No franchise grant shall in any way or to any extent impair or affect the right of the city now or hereafter conferred upon it by law to acquire the property of the grantee thereof either by purchase or through the exercise of the right of eminent domain, and nothing herein 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 1206. - Payments to city based on gross annual receipts.

No new franchise or the renewal of an existing franchise shall be granted without reserving to the city just and adequate compensation based on a percentage of the gross annual receipts of the utility derived from the furnishing from within the city of the utility service for which the franchise is awarded.

Section 1207. - Article not applicable in certain cases.

Nothing in this article shall be construed as applying to or requiring the operators of refrigeration or storage utilities or the carriers of freight or passengers not operating over a fixed route, or other public utilities or services not specifically described in this article, to obtain a franchise to operate within the city unless required so to do by ordinance of the City of Mountain View.

Section 1208. - Operation without franchise.

The exercise by any person, firm or corporation of any privilege for which a franchise is required without procuring such franchise, shall be a misdemeanor, and each such day that such condition continues shall constitute a separate violation.

Section 1209. - Article not applicable to the city.

Nothing in this article shall be construed to apply to the city, or any department thereof, when furnishing any public utility or service.

Article XIII. - Elections.

Section 1300. - General municipal elections.

General municipal elections for the election of officers and for such other purposes as the council may prescribe, shall be held in said city on the first Tuesday after the first Monday in November of each even-numbered year, commencing with the year 1994.

(As amended November 2, 1993.)

Section 1301. - Special municipal elections.

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

Section 1302. - Procedure for holding elections.

Except as hereinafter provided, all elections shall be held in accordance with the provisions of the Elections Code of the State of California, as the same now exists or may hereafter be amended, for the holding of elections in general law cities, insofar as the same are not in conflict with this Charter. In all municipal elections, the city council may appoint a canvassing board, which shall meet on the morning of the first Tuesday following the election and canvass the returns and certify the results thereof to the city council.

(As amended November 6, 1962.)

Section 1303. - The initiative and referendum.

Except insofar as is otherwise provided by ordinances hereinafter enacted, the provisions of the Elections Code of the State of California, as the same now exists or may hereafter be amended, governing the initiative and the referendum shall apply to the use thereof in the city insofar as the same are not in conflict with this Charter.

Section 1304. - Recall of elective officials.

Every incumbent of an elective office of the city, whether elected by popular vote or appointed thereto to fill a vacancy, shall be subject to removal from office by recall by the voters of the city. The procedure to effect such removal from office shall be as prescribed by the Elections Code of the State of California, as the same now exists or may hereafter be amended, relating to the recall of municipal officers.

Article XIV. - Public School System.

Section 1400. - Effect of Charter.

The organization, government and administration of the Public school system of the City of Mountain View shall not be affected by the adoption of this Charter, but shall continue in existence as is now or hereafter prescribed by the Education Code of the State of California.

Article XV. - City Court. Repealed April 14, 1964.

Article XVI. - Miscellaneous.

Section 1600. - Effective date of Charter.

For the purpose of qualification and nomination of candidates and election of officers to fill the vacancies created by it, this Charter shall take effect from the time of its approval by the legislature. For all other purposes, it shall take effect on the first Tuesday following the date of the election held for the purpose of filling the vacancies created by this Charter in the elective offices of the city.

Section 1601. - First election under Charter.

The council of the City of Mountain View in office at the time this Charter is approved by the legislature shall provide for the holding of the first election of officers under this Charter, shall canvass the votes and declare the results.

Section 1602. - Effect of invalid provision in Charter.

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.

Section 1603. - Construction of Charter.

Unless the provisions or the context otherwise require, as used in this Charter:

- (a) "Shall" is mandatory, and "may" is permissive.
- (b) "City" is the City of Mountain View 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 Mountain View.
- (c) "Council" is the city council of the City of Mountain View.
- (d) "County" is the County of Santa Clara.
- (e) "State" is the State of California.

(As amended April 9, 1974; June 3, 1980.)

Section 1604. - Violations.

The violation of any provision of this Charter shall be deemed a misdemeanor and be punishable upon conviction by a fine the maximum of which shall not exceed the amount permitted by Section 520 of this Charter or by imprisonment for a term not exceeding six months or by both such fine and imprisonment.

(As amended November 3, 1998.)

ARTICLE XVII. - Community Stabilization and Fair Rent Act.

Section 1700. - Title and purpose.

This Amendment shall be known as the Mountain View Community Stabilization and Fair Rent Charter Amendment. The purpose of this Amendment is to promote neighborhood and community stability, healthy housing, and affordability for renters in the City of Mountain View by controlling excessive rent increases and arbitrary evictions to the greatest extent allowable under California law, while ensuring Landlords a fair and reasonable return on their investment and guaranteeing fair protections for renters, homeowners, and businesses.

(As added November 8, 2016.)

Section 1701. - Findings.

The People of Mountain View find and declare as follows:

- (a) WHEREAS, as published in a July 2015 Trends Report by RealFacts, a rental market data provider, the average monthly asking rent within the City of Mountain View has risen 52.7 percent from 2011 to 2015, ¹ while the median household income in Santa Clara County has only risen 1.2 percent during that same period; ^[2] and
- (b) WHEREAS, almost one-third of Mountain View households (32 percent or 10,155 Mountain View households) have incomes less than 80 percent of the Area Median Income (AMI), ^[3] the low-income threshold as defined and annually published by the U.S. Department of Housing and Urban Development; and
- (c) WHEREAS, Mountain View's 2015-20 Consolidated Plan data (derived from HUD- provided data) indicated the most common housing problem is that households are cost-burdened, ^[4] with 36 percent of renter households overall (6,485 households) paying more than 30

percent of their income toward housing costs, and 18 percent of renter households (3,265 households) in Mountain View are severely cost-burdened, paying more than 50 percent of their income toward rent; and

- (d) WHEREAS, while high rents could impact the finances of all households, the 2015-20 Consolidated Plan documents that lower-income renter households are much more likely than higher-income groups to experience cost burden, with 35 percent of low-income renter households (2,250 households) paying more than 30 percent of their income toward their housing costs, compared to 14 percent of lower-income ownership households (580 households). Additionally, 61 percent of renter households (1,980 households) who pay more than 50 percent of their income toward housing costs are lower income compared to 29 percent of owner households (480 households); and
- (e) WHEREAS, according to the Cities Association of Santa Clara County and Housing Trust Silicon Valley, the Association of Bay Area Governments (ABAG) projects that over the next 25 years, 57 percent of all household growth in the Bay Area, which includes the City of Mountain View, will consist of very low- and low-income households; and
- (f) WHEREAS, according to the U.S. Census Bureau 2009-2013 American Community Survey, a majority, 57 percent, of all units in the City are occupied by renter households; ^[5] and
- (g) WHEREAS, according to U.S. Census Bureau 2009-2013 American Community Survey, in 2010, 3 percent of families and 6.8 percent of all people in Mountain View lived below the poverty level, and by 2013, the number of households that had fallen into poverty had increased substantially with 5.7 percent of families and 8.1 percent of all people living below the poverty level; and
- (h) WHEREAS, the implementation of rent relief strategies is supported by the City's adopted 2014-23 Housing Element: Goal 2, to provide assistance to households at different income levels to address their housing needs; Policy 2.1, to assist extremely low-, very low-, low-, and moderate-income households in renting a home in Mountain View; and Program 2.4, promoting anti-displacement strategies; and
- (i) WHEREAS, excessive rental increases have resulted in increased homelessness, families living in vehicles, and the displacement of low-income families in the City of Mountain View; and
- (j) WHEREAS, increasing poverty in Mountain View, decreasing AMI, and increasing rents have created a growing "affordability gap" between incomes and rents demonstrated by the increase in "overpaying renter households" and overcrowded households; and
- (k) WHEREAS, on multiple occasions in 2015 and 2016 members of the community have expressed their concerns to the City Council regarding the rental housing situation in the

City of Mountain View and reported excessive rental increases and the service of no-cause notices of termination of tenancy for tenants on month-to-month tenancies; and

- (l) WHEREAS, Mountain View is experiencing a jobs/housing imbalance and the housing supply, particularly available rental housing, is not adequate to serve the needs of the community; and
- (m) WHEREAS, the City of Mountain View currently does not regulate rental amounts, rent increases, or evictions from residential housing; and
- (n) WHEREAS, as of October 19, 2015, when, in response to public outcry about dramatically rising rents and no-cause evictions, the City Council of Mountain View convened a "Study Session" on "Consideration of Rent Relief Program Options," at which invited speakers publicly addressed the City Council about policy options to protect tenants, including Rent Stabilization and Just Cause for Eviction, it was foreseeable that rent and eviction regulation were under consideration for the City of Mountain View, thus making it reasonable to conclude that landlords would increase rents to levels they otherwise would not have in anticipation of imminent regulation;
- (o) WHEREAS, in the absence of city regulation of rental amounts, rent increases or residential evictions, tenants in the City of Mountain View have expressed that they are being displaced as a result of evictions or their inability to pay excessive rent increases and must relocate, but as a result of the housing shortage are unable to find decent, safe and healthy housing at affordable rent levels; and that some renters attempt to pay requested rent increases, but as a consequence must expend less on other necessities of life, such as food, transit, and healthcare; and
- (p) WHEREAS, the foregoing housing and economic conditions create a detrimental effect on substantial numbers of renters in the City and are a threat to the public health, safety and welfare, and a particular hardship for senior citizens, persons on fixed incomes, families with children, and other vulnerable tenants; and
- (q) WHEREAS, eviction from residential housing imposes adverse impacts on the displaced Tenants, including numerous financial costs, including but not limited to packing costs, moving costs, lost wages due to taking time off work to search for alternative housing, the cost of applying to alternative housing, hotel costs or other temporary housing expenses required until suitable long-term alternative housing is obtained, and the cost a new security deposit; and
- (r) WHEREAS, eviction or other displacement imposes an especially high burden on school-aged children and their families, including increased absence from school and other educational disruption that can have long-lasting effects;

- (s) WHEREAS nearly all rental housing requires that prospective tenants pay three months' rent up front in order to secure a lease - generally representing the first month's rent, last month's rent, and security deposit, imposing accumulated relocation expenses on a displaced household frequently in excess of \$10,000.00;

(As added November 8, 2016.)

Footnotes:

--- (2) ---

RealFacts July 2015 Trends Report.

2012 (\$105,000) and 2015 (\$106,300) HUD-published median incomes for Santa Clara County.

--- (3) ---

2015-20 Consolidated Plan (Page 11): 13 percent (3,950 households) at 0 percent to 30 percent AMI; 32 percent or 10,155 total households earn less than 80 percent AMI broken down as follows: 13 percent/ 3,950 households at 0 percent to 30 percent AMI; 11 percent/2,595 households at 30 percent to 50 percent AMI; and 8 percent/2,320 households at 50 percent to 80 percent AMI.

--- (4) ---

2015-20 Consolidated Plan (Page 48).

--- (5) ---

2015-20 Consolidated Plan (Page 81) and 2009-2013 American Community Survey data.

Section 1702. - Definitions.

Unless further defined elsewhere in this Article, the following words or phrases as used in this Article shall have the following meanings:

- (a) *Annual General Adjustment.* The Annual General Adjustment is the percentage by which the Rent for existing tenancies in Covered Rental Units may be increased each year, subject to the limitations of this Article.
- (b) *Base Rent.* The Base Rent is the reference point from which the lawful Rent shall be determined and adjusted in accordance with this Article.
- (1) Tenancies commencing on or before October 19, 2015. The Base Rent for tenancies that commenced on or before October 19, 2015 shall be the Rent in effect on October 19, 2015.
- (2) Tenancies commencing after October 19, 2015. The Base Rent for tenancies that commenced after October 19, 2015 shall be the initial rental rate charged upon initial occupancy, provided that amount is not a violation of this Article or any provision of state law. The term "initial rental rate" means only the amount of Rent actually paid by

the Tenant for the initial term of the tenancy.

- (c) *Committee*. The term "Committee" refers to the Mountain View Rental Housing Committee established by this Article.
- (d) *Covered Rental Units*. All Rental Units not specifically exempted by this Article.
- (e) *City Council*. The term "City Council" refers to the City Council of the City of Mountain View.
- (f) *Disabled*. The term "Disabled" is defined in Govt. Code Section 12955.3.
- (g) *Hearing Officer*. An official appointed by the Committee to conduct an investigation or administrative hearing pursuant to this Article.
- (h) *Housing Services*. Housing Services include, but are not limited to, repairs, maintenance, painting, providing light, hot and cold water, elevator service, window shades and screens, storage, kitchen, bath and laundry facilities and privileges, janitor services, Utility Charges that are paid by the Landlord, refuse removal, furnishings, telephone, parking, the right to have a specified number of occupants, and any other benefit, privilege or facility connected with the use or occupancy of any Rental Unit. Housing Services to a Rental Unit shall include a proportionate part of services provided to common facilities of the building in which the Rental Unit is contained.
- (i) *Individual Rent Adjustment*. An adjustment to the otherwise lawful Rent authorized by a Hearing Officer or the Committee pursuant to this Article.
- (j) *Landlord*. An owner, lessor, sublessor or any other person entitled to receive Rent for the use and occupancy of any Rental Unit, or an agent, representative, predecessor, or successor of any of the foregoing.
- (k) *Petition*. A petition for Individual Rent Adjustment pursuant to this Article.
- (l) *Primary Residence*. The occupant's usual place of return. To classify a unit as an occupant's Primary Residence does not require that the occupant be physically present in the unit at all times or continuously, but does require that the unit be the occupant's usual place of return. Factors that are indicative of Primary Residence include but are not limited to:
 - (1) The occupant carries on basic living activities at the subject premises for extended periods;
 - (2) The subject premises are listed with public agencies, including but not limited to federal, state and local taxing authorities, as the occupant's primary residence;
 - (3) Utility Charges and other charges and fees associated with usage of the structure are billed to and paid by the occupant at the subject premises;
 - (4) The occupant does not file for a homeowner's tax exemption for any different property;

- (5) The occupant is not registered to vote at any other location; and
- (6) Ownership is held in the name of the occupant claiming Primary Residence and not held by a Limited Liability Corporation or other corporate or business entity structure.
- (m) *Property*. All Rental Units on a parcel or lot or contiguous parcels or contiguous lots under common ownership.
- (n) *Recognized Tenant Organization*. Any group of Tenants residing in Rental Units in the same building or in different buildings operated by the same management company, agent or Landlord, who choose to be so designated. This shall also include any other at-large organization that represents the interest of Tenants.
- (o) *Relocation Assistance*. Financial assistance in the amounts set forth in Mountain View City Code, Article XIII, sections 36.38.15, including without limitation Subsection 36.38.15(d) regarding "Special-circumstances" households as defined in Mountain View City Code, Article XIII, sections 36.38.05(g).
- (p) *Rent*. All periodic payments and all nonmonetary consideration including, but not limited to, the fair market value of goods, labor performed or services rendered to or for the benefit of the Landlord under a Rental Housing Agreement concerning the use or occupancy of a Rental Unit and premises and attendant Housing Services, including all payment and consideration demanded or paid for parking, Utility Charges, pets, furniture, and/or subletting.
- (q) *Rental Housing Agreement*. An agreement, oral, written, or implied, between a Landlord and Tenant for use or occupancy of a Rental Unit and for Housing Services.
- (r) *Rental Housing Fee*. The fee described in Subsection 1709(j)(1) herein.
- (s) *Rental Unit*. Any building, structure, or part thereof, or land appurtenant thereto, or any other rental property rented or offered for rent for residential purposes, together with all Housing Services connected with use or occupancy of such property, such as common areas and recreational facilities held out for use by the Tenant.
- (t) *Single-Family Home*. A detached building containing a single residential dwelling unit separately alienable from any other dwelling unit.
- (u) *Tenant*. A Tenant, subtenant, lessee, sublessee or any other person entitled under the terms of a Rental Housing Agreement or this Article to the use or occupancy of any Rental Unit.
- (v) *Utility Charges*. Any charges for gas, electricity, water, garbage, sewer, telephone, cable, internet, or other service relating to the use and occupancy of a Rental Unit.
- (w) *Written Notice to Cease*. A written notice provided by a Landlord that gives a Tenant an opportunity to cure an alleged violation or problem prior to service of a notice to

terminate tenancy. Any Written Notice to Cease must:

- (1) Provide the Tenant a reasonable period to cure the alleged violation or problem;
- (2) Inform the Tenant that failure to cure may result in the initiation of eviction proceedings;
- (3) Inform the Tenant of the right to request a reasonable accommodation;
- (4) Inform the Tenant of the contact number for the Committee; and
- (5) Include sufficient details about the conduct underlying the Written Notice to Cease that allow a reasonable person to comply.

(As added November 8, 2016.)

Section 1703. - Exemptions.

- (a) *Fully Exempt (Exempt from Both Rent Stabilization and Just Cause for Eviction)*. The following Rental Units are exempt from all provisions of this Article:
 - (1) Units in hotels, motels, inns, tourist homes and rooming and boarding houses which are rented primarily to transient guests for a period of fewer than thirty (30) days as defined in Mountain View City Code section 33.1(d);
 - (2) Rental Units in any hospital, convent, monastery, extended medical care facility, asylum, non-profit home for the aged, or dormitory owned and operated by an accredited institution of higher education;
 - (3) Rental Units owned or operated or managed by a not-for-profit organization pursuant to a tax credit program;
 - (4) Rental Units which a government unit, agency or authority owns, operates, or manages, or in which governmentally-subsidized Tenants reside, if applicable federal or state law or administrative regulation specifically exempt such units from municipal rent control;
 - (5) Rental Units with first certificate of occupancy after the effective date of this Article; and
 - (6) Rental Units additionally exempted pursuant to Section 1704.
- (b) *Partially Exempt (Just Cause for Eviction Applies)*. The following Rental Units are exempt from Sections 1706, 1707, and 1708 of this Article (regarding Stabilization of Rents) and from Sections 1710 and 1711 (regarding Petitions for Individual Rent Adjustment), but are not exempt from Section 1705 (Just Cause for Eviction Protections):
 - (1) Rental Units with an initial certificate of occupancy dated between February 1, 1995 and the effective date of this Article; and
 - (2) Rental Units governed by Mountain View City Code Chapter 36, Article XIV ("Affordable Housing Program") to the extent permissible by law.

(As added November 8, 2016.)

Section 1704. - Additional homeowner protections.

Homeownership is of great importance to the residents of the City of Mountain View. In addition to the Rental Units exempted in Subsection 1703(a) of this Article, the following Rental Units are also Fully Exempt from this Article:

- (a) *Single-Family Homes and Condominiums.* Single-family homes, condominiums, and other Rental Units specified in Civil Code § 1954.52(a)(3)(A).
- (b) *Companion Units.* A Rental Unit that is permitted and in compliance with Mountain View City Code Chapter 36, Article IV, Division 10.
- (c) *Duplexes:* Rental Units in a single structure with fewer than three dwelling units being used as residential housing, as defined in Mountain View City Code Section 36.60.11.

(As added November 8, 2016.)

Section 1705. - Just cause for eviction protections.

- (a) No Landlord shall take action to terminate any tenancy, including but not limited to making a demand for possession of a Rental Unit, threatening to terminate a tenancy orally or in writing, serving any notice to quit or other eviction notice, or bringing any action to recover possession, or be granted recovery of possession of a Rental Unit unless at least one of the following conditions exists:
 - (1) *Failure to Pay Rent.* The Tenant has failed, after three days' written notice as provided by law, to pay the amount stated in the notice, so long as the amount stated does not exceed the Rent to which the Landlord is legally entitled under the Rental Housing Agreement, this Article, state, and any other local law.
 - (2) *Breach of Lease.* The Tenant has continued, after the Landlord has served the Tenant with Written Notice to Cease, to substantially violate any of the material terms of the Rental Housing Agreement, except the obligation to surrender possession on proper notice as required by law, and provided that such terms are reasonable and legal and have been accepted in writing by the Tenant; and provided further that, where such terms have been accepted by the Tenant or made part of the Rental Housing Agreement subsequent to the initial creation of the tenancy, the Landlord shall have first notified the Tenant in writing that he or she need not accept such terms.
 - (A) Notwithstanding any contrary provision in this Section, a Landlord shall not take any action to terminate a tenancy based on a Tenant's sublease of the Rental Unit if the

following requirements are met:

- (i) The Tenant continues to reside in the Rental Unit as his, her, or their Primary Residence;
 - (ii) The sublessee replaces one or more departed Tenants under the Rental Housing Agreement on a one-for-one basis; and
 - (iii) The Landlord has unreasonably withheld the right to sublease following written request by the Tenant. If the Landlord fails to respond to the Tenant in writing within fourteen (14) days of receipt of the Tenant's written request, the Tenant's request shall be deemed approved by the Landlord. A Landlord's reasonable refusal of the Tenant's written request may not be based on the proposed additional occupant's lack of creditworthiness, if that person will not be legally obligated to pay some or all of the Rent to the Landlord. A Landlord's reasonable refusal of the Tenant's written request may be based on, but is not limited to, the ground that the total number of occupants in a Rental Unit exceeds the maximum number of occupants as determined under Section 503(b) of the Uniform Housing Code as incorporated by Health & Safety Code Section 17922.
- (B) *Protections for Families.* Notwithstanding any contrary provision in this Section, a Landlord shall not take any action to terminate a tenancy as a result of the addition to the Rental Unit of a Tenant's child, parent, grandchild, grandparent, brother, or sister, or the spouse or domestic partner (as defined in California Family Code Section 297) of such relatives, or as a result of the addition of the spouse or domestic partner of a Tenant, so long as the number of occupants does not exceed the maximum number of occupants as determined under Section 503(b) of the Uniform Housing Code as incorporated by California Health & Safety Code 17922. The Committee may promulgate regulations that will further protect families and promote stability for school-aged children.
- (3) *Nuisance.* The Tenant has continued, after the Landlord has served the Tenant with a Written Notice to Cease, to commit or expressly permit a nuisance in the Rental Unit.
 - (4) *Criminal Activity.* The Tenant has continued, after the Landlord has served the Tenant with a Written Notice to Cease, to be so disorderly as to destroy the peace, quiet, comfort, or safety of the Landlord or other tenants at the Property. Such disorderly conduct includes violations of state and federal criminal law that destroy the peace, quiet, comfort, or safety of the Landlord or other tenants at the Property.

(5)

Failure to Give Access. The Tenant has continued to refuse, after the Landlord has served the Tenant with a Written Notice to Cease and without good cause, to grant the Landlord reasonable access to the Rental Unit as required by state or local law.

- (6) *Necessary and Substantial Repairs Requiring Temporary Vacancy.* The Landlord, after having obtained all necessary permits from the City, and having provided written notice to the Tenant pursuant to state law, seeks in good faith to undertake substantial repairs that are necessary to bring the Rental Unit into compliance with applicable codes and laws affecting the health and safety of tenants of the building, provided that:
- (A) The repairs necessitate that the Tenant vacate the Rental Unit because the work will render the rental unit uninhabitable for a period of not less than thirty (30) days;
 - (B) The Landlord gives advance notice to the Tenant of the Tenant's right to elect between:
 - (i) The right of first refusal to any comparable vacant Rental Unit owned by the Landlord at the same Rent, if such comparable vacant unit exists; or
 - (ii) The first right of return to reoccupy the unit upon completion of the repairs at the same Rent charged to the Tenant before the Tenant temporarily vacated the Rental Unit.
 - (iii) In the event that the Tenant elects to accept an offer to move to a comparable vacant Rental Unit at the same Rent, the Tenant is not eligible for any Relocation Assistance pursuant to Subsection 1705(b) herein.
 - (C) In the event the Landlord files a Petition for Individual Rent Adjustment within six (6) months following the completion of the work, the Tenant shall be party to such proceeding as if he or she were still in possession, unless the Landlord shall submit with such application a written waiver by the Tenant of his or her right to reoccupy the premises pursuant to this Subsection.
- (7) *Owner Move-In.* The Landlord seeks, after providing written notice to the Tenant pursuant to state law, to recover possession of the Rental Unit in good faith for use and occupancy as a Primary Residence by the Landlord, or the Landlord's spouse, domestic partner, children, parents or grandparents.
- (A) As used in this Subsection "Landlord," shall only include a Landlord that is a natural person and has at least a fifty percent (50%) recorded ownership interest in the Property.
 - (B) No eviction may take place under this Subsection if the same Landlord or enumerated relative already occupies a unit on the Property, or if a vacancy already exists on the Property. At all times a Landlord may request a reasonable accommodation if the Landlord or enumerated relative is Disabled and another unit in Mountain View is

necessary to accommodate the person's disability.

- (C) Any notice terminating tenancy pursuant to this Subsection shall contain the name, address and relationship to the Landlord of the person intended to occupy the Rental Unit.
 - (D) The Landlord or enumerated relative must intend in good faith to move into the Rental Unit within sixty (60) days after the Tenant vacates and to occupy the Rental Unit as a Primary Residence for at least thirty-six (36) consecutive months. The Committee may adopt regulations governing the determination of good faith.
 - (E) If the Landlord or relative specified on the notice terminating tenancy fails to occupy the Rental Unit within sixty (60) days after the Tenant vacates, the Landlord shall:
 - (i) Offer the Rental Unit to the Tenant who vacated it at the same Rent in effect when the Tenant vacated; and
 - (ii) Pay to said Tenant all reasonable expenses incurred in moving to and from the Rental Unit.
 - (F) A Landlord may not evict a Tenant pursuant to this Subsection if the Tenant (1) has resided in the Rental Unit for at least five (5) years and is either at least sixty-two (62) years old or Disabled; or (2) is certified as being terminally ill by the Tenant's treating physician. Notwithstanding the above, a Landlord may evict a Tenant who qualifies for the exemption herein if the Landlord or enumerated relative who will occupy the Rental Unit also meets the criteria for this exemption and no other units are available.
- (8) *Withdrawal of the Unit Permanently from Rental Market.* The Landlord seeks in good faith to recover possession to withdraw all Rental Units of an entire Property from the rental market. The Landlord first must have filed the requisite documents with the Committee initiating the procedure for withdrawing Rental Units from rent or lease under Government Code Section 7060 et. seq. and all regulations passed by the Committee, with the intention of completing the withdrawal process and going out of the rental business. Tenants shall be entitled to a minimum of 120-day notice or one (1) year in the case Tenants are defined as senior or Disabled under Government Code Section 12955.3. Notice times may be increased by regulations if state law allows for additional time.
- (9) *Demolition.* The Landlord, having obtained all necessary permits from the City, and having provided written notice to the Tenant pursuant to state law, seeks in good faith to recover possession of the Rental Unit to remove the Rental Unit permanently from rental housing use through demolition.

(b) *Relocation Assistance.*

- (1) A landlord seeking to recover possession under Subsections (a)(6)-(9) herein shall provide

Relocation Assistance to affected Tenant households. The Relocation Assistance required herein shall be a minimum amount. The City Council may increase the dollar amounts of Relocation Assistance pursuant to its powers under law. The Landlord shall notify the affected Tenants of their rights under this Subsection, if any, at the time of service of the notice to quit.

- (2) The Committee shall issue rules and regulations to effectuate this Subsection including but not limited to rules and regulations setting forth the procedures for establishing the amount of Relocation Assistance applicable to any given Tenant household, and for the reasonably timely payment of any applicable Relocation Assistance.
- (3) For purposes of this Article, Relocation Assistance shall be available to all Tenant households eligible under this Article whose household income does not exceed one-hundred-and-twenty percent (120%) of the median household income for Santa Clara County as adjusted for household size according to the United States Department of Housing and Urban Development.
- (c) *First Right of Return.* All Tenants whose tenancy is terminated based upon a basis enumerated in Subsections (a)(6)-(9) herein shall have the first right of return to the Rental Unit if that Rental Unit is returned to the market by the Landlord or successor Landlord. Rent for the Rental Unit shall be the Rent lawfully paid by the Tenant at the time the Landlord gave notice of termination based upon Subsections (a)(6)-(9) herein.
- (d) *Retaliation is Barred.* Notwithstanding the above provisions, no Landlord shall take action to terminate any tenancy or otherwise recover possession of a Rental Unit in retaliation for the Tenant reporting violations of this Article, for exercising rights granted under this Article, or for forming or participating in a Recognized Tenant Organization.
- (e) *Notice to Specify Basis for Termination:* Any notice purporting to terminate tenancy on any of the bases specified in this Section must state with specificity the basis on which the Landlord seeks to terminate the tenancy.
- (f) *Landlord Compliance with this Article.* In any action brought to recover possession of a Rental Unit, the Landlord shall allege compliance with this Article.
- (g) *Filing Termination Notices with Committee.* The Landlord shall file with the Committee a copy of any notice terminating tenancy within three (3) days after serving the notice on the Tenant.
- (h) *Failure to comply.* A Landlord's failure to comply with any requirement of this Article, including without limitation the failure to serve any of the required notices on the Committee pursuant to Subsection (g) herein, is a complete affirmative defense in an unlawful detainer or other action brought by the Landlord to recover possession of the Rental Unit.

(As added November 8, 2016.)

Section 1706. - Stabilization of rents.

- (a) *Rents Stabilized.* Upon the effective date of this Article, no Landlord shall charge Rent in an amount that exceeds the sum of the Base Rent plus any lawful Rent increases actually implemented pursuant to this Article.
- (b) *Rent Increases Regulated.* No Landlord shall increase Rent for a Covered Rental Unit except as authorized by this Article. Rent increases shall be limited to those imposed pursuant to Section 1707 (Annual General Adjustment) and Section 1710(a) (Petition for Upward Adjustment—Fair Rate of Return). A Landlord may set the initial Rent for a new tenancy pursuant to Section 1708 (Initial Rents for New Tenancies).
- (c) *Security Deposit at Commencement of Tenancy Only.* No Landlord shall increase a security or other deposit originally required from a Tenant as a condition of occupancy of a Rental Unit.

(As added November 8, 2016.)

Section 1707. - Rent increases pursuant to annual general adjustment.

- (a) *Annual General Adjustment.* No later than June 30th each year, the Committee shall announce the amount of the Annual General Adjustment, which shall be effective as of September 1st of that year. The Annual General Adjustment is the percentage by which the Rent for existing tenancies in Covered Rental Units may be increased each year, subject to the limitations of this Article.
 - (1) The Annual General Adjustment shall be equal to one hundred percent (100%) of the percentage increase in the Consumer Price Index (All Urban Consumers, San Francisco-Oakland-San Jose region, or any successor designation of that index that may later be adopted by the U.S. Bureau of Labor Statistics) as reported and published by the U.S. Department of Labor, Bureau of Labor Statistics, for the twelve-month period ending as of March of the current year. The Annual General Adjustment shall be rounded to the nearest one-tenth of a percent.
 - (2) Subparagraph 1 of this Subsection notwithstanding, in no event shall the Annual General Adjustment be less than two percent (2%) or more than five percent (5%).
 - (3) Pursuant to Subsection (a) herein, the Committee's first announcement of an Annual General Adjustment shall be made no later than June 30, 2017. Accordingly, the first Rent increase that a Landlord may impose pursuant to this Article shall not take effect prior to September 1, 2017.
- (b) *One Rent Increase Per Year.* No more than one Rent increase per twelve-month period may be imposed on a Tenant.

- (c) *Notice of Rent Increase Required.* Allowable Rent increases pursuant to the Annual General Adjustment shall become effective only after the Landlord provides written notice to the Tenant in the manner prescribed by law, with at least thirty (30) days' advance written notice.
- (d) *Banking of Unimplemented Annual General Adjustments.* A Landlord who refrains from imposing a Rent increase or any portion thereof pursuant to an Annual General Adjustment may accumulate said increase and impose the unimplemented amount in subsequent years. The ability to accumulate and impose unimplemented Rent increases shall not carry over to a successor Landlord in the event of a change in ownership of the Rental Unit. Any such subsequent Rent increase shall be subject to the limitations of this section, including the 10% limitation in Subsection (e) herein. The Committee may issue rules and regulations that modify, restrict, or prohibit the ability of Landlords to impose accumulated increases upon a finding that the banking of Annual General Adjustments causes undue hardship on Tenants, provided that Landlords retain their right to a fair return.
- (e) *10% Annual Rent Increase Limit.* The overall Rent increase in any twelve-month period shall not exceed ten percent (10%) of the Rent actually charged to the Tenant. Notwithstanding the foregoing, the overall Rent increase in any twelve-month period may exceed ten-percent (10%) of the Rent actually charged to the Tenant only if that Rent increase is pursuant to a decision of a Hearing Officer or the Committee as a result of a Landlord Petition pursuant to Section 1710(a) of this Article.
- (f) *Conditions Under Which Rent Increase Not Permitted.* No Rent increase shall be effective if the Landlord:
 - (1) Has failed to substantially comply with all provisions of this Article and all rules and regulations promulgated by the Committee; or
 - (2) Has failed to maintain the Rental Unit in compliance with Civil Code Sections 1941.1 et seq. and Health and Safety Code Sections 17920.3 and 17920.10; or
 - (3) Has failed to make repairs ordered by a Hearing Officer, the Committee, or the City.

(As added November 8, 2016.)

Section 1708. - Initial rents for new tenancies.

- (a) *Setting of Initial Rents Without Restriction.* To the extent required by state law, Landlords may set the initial Rent for new Tenants at the market rate.
- (b) *Restrictions on Initial Rent for New Tenancies.* To the maximum extent permitted by state law, the initial Rent for new tenancies shall be subject to the restrictions of this Article. The Committee shall issues rules and regulations to govern the restrictions on the initial Rent for new tenancies where such restrictions are permitted by state law.

- (c) *Rent Increases After Setting an Initial Rent.* After the Landlord sets an initial Rent pursuant to this Section, the Landlord may only increase the Rent in accordance with this Article. The Landlord may not increase Rent based on banking, cost increases, capital improvements, or other circumstances that arose before the new tenancy began.

(As added November 8, 2016.)

Section 1709. - Rental housing committee.

- (a) *Composition.* There shall be in the City of Mountain View an appointed Rental Housing Committee comprised of Mountain View residents as set forth in this Section. The Committee shall consist of five (5) Committee members appointed by the City Council, and an alternate Committee member. The alternate Committee member shall be permitted to attend all Committee meetings and to speak, but not be authorized to vote unless a regular member of the Committee is absent at that meeting or is recused from voting on an agenda item. There shall be no more than two (2) members of the Committee that own or manage any rental property, or that are realtors or developers. Anyone nominated to this Committee must be in compliance with this Article and all other local, state and federal laws regulating the provision of housing. Annually, the Committee shall elect one of its members to serve as chairperson.
- (b) *Eligibility and Appointment.* Committee members shall be appointed by the City Council at a public meeting. Applicants for membership on the Committee shall submit an application to the City Council. The application shall include a statement under penalty of perjury of the applicant's interests and dealings in real property, including but not limited to, ownership, trusteeship, sale, or management, and investment in and association with partnerships, corporations, joint ventures, and syndicates engaged in ownership, sale, or management of real property during the three years immediately prior to the applicant's application. This documentation shall be made available to the public.
- (c) *Term of Office.* Committee Members shall serve terms of four (4) years and may be reappointed for a total of two (2) full terms. Committee member terms shall be staggered. Therefore, initial appointments shall consist of two (2) members with two-year terms, an alternate with a two-year term, and three (3) members with four-year terms.
- (d) *Powers and Duties.* The Committee shall have the following powers and duties:
- (1) Set Rents at fair and equitable levels to achieve the purposes of this Article.
Notwithstanding any other provision of this Article, the Committee shall have the authority to adopt regulations authorizing Rent increases and/or adjustments required by state or federal law.
 - (2) Establish rules and regulations for administration and enforcement of this Article.

- (3) Determine and publicize the Annual General Adjustment pursuant to this Article.
 - (4) Appoint Hearing Officers to conduct hearings on Petitions for Individual Rent Adjustment pursuant to this Article.
 - (5) Adjudicate Petitions pursuant to Sections 1710 and 1711 herein and issue decisions with orders for appropriate relief pursuant to this Article.
 - (6) Administer oaths and affirmations and subpoena witnesses and relevant documents.
 - (7) Establish a budget for the reasonable and necessary implementation of the provisions of this Article, including without limitation the hiring of necessary staff, and charge fees as set forth herein in an amount sufficient to support that budget.
 - (8) Administer the withdrawal process for the removal of Rental Units from the rental housing market pursuant to Subsection 1705(a)(8) herein.
 - (9) Hold public hearings.
 - (10) Conduct studies, surveys, investigations, and hearings, and obtain information to further the purposes of this Article.
 - (11) Report periodically to the City Council on the status of Covered Rental Units. Reports shall include (a) a summary of the numbers of termination of tenancy notices served pursuant to Section 1705 of this Article, including the bases upon which they were served, (b) a summary of any and all Petitions submitted to and/or decided by a Hearing Officer and/or the Committee pursuant to Sections 1710 and 1711, including the bases on which the Petitions were submitted and the determinations on the Petitions.
 - (12) Publicize through reasonable and appropriate means the provisions of this Article, including without limitation the rights and responsibilities of Landlords and Tenants.
 - (13) Establish a schedule of penalties that may be imposed for noncompliance with this Article or with rules and regulations promulgated under this Article.
 - (14) Pursue civil remedies as provided by this Article in courts of appropriate jurisdiction, subject to City Council approval.
 - (15) Intervene as an interested party in any litigation brought before a court of appropriate jurisdiction by a Landlord or Tenant with respect to Covered Rental Units, subject to City Council approval.
 - (16) Any other duties necessary to administer and enforce this Article.
- (e) *Rules and Regulations.* The Committee shall issue and follow such rules and regulations as will further the purposes of the Article.
- (f) *Meetings.* The Committee shall hold regularly scheduled meetings as necessary to ensure the performance of its duties under this Article. All regular and special meetings shall be called

and conducted in accordance with state law.

- (g) *Quorum.* Three (3) members shall constitute a quorum for the Committee.
- (h) *Voting.* The affirmative vote of three (3) members of the Committee is required for a decision, including on all motions, regulations, and orders of the Committee.
- (i) *Vacancies.* If a vacancy occurs on the Committee, a person qualified to fill such vacancy shall be appointed by the City Council in accordance with this Article.
- (j) *Financing.* The Committee shall finance its reasonable and necessary expenses, including without limitation engaging any staff as necessary to ensure implementation of this Article, by charging Landlords an annual Rental Housing Fee as set forth herein, in amounts deemed reasonable by the Committee in accordance with applicable law. The Committee is also empowered to request and receive funding when and if necessary from any available source including the City for its reasonable and necessary expenses.
 - (1) *Rental Housing Fee.* All Landlords shall pay a Rental Housing Fee on an annual basis. The first Committee convened after the effective date of this Article shall determine the amount of the Rental Housing Fee. The amount of the Rental Housing Fee may differ between Rental Units subject to the entirety of this Article and those that are Partially Exempt. The Committee may adjust the amount of the Rental Housing Fee at its discretion to ensure full funding of its reasonable and necessary expenses, in accordance with all applicable law.
 - (2) *City to Advance Initial Funds.* During the initial implementation of this Article, the City shall advance all necessary funds to ensure the effective implementation of this Article, until the Committee has collected Rental Housing Fees sufficient to support the implementation of this Article. The City may seek a reimbursement of any advanced funds from the Committee after the Rental Housing Fee has been collected.
- (k) *Integrity and Autonomy of Committee.* The Committee shall be an integral part of the government of the City, but shall exercise its powers and duties under this Article independent from the City Council, City Manager, and City Attorney, except by request of the Committee. The Committee may request the services of the City Attorney, who shall provide them pursuant to the lawful duties of the office in Article 711 of the City Charter. In the period between the effective date of this Article and the appointment of the initial members of the Committee, the City shall take whatever steps necessary to perform the duties of the Committee and implement the purposes of this Article.
- (l) *Conforming Regulations.* If any portion of this Article is declared invalid or unenforceable by decision of a court of competent jurisdiction or rendered invalid or unenforceable by state or federal legislation, the Committee and not the City Council shall have authority to enact

replacement regulations consistent with the intent and purpose of the invalidated provision and applicable law. Such replacement regulations shall supersede invalidated or unenforceable provisions of this Article to the extent necessary to resolve any inconsistency. The subject matter of such replacement regulations shall be limited to the matters addressed in this Article.

- (m) *Designation of Replacement Committee.* In the event the establishment of the Committee under this Section is adjudged to be invalid for any reason by a court of competent jurisdiction, the City Council shall designate one or more City departments, agencies, committees, or commissions to perform the duties of the Committee prescribed by this Article.
- (n) *Conflict of interest.* Committee members shall not necessarily be disqualified from exercising any of their powers and duties on the grounds of a conflict of interest solely on the basis of their status as a Landlord, realtor, developer, or Tenant. However, a Committee member shall be disqualified from ruling on a Petition if the Committee member is either the Landlord of the Property or a Tenant residing in the Property that is involved in the Petition. The provisions of the Political Reform Act, Government Code Sections 87100 et seq. shall apply.

(As added November 8, 2016.)

Section 1710. - Petitions for individual rent adjustment—bases.

A Landlord or a Tenant may file a Petition with the Committee seeking adjustment, either upward or downward, of the Rent for any given tenancy in accordance with the standards set forth in this Section, and using the procedures set forth in Section 1711 herein and implementing regulations. A Petition shall be on a form provided by the Committee and, if made by the Landlord, shall include a declaration by the Landlord that the Rental Unit complies with all requirements of this Article.

- (a) *Petition for Upward Adjustment—Fair Rate of Return:* To effectuate the purposes of this Article and the requirements of law, a Landlord may file a Petition for an upward adjustment of the Rent to ensure a fair and reasonable rate of return. It is the intent of this Article that individual upward adjustments in Rent be granted only when the Landlord demonstrates that such adjustments are necessary to provide the Landlord with a fair rate of return. The Committee shall promulgate regulations to further govern Petitions filed pursuant to this Subsection in accordance with law and the purposes of this Article.
- (1) *Prerequisites.* No upward adjustment of Rent shall be authorized by a Hearing Officer or the Committee under this Subsection if the Landlord:
 - (A) Has continued to fail to comply, after order of the Committee or other authority, with any provisions of this Article or orders or regulations issued thereunder; or
 - (B) Has failed to maintain the Rental Unit in compliance with Civil Code Sections 1941.1

et seq. and Health and Safety Code Sections 17920.3 and 17920.10.

- (2) *Fair Rate of Return - Factors.* In making any upward adjustment to the Rent based upon a Landlord's Petition to ensure a fair rate of return, the Hearing Officer or Committee shall consider relevant factors, including but not limited to, the following:
- (A) Increases or decreases in property taxes;
 - (B) Unavoidable increases or any decreases in maintenance and operating expenses;
 - (C) The cost of planned or completed capital improvements to the Rental Unit (as distinguished from ordinary repair, replacement, and maintenance), but only where such capital improvements are necessary to bring the Property into compliance or maintain compliance with applicable local codes affecting health and safety, and where such capital improvement costs are properly amortized over the life of the improvements;
 - (D) Increases or decreases in the number of tenants occupying the Rental Unit, living space, furniture, furnishings, equipment, or other Housing Services provided, or occupancy rules;
 - (E) Substantial deterioration of the Rental Unit other than as a result of normal wear and tear;
 - (F) Failure on the part of the Landlord to provide adequate Housing Services, or to comply substantially with applicable state rental housing laws, local housing codes, health and safety codes, or the Rental Housing Agreement; and
 - (G) The pattern of recent Rent increases or decreases in the Rental Unit during the occupancy of the current Tenant.
- (3) *Fair Rate of Return - Factors Excluded.* In making any upward adjustment to the Rent based upon a Landlord's Petition to ensure a fair rate of return, the Hearing Officer or Committee shall not consider the following factors as justifying an upward adjustment:
- (A) Costs of debt servicing (including but not limited to principal, interest, and fees) for any debt obtained after October 19, 2015, other than debt incurred to finance the cost of improvements as described in Subsection 1710(a)(2)(C);
 - (B) Any penalties, fees, or interest assessed or awarded for violation of this or any other law with respect to the Rental Unit;
 - (C) The costs of capital improvements that are not necessary to bring the property into compliance or maintain compliance with applicable local codes affecting health and safety;
 - (D)

Cost increases, capital improvements, banked Annual General Adjustments, or other circumstances that arose before the current tenancy began; and

(E) Income taxes.

(4) *Effective Date of Individual Rent Adjustment.* Rent increases authorized pursuant to this Subsection shall become effective only after the Landlord provides the Tenant written notice of such Rent increase pursuant to state law.

(b) *Petition for Downward Adjustment — Failure to Maintain Habitable Premises:*

(1) Failure to maintain a Rental Unit in compliance with governing health and safety and building codes, including but not limited to Civil Code Sections 1941.1 et seq. and Health and Safety Code Sections 17920.3 and 17920.10, constitutes an increase in Rent. A Tenant may file a Petition with the Committee to adjust the Rent downward based on a loss in rental value attributable to the Landlord's failure to maintain the Rental Unit in habitable condition.

(2) A Tenant Petition filed pursuant to this Subsection must specify the conditions alleged to constitute the failure to maintain the Rental Unit in habitable condition and demonstrate that the Landlord was provided with reasonable notice and opportunity to correct the conditions that form the basis for the Petition.

(c) *Petition for Downward Adjustment — Decrease in Housing Services or Maintenance.* A decrease in Housing Services or maintenance, or deterioration of the Rental Unit beyond ordinary wear and tear, without a corresponding reduction in Rent, is considered an increase in Rent. A Tenant may file a Petition to adjust the Rent downward based on a loss in rental value attributable to a decrease in Housing Services or maintenance or deterioration of the Rental Unit. The Petition must specify the circumstances alleged to constitute a decrease in Housing Services or maintenance, and demonstrate that the Landlord was provided with reasonable notice and an opportunity to correct in like manner to Petitions filed pursuant to Subsection 1710(b)(2) herein.

(d) *Petition for Downward Adjustment — Unlawful Rent:* If a Landlord demands or retains Rent in excess of the lawful Rent pursuant to this Article, a Tenant may file a Petition to adjust the Rent to its lawful level.

(As added November 8, 2016.)

Section 1711. - Petitions for individual rent adjustment—procedures.

The Committee shall promulgate regulations regarding procedures for Petitions filed under this Article. Petitions shall be governed by such regulations and by the provisions of this Section.

(a) *Hearing Officer.* A Hearing Officer appointed by the Committee shall conduct a hearing to

act upon the Petition, and shall have the power to administer oaths and affirmations, and to render a final decision on the merits of the Petition, subject to the provisions of this Article.

- (b) *Notice.* The Committee shall notify the Landlord, if the Petition was filed by the Tenant, or the Tenant, if the Petition was filed by the Landlord, of the receipt of such a Petition and provide a copy thereof.
- (c) *Time of Hearing.* Each party to a Petition shall receive sufficient advance notice of the bases, theories, and relevant documents to be presented by the other party(ies), and of the time, date, and place of any hearing regarding the Petition.
- (d) *Developing the Record.* The Hearing Officer may require either party to a Petition to provide any books, records, and papers deemed pertinent. If the Hearing Officer finds good cause to believe that a building or other inspection would assist in resolving the issues raised by the Petition, the Hearing Officer may conduct an inspection and/or request the City to conduct an inspection. The Tenant may request the Hearing Officer to order such an inspection prior to the date of the hearing. All documents required under this Subsection shall be made available to the parties involved prior to the hearing.
- (e) *Open Hearings.* All hearings conducted pursuant to this Section shall be open to the public.
- (f) *Right of Assistance.* All parties to a hearing conducted pursuant to this Section may have assistance in presenting evidence and developing their position from attorneys, legal workers, Recognized Tenant Organization representatives, or any other persons designated by said parties.
- (g) *Hearing Record.* The Committee shall make available for inspection and copying any official record that shall constitute the exclusive record for decision on the issues at the hearing. The record of the hearing, or any part of one, shall be obtainable for the reasonable cost of copying. All hearings shall be audio or video recorded, as ordered by the Hearing Officer, and any party to the Petition may receive a copy of the recording upon payment of a reasonable cost.
- (h) *Quantum of Proof and Notice of Decision.* No Petition for Individual Rent Adjustment, whether upward or downward, shall be granted unless supported by the preponderance of the evidence submitted prior to and at the hearing. All parties to a hearing shall be sent a notice of the decision and a copy of the findings of fact and law upon which said decision is based. At the same time, parties to the proceeding shall also be notified of their right to appeal to the Committee and/or to judicial review.
- (i) *Consolidation.* Whether submitted by a Landlord or Tenant(s), all Petitions pertaining to Rental Units at the same Property may be consolidated for hearing upon a showing of

good cause.

- (j) *Appeal.* Any person aggrieved by the decision of the Hearing Officer may appeal to the full Committee for review. On appeal, the Committee shall affirm, reverse, or modify the decision of the Hearing Officer. The decision on appeal shall be based on the hearing record, and the Committee shall neither hear nor find facts in addition to those presented to the Hearing Officer.
- (k) *Finality of Decision.* The decision of the Hearing Officer shall be the final decision of the Committee, unless an aggrieved party has timely sought an appeal to the Committee. The decision of the Committee on appeal shall be final unless an aggrieved party has timely sought judicial review pursuant to law.
- (l) *Time for Decision.* A final decision on any Petition shall be made within a reasonable time. Decisions decreasing Rent shall remain in effect until the Landlord has corrected the defect warranting the decrease. The Committee shall, by regulation, establish procedures for making prompt compliance determinations.
- (m) *Right to Fair Return Guaranteed.* No provision of this Article shall be applied so as to prohibit the Committee from granting an Individual Rent Adjustment that is demonstrated by the Landlord to be necessary to provide the Landlord with a fair rate of return.

(As added November 8, 2016.)

Section 1712. - Judicial review.

A Landlord or Tenant aggrieved by any action or decision of the Committee may seek judicial review pursuant to state law and this Article and its implementing regulations. No action or decision by the Committee shall go into effect until any statutory time period for such review has expired.

(As added November 8, 2016.)

Section 1713. - Non-waivability.

Any provision of a Rental Housing Agreement, whether oral or written, which purports to waive any provision of this Article established for the benefit of the Tenant, shall be deemed to be against public policy and shall be void.

(As added November 8, 2016.)

Section 1714. - Remedies.

In addition to any other remedies provided by law, Landlords and Tenants covered by this Article shall have the following remedies for violations of this Article.

- (a) *Landlord's Demand or Retention of Excessive Rent.* When a Landlord demands, accepts, receives, or retains any payment or payments in excess of the lawful Rent pursuant to this Article and the regulations promulgated hereunder, including in violation of the provisions ensuring compliance with habitability standards and maintenance of Housing Services, the Tenant may file a Petition pursuant to Section 1710 or file a civil suit against the Landlord. A Landlord who demands, accepts, receives, or retains any payment of Rent in excess of the lawful Rent shall be liable to the Tenant in the amount by which the payment or payments have exceeded the lawful Rent. In such a case, the Rent shall be adjusted to reflect the lawful Rent pursuant to this Article and its implementing regulations.
- (b) *Civil Remedies.* A Tenant may bring a civil suit in the courts of the state alleging that a Landlord has violated any of the provisions of this Article or the regulations promulgated hereunder, including that the Landlord has demanded, accepted, received, or retained a payment or payments in excess of the lawful Rent. In a civil suit, a Landlord found to violate this Article shall be liable to the Tenant for all actual damages, including but not limited to the damages described in Subsection (a) herein. A prevailing tenant in a civil action brought to enforce this Article shall be awarded reasonable attorneys fees and costs as determined by the court. Additionally, upon a showing that the Landlord has acted willfully or with oppression, fraud, or malice, the Tenant shall be awarded treble damages. No administrative remedy need be exhausted prior to filing suit pursuant to this Subsection.
- (c) *Additional Relief for Land lord's Violation of Eviction Rules.* If it is shown that the event which the Landlord claims as grounds to recover possession under Subsections 1705(a)(6)-(9) is not initiated within two (2) months after the Tenant vacates the Rental Unit, or it is shown that the Landlord's claim was false or in bad faith, the Tenant shall be entitled to regain possession of the Rental Unit at same Rent that was lawfully in effect when the Tenant vacated, in addition to the relief described in Subsection (b) above.
- (d) *Defense to Action to Recover Possession.* A Landlord's failure to comply with any of the provisions of this Article or regulations promulgated hereunder shall serve as a complete affirmative defense in an unlawful detainer or other action brought by the Landlord to recover possession of the Rental Unit. Any and all violations of this Article by the Landlord shall constitute such an affirmative defense, including but not limited to the demand or retention of payment in excess of the lawful Rent, failure to serve any of the notices required pursuant to this Article on the Tenant or the Committee, failure to pay the Rental Housing Fee, and a decrease in Housing Services or maintenance without a corresponding reduction in Rent. It is the intent of this Article to construe this Subsection to the broadest extent permissible under the law to ensure maximum compliance with this Article and

avoid unlawful evictions.

- (e) *Committee or City Attorney Enforcement Action.* If the Tenant fails to bring a civil or administrative action to enforce the Tenant's rights under this Article within one hundred and twenty (120) days after the date of the violation, the Committee or the City Attorney may bring such an action or settle the claim on the Tenant's behalf. If the Committee or City Attorney brings such an action, the Tenant shall be provided the right to opt in or out of the action. In the case of an opt-in, the Tenant on whose behalf the Committee acted is barred from bringing a separate action against the Landlord in regard to the same violation, and the Committee or City Attorney shall be entitled to recuperate the costs it incurred from any monetary recovery from the Landlord, with the remainder to go to the Tenant against whom the violation has been committed. In the case of an opt-out, the Tenant shall retain all rights relating to his or her right to private action. The Committee or City Attorney may take other such enforcement action as necessary to ensure compliance with this Article.
- (f) *Remedies Not Exclusive.* The remedies available in this Article are not exclusive and may be used cumulatively with any other remedies in this Article or otherwise available at law.
- (g) *Jurisdiction.* The appropriate court in the jurisdiction in which the Rental Unit is located shall have jurisdiction over all actions brought under this Article.

(As added November 8, 2016.)

Section 1715. - Injunctive and other civil relief.

The Committee, Tenants, and Landlords may seek relief from the appropriate court in the jurisdiction where the affected Rental Unit is located to enforce any provision of this Article or its implementing regulations or to restrain or enjoin any violation of this Article and of the rules, regulations, orders, and decisions of the Committee.

(As added November 8, 2016.)

Section 1716. - Partial invalidity.

If any provision of this Article or application thereof to any person or circumstances is held invalid, this invalidity shall not affect other provisions or applications of this Article that can be given effect without the invalid provision or application, and to this end the provisions of this Article are declared to be severable. This Article shall be liberally construed to achieve the purposes of this Article and to preserve its validity.

(As added November 8, 2016.)

Section 1717. - Supersedes.

- (a) This Article supersedes any ordinance passed by the City Council covering the area of rents or evictions.
- (b) In the event any other ballot initiative addressing in whole or in part the same subject matter as this Article is approved by a majority of the voters voting thereon at the same election, the following provisions shall apply:
 - (1) If this Article receives a greater number of affirmative votes than any conflicting initiative, including one that would provide that property owners have the right to set the price at which they rent residential property, then the provisions of this Article shall supersede all conflicting provisions of the initiative with fewer affirmative votes.
 - (2) If this Article receives fewer affirmative votes than another initiative addressing the same subject matter, all provisions of this Article which are not directly contradicted by the initiative receiving a greater number of affirmative votes will apply to the extent permitted by law.

(As added November 8, 2016.)

Section 1718. - Decontrol.

If the average annual vacancy rate in Controlled Rental Units exceeds five percent (5%) , the Committee is empowered, at its discretion and in order to achieve the objectives of this Article, to suspend the provisions of this Article. In determining the vacancy rate for Controlled Rental Units, the Committee shall consider all available data and shall conduct its own survey. If the Committee finds that the average annual vacancy rate has thereafter fallen below five percent (5%) the provisions of this Article shall be reimposed.

(As added November 8, 2016.)

Section 1719. - Codification.

The City Clerk and the City Attorney shall take all steps necessary to ensure the proper and efficient codification of this Article into the Charter of the City of Mountain View. This authority shall include making any necessary revisions to numbering, revising or substituting any references herein to other provisions of Mountain View or State law, and similar non-substantive items. In exercising this authority, the City Clerk and City Attorney shall not alter the substantive provisions of this Article nor take any action that contradicts express terms and purpose of this Article.

(As added November 8, 2016.)

Section 1720. - Majority approval, effective date, execution.

This Amendment to the City Charter shall be effective only if approved by a majority of the voters voting thereon and shall go into effect ten (10) days after the vote is declared by the City Council. The Mayor and City Clerk are hereby authorized to execute this Article to give evidence of its adoption by the voters.

(As added November 8, 2016.)

CHRONOLOGICAL LIST OF CHARTER AMENDMENTS

ELECTION DATE	SEC.	SUBJECT	RESOLUTION NO. & DATE
Jan. 15, 1952		City Charter adopted	
Apr. 12, 1960	504:	Election to fill unexpired Council terms	4123 (4/20/60)
	522:	Publication of Emergency Ordinances	
	701:	Appointment/Removal of Council-appointed employees	

	714:	Transfer Parks/Playground Care to Parks & Recreation Department	
	907:	Equate Personnel Commission with other Commissions	
	911:	Librarian appointments under City Manager jurisdiction	
	1110:	Provide for written/verified claims against City	
Nov. 6, 1962	1302:	Election Procedure; Provide canvassing board	5559 (1/28/63)
Apr. 14, 1964	500:	Enact two-term limit	6194 (4/21/64)
	712,	Repealed:	
	1500:	City Court and City Judge	
Apr. 9, 1968	503:	Increase Council/Mayor Compensation to \$250/\$312.50 per month	7891 (4/16/68)
Nov. 5, 1968	500:	Repealed two-term limit	8144 (1/13/69)

Nov. 3, 1970	906:	Expand scope of the Environmental Planning Commission	8844 (11/30/70)
	1108:	Bond Debt Limit	
Apr. 9, 1974	501:	Council nominees eligibility	10039 (4/16/74)
	1003:	Prohibit political activities for City employees	
	1107:	Raise contract bidding limit to \$5,000	
	1603:	Charter construction; Councilman to include Councilwoman	
Mar. 4, 1975	500:	Two-term limit enacted	10424 (3/31/75)
June 3, 1980	501:	Registration Requirement for Council nominees	13131 (6/30/80)
	700, 701, 713,		
	714, 715, 716:	Eliminate enumeration of department head and duties; retain City Auditor	

	907, 908, 1002:	Eliminate Personnel Commission	
	1107:	Raise contract bidding minimum to \$15,000	
	402, 500, 501, 502, 503, 504, 505, 514, 600, 601, 602, 603, 604, 606, 607, 703, 704, 705, 706, 709, 710, 711, 905, 1003, 1103, 1107, 1200, 1603:	Deleting all reference to gender	
Nov. 6, 1984	503, 504:	Council compensation; filling Council vacancies	14098 (1/8/85)
Nov. 2, 1993	500, 520, 600,		
	1110, 1300:	Councilmember term of office, appointment; violation of ordinances, penalty; actions against city; general municipal elections	15608 (7/27/93)
Nov. 3, 1998	501, 505, 513, 520, 706, 710, 711, 903, 905, 1001, 1107, 1203, 1204,		

	1604:	Eligibility for council; election powers and duties of mayor, designation of vice mayor; council action; violation of ordinances, penalty; financial interest in city contracts prohibited; powers and duties of city auditor; powers and duties of city attorney; continuation of existing boards; boards and committees(compensation and vacancies; unclassified and classified service; contracts for public work; granting of franchise, term; term of franchise, violations	16251 (6/30/98)
Nov. 4, 2014	503	Council compensation	

Nov. 8, 2016	1700—1719	Promotion of neighborhood and community stability, healthy housing, and affordability for renters by controlling excessive rent increases and arbitrary evictions to the greatest extent allowable under California law, while ensuring landlords a fair and reasonable return on their investment and guaranteeing fair protections for renters, homeowners, and businesses	18088-2016 (8/9/2016)
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