

Title CHA. The Charter of the City of Santa Clara California

Article I. Name of City

§ 100. Name.

The municipal corporation now existing and known as the "City of Santa Clara" shall remain and continue to be a municipal body politic and corporate, as at present, in name, in fact, and in law.

Article II. Boundaries

§ 200. Boundaries.

The territory of the City shall be that contained within its present boundaries as now established, with the power and authority to change the same in the manner provided by law.

Article III. Succession

§ 300. Rights and liabilities.

The City of Santa Clara 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 same. It shall be subject to all the obligations, liabilities, debts and duties that now exist against this municipality.

§ 301. Ordinances.

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effect, and not in conflict or inconsistent herewith, are hereby continued in force until the same shall have been duly repealed, amended, changed or superseded by proper authority.

§ 302. Continuance of present officers and employees.

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

§ 303. Continuance of contracts and public improvements.

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

§ 304. Pending actions and proceedings.

No action or proceedings, civil or criminal, pending at the time when this Charter takes effect, brought by or against the City or any 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 office, department or agency party thereto, by or under this Charter, may be assigned or transferred to another 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.

Article IV. Powers

§ 400. General grant of power.

The City of Santa Clara, by and through its City Council and other officials, shall have and may exercise all powers necessary and appropriate to a municipal corporation and the general welfare of its inhabitants which are not prohibited by the **Constitution of the State of California** or by this Charter, and which it would be competent for this Charter to set forth specifically, and the specification herein of any particular powers shall not be held to be exclusive of, or any limitation upon the general grant of powers heretofore or hereafter granted to municipal corporations by the constitution or general laws.

§ 401. Disposal of public utility.

No public utility owned by the City shall be sold, leased or otherwise transferred unless authorized by the affirmative votes of two-thirds of the electors voting on such proposition at any election at which the question of such disposal is submitted to the electors.

Article V. Form of Government

§ 500. Form of government.

The municipal government provided by this Charter shall be known as the "Council Manager" form of government.

Article VI. The Elective Officers

§ 600. City elected officers.

No person shall be eligible to hold the elective office of Mayor, Chief of Police Department or City Clerk, unless he or she is a resident and a qualified registered elector of the City. No person shall be eligible to hold the elective office of City Council Member, excepting the Mayor, unless he or she is a qualified registered elector of the City and a resident in the district represented by the Council Member office.

In order to hold the elective office of Mayor, Chief of the Police Department or City Clerk a person must have been a resident of the City of Santa Clara for at least thirty (30) days immediately preceding the last day specified by law for the filing of nomination papers with the City Clerk for such office or, if appointed, preceding the date of the person's appointment to fill a vacancy.

In order to hold the elective office of Council Member, excepting the Mayor, a person must have been a resident of the City of Santa Clara and of the District represented by the person as a Council Member for at least thirty (30) days immediately preceding the last day specified by law for the filing of nomination papers with the City Clerk for such office or, if appointed, preceding the date of the person's appointment to fill a vacancy.

The elective officers of the City shall consist of a City Council composed of seven members, the Chief of the Police Department and the City Clerk. The Mayor and the Chief of the Police Department and the City Clerk shall be elected from the City at large at the times and in the manner provided in this Charter. Except as otherwise herein provided, a person elected to an office for other than an unexpired term, shall serve a term of four years, and shall serve until a successor is elected and qualified. The term shall commence on the date the City Council certifies the canvass of the election returns submitted to it by the County Registrar of Voters.

The person receiving the most votes cast for a particular City office shall be declared duly elected. Ties shall be broken as provided from time to time by ordinance.

The office of Mayor shall be separately voted upon and is a separate office. The person elected at any election to the office designated "Mayor" shall be deemed elected, both as a Mayor and as a member of the Council. Although the Mayor is a Council member, his or her election does not change the number of Council members from seven.

No person shall be a candidate for both Mayor and a City Council office at the same election. However, an incumbent member of the City Council may run for the elective office of Mayor, and the Mayor may run for the separate office of Mayor or other City Council office. However, at no time shall a member of the Council, including the Mayor, hold more than one City elective office. Except as otherwise provided elsewhere in this Charter, no incumbent member of the City Council while serving in such office with an unexpired term of more than six months shall be a candidate for any Council office other than the one which he or she holds.

(Added by electors at election held November 7, 1972, approved by Senate Concurrent Resolution (1973 Stats., Res. Ch. 10); Amended by electors at an election held March 7, 2000, Charter Chapter 11 of the State *Statutes of 2000*; Amended by electors at an election held June 7, 2022, Charter Chapter 17 of the State *Statutes of 2023*)

§ 600.01. Municipal elections.

Commencing with the year 2000, a regular election shall be held in the City of Santa Clara on the first Tuesday following the first Monday in November of even numbered years. The regular election shall be held for the election of each municipal elective officer whose term of office regularly expires at that time, and for such other purposes as the Council may prescribe. Each such regular election shall be known as the general municipal election of the City, and shall be in lieu of all others previously so called. All other municipal elections that may be called under the authority of this Charter, or the **California Elections Code**, shall be known as special elections.

(Amendment ratified 4-5-77; Amendment ratified 11-6-79; Amended by electors at an election held March 7, 2000, Charter Chapter 11 of the State *Statutes of 2000*)

§ 600.02. Consolidation of elections.

Any special election may be consolidated with a general municipal election and any municipal election may be consolidated with any State, County, or School District election held in the City or part thereof, in which case only one ballot need be printed for such consolidated election.

(Amendment ratified 4-5-77)

§ 600.1. Time of taking office – Term.

(Repealed by electors at an election held March 7, 2000, Charter Chapter 11 of the State *Statutes of 2000*)

§ 601. Eligibility.

(Repealed by electors at an election held March 7, 2000, Charter Chapter 11 of the State *Statutes of 2000*)

Article VII. The Council

§ 700. Term – Method of holding elections.

Except as specifically provided otherwise in this Charter with respect to City elections, the provisions of the **State Elections Code**, as amended from time to time, are hereby adopted. The City expressly reserves its rights with respect to the conduct of City elections pursuant to Section 5 of Article **XI** of the California Constitution. Any changes made by the City Council in the City elections procedure shall be by ordinance and shall not be in conflict with any other sections of this Charter.

There are hereby reserved to the electors of the City, the powers of the initiative and referendum and of the recall of municipal elective officers. No primary election shall be held for municipal officers. No error, omission or defect in the notice of elections shall be cause to invalidate any election held under the provisions of this Charter.

(Amended by electors at an election held March 7, 2000, Charter Chapter 11 of the State *Statutes of 2000*)

§ 700.1. Offices separately filled.

(Repealed by electors at an election held March 7, 2000, Charter Chapter 11 of the State *Statutes of 2000*)

§ 700.1. Elections – City Council Districts.

Members of the City Council, excepting the Mayor, shall be elected by district.

For the election to be held in November 2022 and each election thereafter, there shall be 6 (six) districts as such districts are designated on that certain map adopted by judgment of the Superior Court dated July 24, 2018, as set forth in Resolution No. 18-8585 of the City Council, as the boundaries of such districts shall be amended through a redistricting process following each decennial United States Census.

Council District elections shall be conducted as follows:

- (a) Each District shall be represented by one (1) Council Member.
- (b) In the election to be held in November 2022 and in each Council District election held thereafter the Council District elections shall be conducted as follows:
 1. the voters of District 2 shall nominate and elect one (1) Council Member for a four-year term; and
 2. the voters of District 3 shall nominate and elect one (1) Council Member for a four-year term.

(c) In the election to be held in November 2024 and in each Council District election held thereafter the Council District elections shall be conducted as follows:

1. the voters of District 1 shall nominate and elect one (1) Council Member for a four-year term;
2. the voters of District 4 shall nominate and elect one (1) Council Member for a four-year term;
and
3. the voters of District 5 shall nominate and elect one (1) Council Member for a four-year term.
4. the voters of District 6 shall nominate and elect one (1) Council Member for a four-year term.

(Added by electors at election held November 7, 1972, approved by Senate Concurrent Resolution (1973 Stats., Res. Ch. 10); Amended and renumbered from section 700.2 by electors at an election held March 7, 2000, Charter Chapter 11 of the State *Statutes of 2000*; Amended by electors at an election held June 7, 2022, Charter Chapter 17 of the State *Statutes of 2023*)

§ 700.2. Election Following Change of Boundaries.

Upon any redistricting pursuant to the provisions of this section of the Charter or the ordinances enacted hereunder, each incumbent member of the Council will continue, during the remainder of the member's term, to hold office and represent the district by which the member was elected prior to such redistricting, notwithstanding any provision of Section **600** requiring a member to be a resident of the district represented by such member.

(Section Number Repealed – text amended and renumbered to section 700.1 by electors at an election held March 7, 2000, Charter Chapter 11 of the State *Statutes of 2000*; Amended and renumbered to Section 700.2 by electors at an election held June 7, 2022, Charter Chapter 17 of the State *Statutes of 2023*)

§ 701. Term limits of mayor and council members.

No person elected as member of the Council shall be eligible to serve, or serve, for more than two (2) full terms; but such service prior to December 1, 2016, shall not disqualify any person from further service as a member of the Council. If a member of the Council serves a partial term in excess of two (2) years, it shall be considered a full term for the purpose of this provision. The office of elected Mayor, to be filled from the City at large, is a separate office from the Council and solely for the purpose of this term limit disqualification, is not a Council office or the Council. Consequently, time served in such office of elected Mayor is not time served on the Council and time served on the Council is not time served in such office of elected Mayor.

(As amended by electors at election held November 5, 1968, approved by Joint Resolution of the Legislature filed with the Secretary of State January 15, 1969; Amended by electors at an election held March 7, 2000, Charter Chapter 11 of the State *Statutes of 2000*; Amended by electors at an election held November 8, 2016, Charter Chapter 18 of the State *Statutes of 2017*)

§ 701.1. Qualifications for Chief of the Police Department.

Candidates for the office of Chief of Police shall meet the minimum eligibility and qualification requirements imposed by state law upon candidates for the office of sheriff.

(Added by electors at an election held March 7, 2000, Charter Chapter 11 of the State *Statutes of 2000*)

§ 702. Compensation.

Commencing on July 1, 2017, each member of the City Council, other than the Mayor, shall receive as compensation the sum of two thousand dollars (\$2,000) per month. The Mayor shall receive as

compensation the sum of two thousand five hundred dollars (\$2,500) per month.

Commencing on July 1, 2019, and every two years on July 1 thereafter, the compensation of the City Council and Mayor shall be set by a Salary Setting Commission consisting of five members to be appointed by the Civil Service Commission from the qualified electors of the City for a term of four years. The first members shall be appointed for a term commencing January 1, 2019. Initially, the Commissioners shall be appointed in a manner so that two are appointed for two-year terms and three are appointed for four-year terms. On or before March 15 of every odd year, the Salary Setting Commission shall establish the salary of the Mayor and members of the City Council for the period commencing July 1 of that odd year and ending two years thereafter. Salaries so established by the Commission shall not exceed one hundred ten percent (110%) of the previous figure.

If a member of the City Council, including the Mayor, does not attend all meetings of the City Council or study sessions called on order of the City Council and held during the month, the compensation to him/her for such month shall be reduced by the sum of twenty-five dollars (\$25.00) for each meeting or study session not attended unless he/she is absent with the consent of or on order of the City Council.

Absence from five consecutive regular meetings, unless excused by resolution of the City Council, shall operate to vacate the seat of any member of the City Council so absent.

(As amended by electors at election held November 5, 1968, approved by Joint Resolution of the Legislature filed with the Secretary of State January 15, 1969; Amended by electors at an election held March 7, 2000, Charter Chapter 11 of the State *Statutes of 2000*; Amended by electors at an election held November 8, 2016, Charter Chapter 17 of the State *Statutes of 2017*)

§ 703. Vacancies.

A vacancy in any elective office of the City, including Mayor, City Council, Chief of Police Department, and City Clerk, from whatever cause arising, shall be filled by appointment by the City Council by a four-fifths (4/5) vote of the remaining members.

In the event the City Council shall fail to fill a vacancy by appointment within thirty (30) days after such office shall have been declared vacant, it shall forthwith cause an election to be held to fill such vacancy. A person appointed or elected to fill a vacancy holds office for the unexpired term of the former incumbent, provided that if the vacancy occurs in the first half of a term of office and at least 130 days prior to the next general municipal election, the person appointed to fill the vacancy shall hold office until the next general municipal election that is scheduled 130 or more days after the date the City Council is notified of the vacancy, and thereafter until the person who is elected at that election to fill the vacancy has been qualified. The person elected to fill the vacancy shall hold office for the unexpired balance of the term of office.

(As approved at election held November 5, 1968, approved by Joint Resolution of Legislature filed with the Secretary of State January 15, 1969; Amended by electors at an election held November 8, 2016, Charter Chapter 19 of the State *Statutes of 2017*)

§ 704. Presiding officer – Mayor.

The Mayor shall be the presiding officer. The Mayor shall have a voice and vote in all its proceedings. He/she shall be the official head of the City for all ceremonial purposes. He/she shall perform such other duties as may be prescribed by this Charter or as may be imposed by the City Council consistent with his/her office.

(As amended by the electors at election held November 5, 1968, approved by Joint Resolution of the Legislature filed with the Secretary of State January 15, 1969; Amended by electors at an election held March 7, 2000, Charter Chapter 11 of the State *Statutes of 2000*)

§ 704.1. Mayor – Limitation of terms.

No person elected as Mayor shall be eligible to serve, or serve, more than two (2) full terms; but such service prior to December 1, 2016, shall not disqualify any person from further service as Mayor. If a Mayor serves a partial term in excess of two (2) years, it shall be considered a full term for the purpose of this provision.

(Added by electors at election held November 5, 1968, approved by Joint Resolution of Legislature filed with the Secretary of State January 15, 1969; Amended by electors at an election held November 8, 2016, Charter Chapter 18 of the State *Statutes of 2017*)

§ 704.2. Mayor – Political position.

The Mayor shall be the political leader within the community by providing guidance and leadership to the City Council, by expressing and explaining to the community the City's policies and programs and by assisting the City Council in the informed, vigorous and effective exercise of its powers. Political leadership shall be concerned with the general development of the community and the general level of City services and activity programs.

(Added by electors at election held November 5, 1968, approved by Joint Resolution of Legislature filed with Secretary of State January 15, 1969)

§ 704.3. Mayor – Powers and duties.

The Mayor shall have the following powers and duties:

- (a) The Mayor shall have the power to make recommendations to the City Council on matters of policy and programs which require City Council decision; provided, that if he/she recommends any increases in the City budget, he/she shall recommend the method of financing such expenditure; and provided, further, that if he/she proposes curtailment of service, such recommendations and his/her reason therefor shall be specific. He/she may also, on his/her own account, inform the community on matters of policy or program which he/she believes the welfare of the community make necessary.
- (b) The Mayor shall preside at meetings of the City Council and shall have the vote as a member of the City Council. He/she shall have no veto power.
- (c) The Mayor shall have authority to preserve order at all City Council meetings, to remove or cause the removal of any person from any meeting of the City Council for disorderly conduct, to enforce the rules of the City Council and to determine the order of business under the rules of the City Council.
- (d) The Mayor shall exercise such other powers and perform such other duties as may be prescribed by the City Council, provided that the same are not inconsistent with this Charter. Nothing in this section shall be construed in any way as an infringement or limitation on the powers and duties of the City Manager as Chief Administrative Officer and head of the administrative branch of the City government as prescribed in other sections of this Charter. Except as otherwise herein provided, the Mayor shall possess only such authority over the City Manager and the administrative branch as he/she possesses as one member of the City Council.

(Added by electors at election held November 5, 1968, approved by Joint Resolution of Legislature filed with the Secretary of State January 15, 1969; Amended by electors at an election held March 7, 2000, Charter Chapter 11 of the State *Statutes of 2000*)

§ 704.4. Mayor – Vacancy.

The office of Mayor shall become and be deemed vacant immediately upon the incumbent ceasing to be a member of the City Council.

(Added by electors at election held November 5, 1968, approved by Joint Resolution of Legislature filed with the Secretary of State January 15, 1969)

§ 705. Vice Mayor.

The City Council shall designate one of its members as Vice Mayor. The Vice Mayor shall perform the duties of the Mayor during his/her absence or disability. The Vice Mayor shall serve in such capacity at the pleasure of the City Council.

(As amended by electors at election held November 5, 1968, approved by Joint Resolution of Legislature filed with the Secretary of State, January 15, 1969; Amended by electors at an election held March 7, 2000, Charter Chapter 11 of the State *Statutes of 2000*)

§ 706. Powers.

All powers of the City shall be vested in the City Council, subject to the provisions of the Charter and to the **Constitution of the State of California**.

§ 707. Regular meetings.

The City Council shall hold regular meetings at least twice each month, at such times as it shall fix by ordinance or resolution and may adjourn or readjourn any regular meeting to a date certain, which shall be specified in the order of adjournment and when so adjourned, each adjourned meeting shall be a regular meeting for all purposes.

§ 708. Special meetings.

Special meetings may be called at any time by the Mayor, or by four members of the City Council pursuant to the provisions of the Ralph M. Brown Act, specifically Government Code Section **54956**, as amended from time to time.

(Amended by electors at an election held March 7, 2000, Charter Chapter 11 of the State *Statutes of 2000*)

§ 709. Place of meeting.

All meetings of the City Council shall be held at the locations authorized by the Ralph M. Brown Act (commencing with Government Code Section **54950**) as it now reads or is hereafter amended.

(Amended by electors at an election held March 7, 2000, Charter Chapter 11 of the State *Statutes of 2000*)

§ 710. Quorum.

A majority of the members of the City Council shall constitute a quorum for the transaction of business, but a less number may adjourn from time to time.

§ 711. Election and qualification of Council members.

The City Council shall judge the qualifications of its members as required by the Charter and shall judge all election returns.

§ 712. Proceedings.

The City Council shall establish rules for the conduct of its proceedings and punish any member or other person for disorderly conduct at any meetings. It 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 subpoenas, or the refusal to testify (upon other than constitutional grounds), shall constitute a misdemeanor.

The City Council shall cause the City Clerk to keep an accurate record of all its proceedings and, at the demand of any member, or upon the adoption of any ordinance or resolution for the payment of money, the City Clerk shall call the roll and shall cause the "ayes" and "noes" taken on any question, to be entered in the minutes of the meeting.

§ 713. Action by ordinance or resolution.

The City Council is hereby empowered to act by Ordinance or Resolution. An oral motion or order duly passed by the City Council and entered in the minutes of the Council shall have the same force and effect as a written Resolution duly introduced and passed by said City Council and shall be deemed to be a Resolution for all purposes.

§ 714. Power to lease, sell, or convey City property.

The City Council shall have power to lease, sell, convey, and dispose of any and all property of the City, subject to the provisions of Section **401** of this Charter, and provided further that no property exceeding five hundred dollars (\$500.00) in value shall be sold without first publishing notice of intention to sell in an official newspaper once a week for two weeks preceding the date of such sale. The notice of intention shall describe the property, the price theretofore offered for said property and the time and place when and where the sale will be consummated.

At the time fixed for said consummation of sale, the City Council shall call for further bids for said property and if any increased bid is received from a responsible bidder in at least five percent in excess of the original price offered for the same, then the City Council may accept the highest bid for said property or may order a new sale or may withdraw the property from sale.

§ 714.1. Protection of parkland and public open space.

Neither the Ulistac Natural Area, the Santa Clara Youth Soccer Park nor any other real property owned or controlled by the City that is presently listed or hereafter listed by ordinance in the inventory of parks and recreation facilities contained in Appendix Eight of the City of Santa Clara 2010-2035 General Plan shall be sold, leased or otherwise disposed of for a period of one hundred eighty (180) days or more, nor shall its use be changed, abandoned or discontinued without such sale, lease, disposal or changed use having been first authorized or ratified by a two-thirds (2/3) majority vote of the electorate, voting at a general municipal election for that purpose.

No substantial building, construction, reconstruction or development upon or with respect to any lands so dedicated shall be made except pursuant to ordinance subject to referendum.

The provisions of this Section **714.1** shall not apply to real property owned or controlled by the City that is subject to the CityPlace Master Community Plan originally adopted by the City Council by Resolution No. 8339.

(Added by electors at an election held November 8, 2016, Charter Chapter 20 of the State *Statutes of 2017*)

§ 715. Power to levy and collect taxes.

The City Council shall have power to levy and collect taxes, and to collect license taxes for both regulation and revenue.

Article VIII. City Manager, Ordinances, Meetings

§ 800. Appointment.

A City Manager shall be chosen by the City Council on the basis of his/her executive and administrative qualifications. No City Council member shall receive such an appointment during the term for which he/she shall have been elected, nor within two years thereafter.

(Amended by electors at an election held March 7, 2000, Charter Chapter 11 of the State *Statutes of 2000*)

§ 801. Compensation.

The City Manager shall be paid a salary commensurate with his/her responsibilities as chief administrative officer of the City, which salary shall be established by ordinance or resolution.

(Amended by electors at an election held March 7, 2000, Charter Chapter 11 of the State *Statutes of 2000*)

§ 802. Powers and duties.

The City Manager shall be chief executive officer and the head of the administrative branch of the City government. He/she shall be responsible to the City Council for the proper administration of all affairs of the City and to that end, subject to the personnel provisions of this Charter, he/she shall have power and shall be required to:

- (a) Appoint and remove, subject to the Civil Service provisions of this Charter, all officers and employees of the City, except as otherwise provided by this Charter, and except as he/she may authorize the head of a department or office to appoint and remove subordinates in such department or office. No person related to the City Manager by blood or by marriage shall be eligible for office or employment in the City.
- (b) Prepare the budget annually and submit it to the City Council and be responsible for its administration after adoption.
- (c) Manage the City-owned water and power departments in a business-like manner, charging equitable rates for the services furnished and building up the properties so as to conserve their value and increase their capacity as needed by the City.
- (d) Prepare and submit to the City 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.
- (e) Keep the City Council advised of the financial condition and future needs of the City and make such recommendations as may seem to him/her desirable.
- (f) Make investigations into the affairs of this City, or any department or division thereof, or any contract, or the proper performance of any obligation to the City.
- (g) Submit to the City Council at each meeting for its approval, the list of all claims and bills approved for payment by him/her.

(h) Perform such other duties as may be prescribed by this Charter or required by him/her by the City Council, not inconsistent with this Charter.

(Amended by electors at an election held March 7, 2000, Charter Chapter 11 of the State *Statutes of 2000*)

§ 803. Rules and regulations.

The City Manager may prescribe such general rules and regulations as he/she may deem necessary or expedient for the general conduct of the administrative offices and departments of the City under his/her jurisdiction.

(Amended by electors at an election held March 7, 2000, Charter Chapter 11 of the State *Statutes of 2000*)

§ 804. Manager pro tempore.

The City Manager shall appoint, subject to the approval of the City 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.

§ 805. Participation in Council action.

The City Manager and such other officers of the City as may be designated by the City Council, shall be accorded a seat at the City Council table and shall be entitled to participate in the deliberations of the City Council, but shall not have a vote.

§ 806. Removal of the City Manager.

The City Council shall appoint the City Manager for an indefinite term and may remove him/her by a majority vote of the entire Council. At least thirty (30) days before such removal shall become effective, the City Council shall by a majority vote of the entire Council, adopt a preliminary resolution stating the reasons for his/her removal. The City Manager may reply in writing and may request a public hearing, which shall be held not earlier than fifteen (15) days nor later than thirty (30) days after the filing of such request. After such public hearing, if one be requested, and after full consideration, the City Council by majority vote of the entire Council may adopt a final resolution of removal. By the preliminary resolutions, the City Council may suspend the City Manager from duty but shall in any case cause to be paid him/her forthwith any unpaid balance of his/her salary and his/her salary for the next calendar month following adoption of the preliminary resolution.

(Amended by electors at an election held March 7, 2000, Charter Chapter 11 of the State *Statutes of 2000*)

§ 807. Prohibition against Councilmanic interference.

Neither the City Council nor any of its members shall order or request the appointment of any person to an office or employment or his/her removal therefrom, by the City Manager, or by any of the department heads in the administrative service of the City. Except for the purpose of inquiry, the City Council and its members shall deal with the administrative service under the City Manager solely through the City Manager and neither the City Council nor any member shall give orders to any subordinates of the City Manager, either publicly or privately.

Any City Council member violating the provisions of this section, or voting for a resolution or ordinance in violation of this section shall be guilty of a misdemeanor and, upon conviction, shall cease to be a

Council Member.

(Amended by electors at an election held March 7, 2000, Charter Chapter 11 of the State *Statutes of 2000*)

§ 808. Ordinances.

The enacting clause of every ordinance shall be "Be it ordained by the City of Santa Clara as follows:" No ordinance shall be finally adopted by the Council on the day of its introduction, nor within five days thereafter, nor at any time other than a regular meeting, nor until its publication as required in Section **812**. However, ordinances calling elections and ordinances carrying out the provisions of elections need not be published prior to adoption. In case an ordinance is amended before its final adoption and after its publication, it shall in like manner be republished as required in Chapter Section **812**, at least one day before its adoption as amended; provided, however, that where such amendment is made for the correction of clerical errors or omissions of form only, then such ordinances need not be given a first reading or a republication as corrected.

(Amended by electors at an election held March 7, 2000, Charter Chapter 11 of the State *Statutes of 2000*)

§ 809. Repeal or amendment of ordinances.

No ordinance or portion thereof shall be repealed except by ordinance. No ordinance shall be revised, re-enacted or amended by reference to its title only; but the ordinance to be revised or re-enacted, or the section or sections thereof to be amended, or the new section or sections to be added thereto, shall be set forth and adopted according to the method provided in this article for the enactment of ordinances, and such revision, re-enactment, amendment or addition, shall be done by ordinance only.

§ 810. Effective date of ordinances.

No ordinance shall become effective until thirty (30) 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 (d) An emergency ordinance adopted in the manner herein provided.

§ 811. Emergency ordinances.

Any ordinance declared by the City Council to be necessary as an emergency measure for preserving the public peace, health, safety or property, and containing a statement of the reasons for its urgency and adopted by a five-sevenths vote of the whole Council may go into effect at the will of the Council.

§ 812. Publication of ordinances.

The City Clerk shall cause each proposed ordinance to be posted at least three (3) days prior to its adoption in three (3) public places in the City and at least three (3) days prior to the ordinance adoption shall cause a single publication in an official newspaper to occur, setting forth the title of the ordinance, the date of its introduction, a brief summary of the ordinance and a list of the places where copies of the full text of the proposed ordinance are posted.

(Amended by electors at an election held March 7, 2000, Charter Chapter 11 of the State *Statutes of 2000*)

§ 813. Codification of ordinances.

Any or all properly enacted and unrepealed ordinances of the City may be compiled, consolidated, revised and indexed, including such restatements and substantive changes as are necessary for clarity in a comprehensive City Code.

A City Code may be adopted by reference by the passage of an ordinance in the same manner as other ordinances of the City. The City Code itself need not be published in the manner required for other ordinances. Prior to its adoption, not less than three copies of the Code shall be filed in the City Clerk's Office, for examination by the public. After the Code has been adopted, ordinances may be amendatory or revisory of the Code. Sections of the Code shall not be revised or amended by reference but readopted and published at length as revised or amended.

(Amended by electors at an election held March 7, 2000, Charter Chapter 11 of the State *Statutes of 2000*)

§ 814. Adoption of printed building codes, etc.

Ordinances establishing rules and regulations for the construction of buildings, the installation of plumbing, the installation of electric wiring, or other similar work, where such rules and regulations have been printed as a code in book form, may be adopted by reference by the passage of an ordinance in the same manner as other ordinances of the City. The code so adopted need not be published at length, provided, however, that not less than three copies of such code shall have been filed, for use and examination by the public, in the office of the City Clerk prior to the adoption thereof.

§ 815. Publishing of legal notices.

The City Council shall by resolution designate one or more newspapers of general circulation in the City of Santa Clara as official newspaper for the publication of any legal notice or other matter required to be published in a newspaper of general circulation in said City. If it appears to the City Council that the rates offered are unfair, it need not designate an official newspaper. Upon making a finding to such effect, or if publication of newspapers which have been so designated are suspended, then legal notices, ordinances or other matter required to be published in an official newspaper may be published by posting copies thereof in at least three public places in the City. The places for posting of legal notices shall be fixed by ordinance of the City Council.

No defect or irregularity in proceedings taken under this section, or failure to designate an official newspaper, shall invalidate any publication where the same is otherwise in conformity with this Charter, or law, or ordinance.

Article IX. Officers and Employees

§ 900. Officers to be appointed by the City Council and by the City Manager.

In addition to the City Manager, the City Council shall appoint and affix the compensation for the City Attorney and City Auditor who shall serve at the pleasure of the City Council and may be removed by motion of the City Council adopted by at least four affirmative votes.

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 at compensation fixed by the City Council.

(Amended by electors at an election held March 7, 2000, Charter Chapter 11 of the State *Statutes of 2000*)

§ 901. Other appointive officers.

The City Council may provide by ordinance for the creation, consolidation or abolishment of the City departments or offices, not specifically enumerated in this Charter. Each department so created shall be headed by an officer as department head who shall be appointed by the City Manager.

§ 902. Appointive officers; duties.

Each appointive officer shall perform the duties imposed upon him/her by this Charter, by ordinance, or resolution and, if under jurisdiction of the City Manager, shall perform such other duties relating to his/her office as may be required of him/her by the City Manager.

(Amended by electors at an election held March 7, 2000, Charter Chapter 11 of the State *Statutes of 2000*)

§ 903. City clerk; powers and duties.

The City Clerk shall have the power and be required to:

- (a) Attend all meetings of the City Council and be responsible for the recording and maintaining of a full and true record of all the proceedings of the City Council in books that shall bear appropriate titles and be devoted to such purposes;
- (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 official records; and
- (g) Have charge of all City elections.

The City Council may, in its discretion, appoint any other officer or employee of the City as City Clerk and grant such person additional compensation for the performance of such duties.

§ 904. Director of Finance.

There shall be a department of finance; the head of which shall be the Director of Finance, who as determined by the City Council, shall be, or be appointed by, the City Manager. The Director of Finance under the supervision of the City Manager shall have charge of the administration of the financial affairs of the City, including the financial affairs of the City-owned public utilities, and he/she shall have power and be required to:

- (a) Compile the budget expense and capital estimates for the City Manager;
- (b) Supervise and be responsible for the disbursement of all monies and have control over all expenditures which have been budgeted;
- (c) Maintain a general accounting system for the City government and of its offices, departments and agencies; keep books for, prescribe the financial forms to be used by and exercise financial budgetary control over each office, department or agency;

- (d) Submit to the City Council, through the City Manager, a monthly statement of all receipts and disbursements in sufficient detail to show the exact financial condition of the City;
 - (e) Prepare for the City Manager, as of the end of each fiscal year, a complete financial statement and report;
 - (f) Collect all taxes, special assessments, utility charges, license fees and other revenues of the City for whose collection the City is responsible except City taxes collected by the County and as provided in Section **1306**, and receive all money receivable by the City from the State or Federal government, or from any court, or from any office, department or agency of the City;
 - (g) Receive and have custody of all monies receivable by the City from any source;
 - (h) Deposit all monies received in such depositories as may be designated by resolution of the City Council or, if no resolution be adopted, by the City Manager, and in compliance with all the provisions of the **State Constitution** and laws of the State governing the handling, depositing and securing of public funds; and
 - (i) Have custody of all investments and invested funds of the City government, or in possession of such government in a fiduciary capacity, and have the safe-keeping of all bonds and notes of the City and the receipt and delivery of City bonds and notes for transfer, registration or exchange.
- (Amended by electors at an election held March 7, 2000, Charter Chapter 11 of the State *Statutes of 2000*)

§ 905. City Engineer and Department of Public Works.

- (1) City Engineer. The City Engineer shall be a Registered Professional Engineer in the State of California, and he/she shall have the power and be required to:
 - (a) Supervise and be responsible for all City engineering work, including the preparation of engineering maps, surveys, and designs;
 - (b) Perform such other duties as the City Council may from time to time prescribe, either by ordinance or resolution; and,
 - (c) On vacating the office, surrender to his/her successor all maps, plans, field notes and other records and memoranda belonging to the City and pertaining to his/her office and the work thereof.
- (2) Director of Public Works and Utilities. The Director of Public Works and Utilities, who may be the City Engineer, shall, under the supervision of the City Manager, be in charge of the administration of such departments of the City, including engineering and utilities, as are or may be from time to time designated by the City Council.

(As amended 1965 Statutes, Senate Concurrent Resolution No. 74, Chapter 101; Amended by electors at an election held March 7, 2000, Charter Chapter 11 of the State *Statutes of 2000*)

§ 906. Chief of the Police Department.

The Chief of Police shall have power and be required to:

- (a) Preserve the public peace;
- (b) Execute and return all process issued to him/her by legal authority; and
- (c) Exercise all the powers that are now or may hereafter be conferred upon sheriffs and other police officers by the laws of the State.

(Amended by electors at an election held March 7, 2000, Charter Chapter 11 of the State *Statutes of 2000*)

§ 907. Chief of the Fire Department.

The Chief of the Fire Department shall have the power and be required to:

- (a) Supervise all matters relating to the prevention and extinguishing of fires and the protection of all property impaired thereby; and
- (b) Make frequent inspection of all property within the City to enforce fire prevention regulations.

§ 908. City Attorney.

There shall be a City Attorney who shall have the power and be required to:

- (a) Represent and advise the City Council and all City officers in all matters of law pertaining to their offices;
- (b) Represent and appear for the City and any City officer or employee or former City officer or employee, in any or all actions and proceedings in which the City or any such officer or employee in or by reason of his/her official capacity, is concerned or is a party, but the City 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;
- (c) Attend all meetings of the City Council and give his/her advice or opinion in writing whenever requested to do so by the City Council, or by any of the boards or officers of the City;
- (d) Approve the form of all bonds given to and all contracts made by the City, endorsing his/her 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; and
- (g) On vacating the office, surrender to his/her successor, all books, papers, files, and documents pertaining to the City's affairs.

To be eligible for appointment as 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 active practice of law for at least four years immediately prior to his/her appointment.

(Amended by electors at an election held March 7, 2000, Charter Chapter 11 of the State *Statutes of 2000*)

§ 909. City Auditor.

The City Auditor shall audit and approve all bills, invoices, payrolls, demands or charges against the City government before payment and, with the advice of the City Attorney, advise the City Council as to the regularity, legality and correctness of such claims, demands or charges.

The City Council may, in its discretion, appoint any other officer or employee of the City as City Auditor and grant such person additional compensation for the performance of such duties.

§ 910. Administrative Code.

Within six months after the adoption of this Charter, the Council shall adopt by ordinance an administrative code providing for a plan of administrative organization of the City government, which will cover all matters concerning the powers, duties, term of office, procedure of all the officers, boards and commissions, and employees of the City; provided, however, that the provisions of said code shall not be in conflict with any of the provisions of this Charter. This administrative code will cover all rules and regulations relating to fiscal operations, personnel management, election procedure, and other matters concerning the operation of the functions of the City government.

§ 911. Official bonds.

The City Council shall fix by ordinance the amounts and terms of the official bonds of all officials or employees who are required by this Charter or 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, except the City Clerk's bond which shall be filed with the City Manager. Premiums on official bonds shall be paid by the City.

In all cases wherein an officer or employee of the City is required to furnish a faithful performance bond, there shall be no personal liability upon, or right to recover against, his/her superior officer, or the bond of the latter, for any wrongful act or omission of the former, unless such superior officer was a party to, or conspired in, such wrongful act or omission.

(Amended by electors at an election held March 7, 2000, Charter Chapter 11 of the State *Statutes of 2000*)

§ 912. Oath of office.

Each member of the City Council, of every board and commission, and each officer and department head, before entering upon the discharge of the duties of his/her office shall take, subscribe to and file with the City Clerk the following oath of affirmation: "I do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the **Constitution of the State of California** against all enemies, foreign and domestic; that I will bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of California; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter."

(Amended by electors at an election held March 7, 2000, Charter Chapter 11 of the State *Statutes of 2000*)

Article X. Appointive Boards and Commissions

§ 1000. In general.

There shall be the following enumerated boards and commissions which shall have the powers and duties herein stated, and such other powers and duties as may be conferred by the City Council which are not inconsistent herewith. In addition, the City Council may create by ordinance 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.

§ 1001. Appropriations.

The City Council shall include in its annual budget sufficient appropriations of funds for the efficient and proper functioning of such boards and commissions.

§ 1002. Appointments; terms.

Except as otherwise provided in this article, the members of each of such boards or commissions shall be appointed, and shall be subject to removal, by motion of the City Council adopted by at least four affirmative votes. Except as otherwise provided in this article, the members of such boards and commissions shall serve for a term of four years and until their respective successors are appointed and qualified; provided, however, the members first appointed to those boards and commissions shall so classify themselves by lot that each succeeding July 1st the term of at least one of their number shall expire.

§ 1003. Meetings; Chair.

As soon as practicable, following the first day of July 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 regular meetings as required by ordinance of the City Council, and such special meetings as it may require. All proceedings shall be open to the public unless the nature of any proceeding is such that in the opinion of such board or commission the public interest would be best served by closing a particular proceeding to the public, and the reasons therefor are declared in any action closing such proceeding. Upon conclusion of any such proceeding any final action which is to be taken by such board or commission, with respect to such proceedings, shall be taken in open meeting.

The affirmative or negative vote of a majority of the entire membership of such board or commission shall be necessary for it to take action. Each board or commission 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. It shall have the same power as the City Council to compel the attendance of witnesses, to examine them under oath and to compel the production of evidence before it.

(Amended by electors at an election held March 7, 2000, Charter Chapter 11 of the State *Statutes of 2000*)

§ 1004. Compensation, vacancies.

The members of boards and commissions shall serve without compensation for their services as such, but may receive reimbursement for necessary traveling and other expenses when on official duty on order of the City Council.

Except as otherwise herein provided, any vacancies in any board or commission from whatever cause arising, shall be filled by appointment by the City 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 absents himself/herself from three regular meetings of such board or commission, consecutively, unless with permission of such board or commission expressed in its official minutes, or is convicted of a crime involving moral turpitude, or ceases to be a qualified elector of the City, his/her office shall be vacant and shall be so declared by the City Council.

(As amended, 1967 Statutes, Senate Concurrent Resolution No. 35; Chapter 61; Amended by electors at an election held March 7, 2000, Charter Chapter 11 of the State *Statutes of 2000*)

§ 1005. Oaths; affirmations.

Each member of any such board or commission shall have the power to administer oaths and affirmations in any investigation or proceeding pending before such board or commission.

§ 1006. Planning Commission – Generally.

There shall be a City Planning Commission consisting of seven members to be appointed by the City Council from the qualified electors of the City, none of whom shall hold any paid office or employment in the City government except that the City Manager, and the Director of Public Works and Utilities, or their designated representatives, shall serve as ex-officio members of the commission.
(As amended, 1965 Statutes, Senate Concurrent Resolution No. 74, Chapter 101)

§ 1007. Planning Commission – Duties and powers.

The Planning Commission shall have power and be required to:

- (a) After a public hearing thereon, recommend to the City Council the adoption, amendment, or repeal of the General 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; and
- (c) Exercise such planning, zoning, environmental or other function as now or may be hereafter authorized by the State of California in so far as they do not conflict with the provisions of this Charter.

(Amended by electors at an election held March 7, 2000, Charter Chapter 11 of the State *Statutes of 2000*)

§ 1008. Parks and Recreation Commission.

There shall be a City Parks and Recreation Commission consisting of seven members to be appointed by the City Council from the qualified electors of the City, none of whom shall hold any paid office or employment in the City government.

§ 1009. Parks and Recreation Commission – Powers and duties.

The Parks and Recreation Commission shall have power and be required to:

- (a) Act in advisory capacity to the City Council in all matters pertaining to parks, recreation, playgrounds and entertainment;
- (b) Consider the annual budget of the Parks and Recreation Department during the process of its preparation and make recommendations with respect thereto to the City Manager and the City Council; and
- (c) Assist in the planning and supervision 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.

(Amended by electors at an election held March 7, 2000, Charter Chapter 11 of the State *Statutes of 2000*)

§ 1010. Civil Service Commission.

There shall be a Civil Service Commission consisting of five members to be appointed by the City Council from the qualified electors of the City, none of whom shall hold any paid office or employment in the City government.

§ 1011. Civil Service Commission – Powers and duties.

- (a) The Civil Service Commission is charged with the duty of providing qualified persons for appointment to the service of the City. All appointments in the public service shall be made for the good of that service, and solely upon merit and fitness, as established by appropriate test, without regard to partisan politics, race, color or religious belief.
- (b) Act as Board of Review to hear petitions by civil service employees, and applicants for civil service positions, and to grant or deny such petitions.
- (c) Perform such other duties as may be required by the civil service rules and regulations.
(Amended by electors at an election held March 7, 2000, Charter Chapter 11 of the State *Statutes of 2000*)

§ 1012. Board of Library Trustees.

There shall be a Board of Library Trustees consisting of five members to be appointed by the City Council from the qualified electors of the City and no member of said Board shall hold any paid office or employment in the City government.

§ 1013. Board of Library Trustees – Powers and duties.

The Board of Library Trustees shall have charge of the administration of the Santa Clara Free Public Library and shall have power and be required to:

- (a) Make and enforce such by-laws, rules and regulations as it may deem necessary for the administration and protection of the City library;
- (b) Approve or disapprove the appointment of a librarian who shall be the department head;
- (c) Accept into the library fund and administer money, personal property or real estate donated to the City or otherwise acquired for library purposes subject to the approval of the City Council;
- (d) Contract with school, county or other governmental agencies to render or receive library services or facilities, subject to the approval of the City Council.

(Amended by electors at an election held March 7, 2000, Charter Chapter 11 of the State *Statutes of 2000*)

Article XI. Civil Service

§ 1100. Civil service; merit principle.

Appointments and promotions in the service of the City shall be made according to merit and fitness, to be ascertained, so far as practicable, by competitive examination.

§ 1101. Classified service.

The civil service of the City shall be divided into the unclassified and classified service.

- (a) The unclassified service shall comprise the following offices and positions:
 - (1) All elective officers;
 - (2) City Manager;
 - (3) City Attorney;

- (4) City Clerk;
 - (5) City Auditor;
 - (6) The head of each department, including but not limited to, the Director of Finance, Director of Public Works and Utilities, City Engineer, Chief of the Police Department, Chief of the Fire Department;
 - (7) The Assistant City Manager, Assistant City Attorney, and Assistant Department Heads, whenever so designated by the City Council;
 - (8) All members of boards and commissions;
 - (9) Persons employed for a temporary or special purpose, for a period not to exceed six months in any one calendar year, if the City Manager certifies that such employment is temporary and that the work shall not be performed by employees in the classified service;
 - (10) Persons employed to render professional, scientific, technical or expert service of an occasional and exceptional character;
 - (11) Volunteer members of the Fire Department and Police Reserve; and,
 - (12) The City Council by ordinance may divide or separate any department of the City into divisions and by ordinance may provide that the employee selected to be the head of any such division shall be in the unclassified service.
- (b) The classified service shall comprise all positions not specifically included in this section in the unclassified service.
- (As amended 1965 Statutes, Senate Concurrent Resolution No. 74, Chapter 101; Amended by electors at an election held March 7, 2000, Charter Chapter 11 of the State *Statutes of 2000*)

§ 1102. Appointments from classified to the unclassified service.

In the event an officer or employee of the City holding a position in the classified service is appointed to a position in the unclassified service, and should subsequently be removed therefrom, he/she shall revert to his/her former position in the classified service without loss of any rights or privileges and upon the same terms and conditions as if he/she had remained in said position continuously. Should such person be eligible for retirement under the retirement system at the time of such subsequent removal, upon recommendation of the City Manager, he/she shall be retired in lieu of being restored to his/her former position.

(Amended by electors at an election held March 7, 2000, Charter Chapter 11 of the State *Statutes of 2000*)

§ 1103. Classification.

The City Manager shall prepare and submit to the City Council a plan of classification and grading of all positions in the City Service according to similarity of authority, duties and responsibilities. Such classification plan shall take effect when adopted by the City Council. Additions or changes in the classification plan may be adopted from time to time by the City Council upon the recommendation of the City Manager.

§ 1104. Pay plan.

The City Manager shall prepare and submit to the City Council a standard schedule of pay for each position in the classified service. Such pay plan when adopted by the City Council shall include a minimum and maximum and such intermediate rates as may be deemed desirable for each class of

positions. Amendments to the pay schedule may be adopted from time to time upon the recommendation of the City Manager.

§ 1105. Civil service rules and regulations.

The City Council shall adopt civil service rules and regulations governing the administration of the City civil service system to implement the provisions of this Article.

§ 1106. Reserved.

Code reviser's note: At an election held on November 7, 1972, the electors repealed former section 1106 containing provisions prohibiting persons in the classified service from engaging in certain political activities. Said former section was adopted by the electors at an election held on April 2, 1951, and approved by the State legislature on April 25, 1951. The repeal of said section **1106** was approved by Senate Concurrent Resolution (1973 Stats., Res. Ch. 10).

§ 1107. Prohibitions.

No person shall willfully or corruptly make any false statement, certificate, mark, rating or report in regard to any application, test, certification, or appointment held or made under the personnel provision of this Charter or in any manner commit or attempt any fraud preventing the impartial execution of such personnel provisions or rules and regulations made hereunder.

Any person who by himself/herself or with others willfully or corruptly violates any of the provisions of this Article shall be guilty of a misdemeanor and shall upon conviction thereof be punished by a fine of not more than one thousand dollars (\$1,000.00), or by imprisonment for a term not exceeding one year, or by both such fine and imprisonment. Any person convicted hereunder shall be ineligible for a period of five years for employment in the City service and shall, if he/she is an officer or employee of the City, immediately forfeit his/her office or position.

(Amended by electors at an election held March 7, 2000, Charter Chapter 11 of the State *Statutes of 2000*)

§ 1108. Contract for administrative services.

The City Council, upon recommendation of the City Manager, may contract with the governing body of any other city, or county within this state, or with any state department, or with any private or governmental agency for the furnishing of administrative, fiscal, or personnel services.

Article XII. Retirement

§ 1200. State system.

The "Public Employees' Retirement Law," as it now exists or may hereafter be amended, is hereby adopted for the City of Santa Clara, and plenary authority and power are hereby vested in said City, its City Council and its several officers, agents and employees at their discretion to do and perform any act, or exercise any authority granted, permitted, or required under the provisions of said Retirement Law, to enable said City to become or continue as a contracting City participating in the Public Employees' Retirement System; provided, however, that the City Council may terminate any contract entered into with the Board of Administration of the Public Employees' Retirement System only under authority granted by ordinances adopted by a majority vote of the electors of the City of Santa Clara, voting on such proposition at an election at which such proposal is presented.

(As amended by electors at election held November 7, 1972, approved by Senate Concurrent Resolution (1973 Stats., Res. Ch. 10))

Article XIII. Fiscal Administration

§ 1300. Fiscal year.

Unless otherwise provided by ordinance, the fiscal year of the City government shall begin on the first day of July of each year and end on the 30th day of June of the following year.

(As amended 1959 Statutes, Senate Concurrent Resolution No. 37; Chapter 121)

§ 1301. Annual budget; preparation by the City Manager.

At such date as he/she shall determine, the City Manager shall obtain from each office, department or agency of the City, estimates of revenue and expenditure for such office, department or agency, detailed in such manner as may be prescribed by the City Manager. In preparing the proposed budget, the City Manager shall review the estimates, shall hold conferences thereon with the head of such office, department or agency, respectively, and may revise the estimates as he/she may deem advisable.

(Amended by electors at an election held March 7, 2000, Charter Chapter 11 of the State *Statutes of 2000*)

§ 1302. Budget – Submission to City Council.

At least thirty-five (35) days prior to the beginning of each fiscal year, or at such prior date thereto determined by the City Council, the City Manager shall submit to the City Council the proposed budget as prepared by him/her. After reviewing the same and making such revisions as it may deem advisable, the City Council shall determine the time for the holding of a public hearing thereon and shall cause to be published a notice thereof not less than ten days prior to said hearing, by at least one insertion in an official newspaper.

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

(As amended 1959 Statutes, Senate Concurrent Resolution No. 37; Chapter 121; Amended by electors at an election held March 7, 2000, Charter Chapter 11 of the State *Statutes of 2000*)

§ 1303. Budget – Public hearing.

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

§ 1304. Budget – Further consideration and adoption.

After the conclusion of the public hearing, the City Council shall further consider the proposed budget and make any revisions thereof that it may deem advisable and on or before June 30 it shall adopt the budget with revisions, if any, by the affirmative votes of at least four members. Upon final adoption, the budget shall be in effect for the ensuing fiscal year. A copy thereof, certified by the City Clerk, shall be filed with the City Manager and a further copy shall be placed and shall remain on file in the office of the City Clerk where it shall be available for inspection. The budget so certified shall be reproduced and copies made available for the use of departments, offices and agencies of the City.

(As amended, 1959 Statutes, Senate Concurrent Resolution No. 37; Chapter 121)

§ 1305. Budget – Appropriations.

From the effective date of the budget, the several amounts stated therein as proposed expenditures shall be and become appropriated to the several departments, offices and agencies for the respective objects and purposes therein named. 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 City 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.

§ 1306. Tax system and collection of taxes.

(Repealed by electors at an election held March 7, 2000, Charter Chapter 11 of the State *Statutes of 2000*)

§ 1306.5. Budget and levy of taxes for interim period between fiscal years.

(Repealed by electors at an election held March 7, 2000, Charter Chapter 11 of the State *Statutes of 2000*)

§ 1307. Tax limits.

(Repealed by electors at an election held March 7, 2000, Charter Chapter 11 of the State *Statutes of 2000*)

§ 1308. Tax liens.

(Repealed by electors at an election held March 7, 2000, Charter Chapter 11 of the State *Statutes of 2000*)

§ 1309. Bonded debt limit.

The bonded indebtedness of the City may not in the aggregate exceed the sum of fifteen percent (15%) of the total assessed valuation of property within the City, exclusive of revenue bonds or any indebtedness that has been or may hereafter be incurred for the purposes of acquiring, constructing, extending, or maintaining municipally owned utilities, for which purposes a further indebtedness may be incurred by the issuance of bonds, subject only to the provisions of the **State Constitution** and of this Charter.

§ 1310. Contracts on public works.

Every contract involving an expenditure of more than one thousand dollars (\$1,000.00) for the construction or improvement, (excluding maintenance and repair), of public buildings, works, streets, drains, sewers, utilities, parks and playgrounds shall be let to the lowest responsible bidder after notice by publication in an official newspaper by one or more insertions, the first of which shall be at least ten days before the time for opening bids.

The City Council may reject any and all bids presented and may re-advertise in its discretion.

The City Council, without advertising for bids, or after rejecting bids, or if no bids are received, may declare and determine that, in its opinion, 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 four affirmative votes, it may proceed to have said work done in the manner stated, without further observance of the provisions of this section. Such contracts likewise may be let without advertising for bids, if such work shall be deemed by the City Council to be of urgent necessity for the preservation of life, health or property, and shall be authorized by motion passed by at least four affirmative votes and containing a declaration of the facts constituting such urgency.

§ 1311. General fund.

The City Council shall maintain a General Fund for the purpose of accounting for the general government revenue and the expenditures of the various City departments resulting from the provision of general government services.

The City Council shall maintain a General Contingency Reserve Fund. A reserve shall be built up in this fund from any available sources including any excess of revenues over expenditures in the General Fund during any fiscal year.

The City Council may establish reserve accounts in the General Contingency Reserve Fund as needed to segregate monies for particular purposes. Transfers may be made by the City Council from the General Contingency Reserve Fund to any other fund or funds, of such sum or sums as may be required for the purposes Council deems appropriate.

(Amended by electors at an election held March 7, 2000, Charter Chapter 11 of the State *Statutes of 2000*)

§ 1312. Capital project funds.

Capital Project funds shall be created and maintained as necessary to segregate and account for specific capital improvement project transactions and appropriations shall be included in the Capital Improvement Project Budget.

(Amended by electors at an election held March 7, 2000, Charter Chapter 11 of the State *Statutes of 2000*)

§ 1313. Department funds.

The City Council shall maintain separate accounting records for the collection of revenues and disbursement of expenditures that are related to specific functions as determined by federal, state, other agency laws or City Charter provisions and regulations or as determined by Council action. These specific functions include, but are not limited to: the various City utilities whose operations are funded by user charges; grant programs; and trust funds established by bequest. Separate funds or accounts shall be maintained such that proper reporting can be made at any time.

(Amended by electors at an election held March 7, 2000, Charter Chapter 11 of the State *Statutes of 2000*)

§ 1314. Petty cash funds.

The City Council may provide for revolving petty cash funds, to be paid to the City Manager or department heads and used for payment in cash of expenditures provided for in the budgets that cannot conveniently be paid otherwise. The City Manager, and such department heads, shall account to the City Council for all disbursements made therefrom when making demand for replenishment of the same

and at such other times as the Council may require and the amounts shall thereupon be charged against the proper appropriations.

§ 1315. Presentation of demands.

(Repealed by electors at an election held March 7, 2000, Charter Chapter 11 of the State *Statutes of 2000*)

§ 1316. Registering warrants.

(Repealed by electors at an election held March 7, 2000, Charter Chapter 11 of the State *Statutes of 2000*)

§ 1317. Actions against City.

No suit or action for money or damages, whether sounding in tort, contract or some other theory, may be brought against the City, or any board, commission, agency or officer, agent or employee thereof, until a claim has been filed with the City, and either the City acts on the claim or it is deemed denied by operation of law. The procedures prescribed by State law governing the presentations, consideration and enforcement of claims against cities and its officers, agents and employees shall apply to the presentation, consideration and enforcement of claims against the City. Claims for money or damages which are excepted from or not covered by State law may be governed by the procedures established by City ordinance.

(Amended by electors at an election held March 7, 2000, Charter Chapter 11 of the State *Statutes of 2000*)

§ 1318. Centralized purchasing.

A centralized purchasing system shall be established for all City Departments, offices, and agencies. The City Manager shall recommend and the City Council shall consider and adopt by ordinance, rules and regulations governing the contracting for purchasing, storing, distribution, or disposal of all supplies, materials and equipment, required by any department, office or agency of the City government.

§ 1319. Independent audit.

The Council shall employ, at the beginning of each fiscal year, an independent certified public accountant who shall audit the books, records and accounts of all officers and employees of the City who receive, administer or disburse public funds, and such other officers, employees, departments and agencies as the Council may direct. Such audit shall be made at such times as may be prescribed by the City Council but shall be at least annually.

As soon as practicable after the end of the fiscal year, a final audit and report shall be submitted by such independent accountant to the Council, the City Manager and the City Attorney. Three (3) copies of the audit shall be placed on file in the City Clerk's office where they shall be available for public inspection.

(Amended by electors at an election held March 7, 2000, Charter Chapter 11 of the State *Statutes of 2000*)

§ 1320. Utilities fund.

Receipts from the utilities operated by the City shall be paid into the City Treasury and maintained in a separate utilities fund for such utilities. Expenditures from such fund shall be made for the following

purposes only for such utilities in the order named, viz.:

- (a) For the payment of operating expenses, pension charges and proportionate payments to such compensation and other insurance and accident reserve funds as the City or the City Council may establish;
- (b) For repairs and maintenance;
- (c) For the payment of interest and sinking funds on bonds issued for acquisition, construction or extensions;
- (d) For the payment of five per cent of the gross receipts from such utilities to the general fund of the City; subject, however, to such limitations as may be contained in any resolution or indenture heretofore adopted providing for the issuance of revenue bonds for the acquisition, construction or improvement of such utilities, which bonds are now outstanding or may hereafter be issued under such existing resolution or indenture;
- (e) For extensions and improvements;
- (f) For the establishment of a sinking fund within the utilities fund for the replacement of utilities property in the minimum amount of two million five hundred thousand dollars (\$2,500,000.00).

The City Council shall cause records to be kept of the receipts and expenditures of each utility and of credits and debits of each utility in the aforementioned utilities fund. The City Council may, however, order expenditures from the utilities fund for any utility even though that utility has no credit in the utilities fund, provided only that the balance in the utilities fund is greater than the proposed expenditure. (As Amended, 1967 Statutes, Senate Concurrent Resolution 35; Chapter 61; Amendment ratified 11-4-80; Amended by electors at an election held November 8, 2023, Charter Chapter 18 of the State *Statutes of 2023*)

§ 1321. Revenue bonds.

- (a) The City Council, when authorized at an election as hereinafter provided, shall have power to issue revenue bonds for the purposes authorized by the general laws of the State of California including the issuance of refunding revenue bonds and also shall have power to borrow money and incur indebtedness for any and all revenue producing works, undertakings, enterprises and utilities (hereinafter in this section referred to as "works") to the end that, as far as practicable, all such works shall be self sustaining and shall be paid for directly out of the revenues therefrom. Such works may be financed through the issuance of revenue bonds.
- (b) Neither such revenue bonds, nor the interest accruing thereon, shall be, or evidence, indebtedness of the City. Such revenue bonds, and the interest accruing thereon, shall be a charge solely upon such of the revenues of the works on account of which they are issued as by the terms of their issuance are so charged therewith, but shall not be a charge, lien or encumbrance, legal or equitable, upon, nor shall any recourse on account thereof be had against any income, receipts, revenues, funds, or property of the City, other than such charge upon such revenues of the work on account of which they are issued, and neither the credit nor the taxing power of the City shall be deemed to be pledged to, or charged with, such payment, nor shall the holder of any such bond have any right to compel the exercise of such taxing power.
- (c) The City Council may avail itself of any of the procedures now or hereafter authorized by the general laws of the State of California for the issuance of revenue bonds or the City Council may, by ordinance or resolution effective upon adoption set up and establish a procedure for the issuance of such revenue bonds, the calling and holding of elections therefor, and all matters pertaining to the issuance and sale of such bonds; provided, however, that the issuance of said revenue bonds shall be submitted to the electors at an election and the votes of a majority of all those voting on the proposition shall be required to authorize the issuance of the bonds.

- (d) Nothing in this section or elsewhere in this Charter, shall preclude the issuance, when authorized by two-thirds vote of the duly qualified electors of the City voting upon the proposition, of bonds of the City, for the purposes of any works, pursuant to proceedings therefor taken in accordance with the Constitution and general laws of the State. It is nevertheless the intention of this Charter that all principal and interest accruing on such bonds of the City if any, shall be provided currently out of the revenue fund pertaining to the works on account of which such bonds of the City shall have been issued, so far as it is practicable to make such provisions after the payment of all costs of operation and maintenance of said works and of all principal and interest on revenue bonds of the City issued on account of said works, and that so far as such current provision is not practicable, the general funds of the City shall be reimbursed out of said revenue fund, as soon as practicable, for all moneys paid from such general funds on account of such bonds of the City.
- (e) The City Council shall have power to issue revenue bonds to finance the generation, production, transmission and distribution of electric energy, including the acquisition and/or construction of lands and facilities therefor, without authorization at an election. The City Council may avail itself of the procedures now or hereafter authorized by the general laws of the State of California for the issuance of such revenue bonds or the City Council may, by ordinance or resolution effective upon adoption, set up and establish a procedure for the issuance of such revenue bonds and all matters pertaining to the issuance and sale of such bonds. This section (e) does not authorize the financing of a nuclear plant, or an interest therein, unless approved by an election.

(Amendment ratified 11-3-81)

Article XIV. Franchises

§ 1400. Procedure; terms.

The City Council may by ordinance provide a procedure for the granting of franchises or grant franchises pursuant to the procedure provided by the State law. Franchises may be granted for the use by any public utility of the streets, public places or property of the City upon such terms, conditions, restrictions and limitations as may be prescribed by ordinance, but no franchise shall be granted without reserving to the City adequate compensation for the privilege conferred. Such franchises may be granted either for a fixed or an indeterminate period.

Article XV. Reserved

Code reviser's note: At an election held on November 7, 1972, the electors repealed former Art. XV, section 1500 - 1505, pertaining to the police court. Said former article was adopted by the electors at an election held on April 2, 1951, and approved by the State legislature on April 25, 1951. The repeal of said Art. XV was approved by Senate Concurrent Resolution (1973 Stats., Res. Ch. 10).

Article XVI. Reserved

Code reviser's note: At an election held on November 7, 1972, the electors repealed former Art. XVI, section 1600, pertaining to the school department. Said former article was adopted by the electors at an election held on April 2, 1951, and approved by the State legislature on April 25, 1951, and amended by the State legislature (1957 Stats., p. 4459). The repeal of said Art. XVI was approved by Senate Concurrent Resolution (1973 Stats., Res. Ch. 10).

Article XVII. Reserved Powers, State Election Code and Amendments to State Elections Code

§ 1700. Reserved powers.

(Repealed by electors at an election held March 7, 2000, Charter Chapter 11 of the State *Statutes of 2000*)

§ 1701. State Elections Code.

(Repealed by electors at an election held March 7, 2000, Charter Chapter 11 of the State *Statutes of 2000*)

§ 1702. Amendments to State Elections Code.

(Repealed by electors at an election held March 7, 2000, Charter Chapter 11 of the State *Statutes of 2000*)

Article XVIII. Miscellaneous

§ 1800. Definitions.

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

- (a) **"Shall"**
is mandatory, and "may" is permissive.
- (b) **"City"**
is the City of Santa Clara and "department," "board," "commission," "agency," or "employee," is a department, board, commission, agency, officer or employee as the case may be, of the City of Santa Clara.
- (c) The masculine and feminine gender include the neuter.
(Amended by electors at an election held March 7, 2000, Charter Chapter 11 of the State *Statutes of 2000*)

§ 1801. Violations.

The violation of any provision of this Charter shall be deemed a misdemeanor and be punishable upon conviction by a fine of not exceeding one thousand dollars (\$1,000.00) or by imprisonment for a term of not exceeding one year or by both such fine and imprisonment.

§ 1802. Validity.

If any provisions 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.

§ 1803. Effective date.

For the purpose of nominating and electing members of the City Council, this Charter shall take effect from the time of its approval by the legislature. For all other purposes it shall take effect on the Tuesday next succeeding the date of election of the first City Council at 8:00 P.M.