

THE CHARTER OF THE CITY OF SANTA CLARA CALIFORNIA (~~CURRENT~~*REVISED*
VERSION)

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effect, and not in conflict or inconsistent herewith, are hereby continued in force until the same shall have been duly repealed, amended, changed or superseded by proper authority.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 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 ~~Enumeration.~~ City elected officers.

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

The elective officers of the City shall consist of a City Council composed of seven members, ~~the~~ ~~The~~ Chief of the Police Department and the City Clerk ~~shall be elected from the city at large, at the time and in the manner in this charter provided for election of the.~~ **The members of the City Council, (which includes the office of the Mayor), the Chief of the Police Department and the City Clerk and shall serve for a term of four years, all as provided in Charter Amendment (1953 Statutes 3929).**

~~At the general municipal election to be held in the City on the first Tuesday in April, 1969, and each fourth year thereafter, the Mayor of the City shall be elected from the City at large for a term to commence on the first Monday in May following such election 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 his a successor is elected and qualified. A 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 and, his or her election does not change the number of Councilmen from seven, the office of Mayor shall be separately voted upon and is a separate office. Except as to the municipal election to be held in the City on the first Tuesday in April, 1969, no Council members from seven.

~~No person shall be a candidate for both Mayor and a City Council seat at the same election. However, an Any person having a plurality of all votes cast from the City at large for Mayor shall be declared duly elected Mayor, and he shall not be elected at the same election he is so elected Mayor to any other Council office, although any person at said 1969 election can be a candidate for such offices at the same election. Votes cast for him at such election for any Council office other than Mayor shall not be counted in determining whether plurality of votes were cast in such election for such officer for Council, or have any other significance.~~

~~Any incumbent member of the City Council may run for such the elective office of Mayor, and the Mayor may run for the separate offices office of Mayor or other City Council office; however, no. However, at no time shall a member of the Council, including the Mayor, shall hold more than one City elective office. (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) 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 numbered Council seat other than the one which he or she holds.~~

§ 600.01 Municipal elections.

~~Commencing with the year 1981~~ **2000**, a regular election shall be held in the City of Santa Clara on the ~~regular election dates as from time to time established by the California Legislature to select governing board members in the Santa Clara Unified School District or successor~~ **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 ~~by the general laws~~ **the California Elections Code**, shall be known as special elections. (Amendment ratified 4-5-77; Amendment ratified 11-6-79)

§ 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.~~

~~With the exceptions herein provided, and as provided for removal from office, all candidates elected after the effective date of this Section, at any general municipal election prescribed in the Charter to an office for other than for an unexpired term, shall serve for a term of four years, commencing forthwith on completion of the canvass of ballots of such election, and continuing until their respective successors shall have been elected and qualified. Candidates so elected in the years 1973 and 1975 are excepted, and each shall serve for a term commencing on the first Monday in May of such years following each of such elections and such terms shall end in the fourth year following the respective election at which the candidate was elected, upon completion of the canvass of ballots of the general municipal election held in such year and at the time their respective successors shall have been elected and qualified.~~

~~The effective date of this section shall be deemed to mean the date this section as it now reads becomes effective. (Added by electors at election held November 7, 1972, approved by Senate Concurrent Resolution (1973 Stats., Res. Ch. 10))~~

~~§ 601 Eligibility.~~

~~Following the effective date of this Section, no person shall be eligible to be a candidate for or to take or hold any elective office of the City of Santa Clara unless he is a resident and a qualified registered elector of the City, and has resided in the City for the year next preceding the date of his election or appointment to such office.~~

~~The effective date of this Section shall be deemed to mean the date this Section as it now reads becomes effective. (Added by electors at election held November 7, 1972, approved by Senate Concurrent Resolution (1973 Stats., Res. Ch. 10))~~

Article VII. The Council

§ 700 Term – Method of holding elections.

~~The members of the City Council shall be elected from the city at large, at the times and in the manner in this Charter provided, and shall serve for a term of four years.~~

~~There shall be a general election held on the first Tuesday in April, 1952, at which election the four candidates receiving the highest number of votes shall serve until the first Monday in May, 1955, the three candidates receiving the next highest number of votes shall serve until the first Monday in May, 1953. The term of all members shall commence on the first Monday in May following such elections and each member shall serve until his successor is elected and qualified.~~

Any ties in voting shall be settled by the casting of lots. Thereafter a regular election shall be held in the City of Santa Clara on the first Tuesday in April of each odd numbered year, and the same shall be known as the general municipal election. All other municipal elections that may be called under the authority of this Charter, or by the general laws, shall be known as special elections. Any special election may be consolidated with a general municipal election or with any State or County election held in the city, in which case only one ballot need be printed for such consolidated election.

Notice of the holding of any election may be given by the City Council either by ordinance or notice published in an official newspaper at least twenty (20) days before the date of such election, and one publication of said ordinance or notice shall be sufficient. In case there be no newspaper designated as an official newspaper in said City, then such notice may be given by posting a copy of said ordinance or notice in a conspicuous place in the office of the City Clerk of said City at least twenty (20) days before such election. No error, omission or defect in said notice shall be cause to invalidate any election held under the provisions of this Charter.

The mode of nomination of officers to be voted for at any municipal election held hereunder shall be as follows:

Not earlier than the sixtieth day (60th) nor later than five o'clock P.M. of the thirtieth (30th) day before such election, electors of the City may by written nomination papers present names of candidates for election. Each candidate shall be proposed by not less than twenty (20) nor more than thirty (30) qualified electors, but only one candidate shall be named in any one nomination paper. No elector shall sign more than one nomination paper for the same office, but each seat on the City Council shall be deemed to be a separate office. Any person or persons may circulate a nomination paper.

The signatures to each nomination paper shall all be appended on the same sheet of paper and each signer shall add thereto his place of residence and the date of signing. All such nomination papers shall be filed with the City Clerk not later than five o'clock P.M. of the thirtieth (30th) day before such election, and shall have annexed thereto an affidavit of the person who circulated the same to the effect that he saw all signatures written thereto and knows that they are the bona fide signatures of the persons whose names they purport to be. Each nomination paper shall be accompanied by a verified statement of the candidate that he will accept the office in the event of his election.

Upon the filing of such nomination papers, the City Clerk shall immediately cause the Great Register to be examined and shall ascertain therefrom whether such paper is signed by the requisite number of qualified electors, and shall within five days of said filing attach his certificate thereto showing the result of such examination or nomination.

The returns of each election precinct shall be filed with the City Clerk and no persons shall be permitted access to them until canvassed by the City Council. Not later than the seventh day after any election, and at the usual hour and place of meeting, the City Council shall meet and canvass the returns and declare the result. Any such canvass may be held earlier than seven days after such election provided that all absentee ballots furnished for such election have been returned to the Clerk. The City Council may adjourn from day to day for the purpose of completing any such canvass.

After having been canvassed, the returns shall be sealed up by the Clerk for six months and no person shall have access to them except upon order of a Court of competent jurisdiction.

~~After the result of an election is declared the Clerk, under his hand and the official seal of said City, shall issue a certificate thereof and deliver the same personally or by mail to the person elected.~~

~~Notwithstanding any provision contained in this Charter, the City Council may, by ordinance, provide that all municipal elections shall be held in accordance with the provisions of any state or general law as the same now exists or may hereafter be enacted or amended relative to the conduct, manner and holding of any municipal election.~~

~~No primary election shall be held for municipal officers.~~

~~The persons having the plurality of all votes cast for each of the respective offices voted for shall be declared duly elected.~~

~~In any election held in said City, the City Council shall have the power to provide for the number, naming and compensation of election officers, the number of voting precincts, and the consolidation of the election precincts and the hours between which the polls will be open.~~

~~§ 700.1 Offices separately filled.~~

~~The office of each member of the City Council, including the office of the Council member who is Mayor, is and shall be deemed to be a separate office to be separately filled. No person shall be a candidate for more than one such office; and, 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 numbered Council seat other than the one which he holds.~~

~~Nothing in this Section or in Section 700.2 of this Charter shall change the effect in any way of any disqualification of a member of the Council, including the Mayor, to serve more than two consecutive elective terms. It is intended that these sections will not affect any such qualification at all, either retrospectively or prospectively. (Added by electors at election held November 7, 1972, approved by Senate Concurrent Resolution (1973 Stats., Res. Ch. 10))~~

~~§ 700.2 Elections: Designation of seats.~~

~~Subject to other provisions of this Charter, the first election following the effective date of this Section at which a Mayor and members of the City Council shall be elected shall be the general municipal election held in the year 1973. At the general municipal election held in the year 1973, persons shall be elected to fill the seats of those three members of the Council, including the Mayor, whose terms expire at the end of the day immediately preceding, the first Monday of May, 1973. At the general municipal election held in the year 1975, persons shall be elected to fill the seats of those four members of the Council whose terms expire at the end of the day immediately preceding the first Monday of May, 1975. Thereafter, at each general municipal election, successors shall be elected to fill the seats of those members of the Council, including the member of the Council who is also the Mayor, whose terms of office are about to expire.~~

~~For purposes of said 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.~~

Commented [COMMENT1]: This is the current provision. However, the other references to the Elections Code have been deleted.

§ 700.1 Elections - Designation of seats.

For purposes of City Council elections, each Council office shall be designated by an appropriate descriptive designation, as follows: The Council seat which on the effective date of this Section is occupied by the Mayor shall continue to be designated as "Mayor"; each of the other six seats, respectively, shall be designated by the Council within one week of the effective date of this Section, if not previously so designated, as "Councilman, Seat No. 2," "Councilman, Seat No. 3," "Councilman, Seat No. 4," "Councilman, Seat No. 5," "Councilman, Seat No. 6," and "Councilman, Seat No. 7," as "Council Member Seat No. 2", "Council Member Seat No. 3", "Council Member Seat No. 4", "Council Member Seat No. 5", "Council Member Seat No. 6" and "Council Member Seat No. 7" respectively, and shall continue to be designated by the respective designation. The designation so given to each such office shall thereafter be used in all election, nomination papers, certificates of election, and other election papers pertaining or referring to such office, and to designate incumbency in such office. The effective date of this Section shall be deemed to mean the date this Section as it now reads becomes effective. (Added by electors at election held November 7, 1972, approved by Senate Concurrent Resolution (1973 Stats., Res. Ch. 10))

§ 701 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.

§ 701.1 Term limits.

~~No person shall be eligible to hold any elective office in the City including Mayor, City Council, Chief of Police Department and City Clerk, unless he shall be a qualified elector, and shall have been a resident of the City for at least three years next preceding the date of his election or appointment to such office.~~

A member of the Council shall not serve more than two consecutive elective terms as such, and shall be ineligible for reelection or appointment to fill a vacancy in the Council until two years after such service. 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 qualification for office, is neither term limit disqualification, is not a Council office nor the Council. For such purpose 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)

§ 702 Compensation.

Each Commencing on July 1, 2000, each member of the City Council, other than the Mayor, shall receive as compensation the sum of ~~two~~ six hundred dollars ~~(\$200.00)~~(\$600) per month;

~~and the. The Mayor shall receive an additional one hundred dollars (\$100.00) per month. As of the first Monday in May, 1969, the Mayor shall receive an additional seven hundred dollars (\$700.00) per month for a total of one thousand dollars (\$1,000.00) per month as compensation the sum of one thousand dollars (\$1,000) per month.~~

Commencing on July 1, 2001, and annually on July 1 thereafter, the compensation of the Council and Mayor shall increase by a percentage equal to the percentage increase in the preceding calendar year's annual average of the Consumer Price Index as determined by the United States Department of Labor, Bureau of Consumers (CPI-U), San Francisco, Oakland, San Jose subgroup - all items, or successor index. However, the compensation increase shall in no event exceed five percent (5%) per year. The CPI base index year for the adjustment shall be calendar year 1999.

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~~ **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~~ **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)~~

§ 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 majority 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. (As approved at election held November 5, 1968, approved by Joint Resolution of Legislature filed with the Secretary of State January 15, 1969)

§ 704 Presiding officer, ~~Mayor.~~ **Mayor.**

~~At the first regular meeting in May following any municipal election at which Councilmen are elected, the Council shall elect one of its members as presiding officer, who shall have the title of Mayor. The Mayor shall be the Presiding officer.~~ **The Mayor shall be the Presiding officer.** The Mayor shall have a voice and vote in all its proceedings. ~~He~~ **He/she** shall be the official head of the ~~city~~ **City** for all ceremonial purposes. ~~He~~ **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~~ office. ~~The Mayor shall serve in such capacity at the pleasure of the City Council.~~ **his/her office.**

~~As of the first Monday in May, 1969, the Mayor shall be elected from the City at large and upon assuming such elective office, he shall not serve in such capacity at the pleasure of the City~~

~~Council. (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)~~

~~§ 704.1 Mayor—~~ **§ 704.1 Mayor-Limitation of terms.**

No person who has been elected to the office of Mayor for two successive four-year terms shall be eligible to run for election to the office of Mayor, nor to serve as such, for any additional successive term; but the above shall not disqualify any person from running for election to the office of Mayor, nor from further service as Mayor, for any term or terms which are not successive, nor for any parts of terms which are not successive.

~~(Added by electors at election held November 5, 1968, approved by Joint Resolution of Legislature filed with the Secretary of State January 15, 1969)~~ **§ 704.2 Mayor-Political position.**

~~§ 704.2 Mayor—~~ **Political position.**

~~It is the intent of this article that as of the first Monday of May, 1969, the~~ **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 as of the first Monday of May, 1969,~~ 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~~ **he/she** recommends any increases in the City budget, ~~he~~ **he/she** shall recommend the method of financing such expenditure; and provided, further, that if ~~he~~ **he/she** proposes curtailment of service, such recommendations and ~~his~~ **his/her** reason therefor shall be specific. ~~He~~ **He/she** may also, on ~~his~~ **his/her** own account, inform the community on matters of policy or program which ~~he~~ **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~~ **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~~ **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)~~

~~§ 704.4 Mayor~~ § 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 ~~pro tempore~~.

The City Council shall also designate one of its members as Vice Mayor ~~Pro Tempore~~. The Vice Mayor ~~Pro Tempore~~ shall perform the duties of the Mayor during his ~~his/her~~ absence or disability. The Vice Mayor ~~Pro Tempore~~ 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)~~

§ 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, ~~by notice given to each member at least three hours before the time specified for the proposed meeting. A special meeting shall also be validly called, without the giving of such notice, if all members shall give their consent, in writing, to the holding of such meeting, and such consent is on file in the office of the City Clerk at the time of holding such meeting. A telegraphic communication from a member consenting to the holding of a meeting shall be considered a consent in writing. At any special meeting only such matters may be acted upon as are referred to in such notice or consent unless all members of said Council are present.~~

~~The aforesaid notice of a special meeting may be given by the City Clerk or other authorized officer or employee of said City to a member of the City Council by either:~~

~~(a) Delivering a written notice thereof to such member personally, or~~

~~(b) By telephone or other oral communication had with such member, personally informing him of the time and purpose of said meeting, or~~

~~(c) If he be absent from his place of residence and from his usual place of business in the City of Santa Clara (if he has such a place of business in said City) by leaving a copy of such written~~

notice with some person of suitable age and discretion, at either place, or
(d) If such a person of suitable age or discretion cannot be found at either place, then by affixing a copy of said written notice in a conspicuous place at the place of the residence of such member, pursuant to the provisions of the Brown Act, specifically Government Code Section 54956, as amended from time to time.

§ 709 Place of meeting.

All meetings shall be convened in the Council Chambers of the City Hall but may be thereafter adjourned to such other location as may be selected by the City Council. All meetings of the City Council shall be open to the public. If, by reason of fire, flood or other emergency, it shall be unsafe to meet in the place designated, the meetings may be held for the duration of the emergency at such place as is designated by the Mayor, or if he should fail to act, by four members of the City Council, 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.

§ 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 fifty thousand~~ **fifty thousand** dollars (~~\$500,000~~)**(\$50,000)** 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 per cent 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.

§ 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 ~~his/her~~ executive and administrative qualifications, ~~but need not be a resident of the City or State at the time of his appointment but he shall reside within the City during his tenure of office, provided suitable quarters therein can be obtained. No City Councilman.~~ **No City Council member** shall receive such an appointment during the term for which ~~he~~ **he/she** shall have been elected, nor within two years thereafter.

§ 801 Compensation.

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

§ 802 Powers and duties.

The City Manager shall be chief executive officer and the head of the administrative branch of the City government. ~~He~~ **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~~ **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~~ **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~~ **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~~ **him/her**.

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

§ 803 Rules and regulations.

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

§ 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~~ **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~~ **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~~ **him/her** forthwith any unpaid balance of ~~his~~ **his/her** salary and ~~his~~ **his/her** salary for the next calendar month following adoption of the preliminary resolution.

§ 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~~ **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 ~~Councilman~~ **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 ~~Councilman~~ **Council Member**.

§ 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 ~~at least once in an official newspaper of the City at least three days before its adoption, provided, however, that~~ **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 ~~in full as amended 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.

§ 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 ordinance to be published at least once, in an official newspaper at least three days before its adoption. 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 factual summary of the ordinance and a list of the places where copies of the full text of the proposed ordinance are posted.

§ 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 ordinance code. City Code.

An ordinance 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 ordinance code 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 Code shall be filed in the City Clerk's Office, for examination by the public. After the code Code has been adopted, ordinances may be amendatory or revisory of the code Code. Sections of the code Code shall not be revised or amended by reference but readopted and published at length as revised or amended.

§ 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 and Police Judge 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.

~~*Code reviser's note: Section 900 originally provided for appointment of the City Clerk. However, in 1953 Statutes, p. 3929, both the City Clerk and the Chief of Police were made elected officials. Thus references to such offices were deleted from Section 900 and the appropriate provisions were inserted in Section 600 of this Charter.~~

§ 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~~ 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 his/her office as may be required of ~~him~~ him/her by the City Manager.

§ 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 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.

§ 905 City Engineer and Department of Public Works.

(a) City Engineer. The City Engineer shall be a Registered Professional Engineer in the State of California, and he he/she shall have the power and be required to:

- (1) Supervise and be responsible for all City engineering work, including the preparation of engineering maps, surveys, and designs.
 - (2) Perform such other duties as the City Council may from time to time prescribe, either by ordinance or resolution.
 - (3) On vacating the office, surrender to his his/her successor all maps, plans, field notes and other records and memoranda belonging to the City and pertaining to his his/her office and the work thereof.
- (b) 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)

§ 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~~ **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.

§ 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~~ **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~~ **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~~ **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~~ **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~~ **his/her** appointment.

§ 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~~ **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.

§ 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~~ **his/her** office shall take, subscribe to and file with the City Clerk the following oath of affirmation:

"I do solemnly swear (or affirm, ~~as the case may be~~) that I will support and defend the Constitution of the United States and the Constitution of the State of California, ~~and that I will~~ **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 of the office of (here inserting the name of office) according to the best of my ability." And such other oath as may be required by law or ordinance. upon which I am about to enter."**

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; ~~chairman~~ 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.

§ 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~~ **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 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)

§ 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 ~~Master~~ **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 ~~other functions~~ **planning, zoning, environmental or other function** as now or may be hereafter authorized by ~~the provisions of the Conservation and Planning Act of~~ the State of California in so far as they do not conflict with the provisions of this Charter.

§ 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.

§ 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.

§ 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.

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; ~~and~~
 - (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, ~~and except positions under the Board of Education. (As amended 1965 Statutes, Senate Concurrent Resolution No. 74, Chapter 101).~~

§ 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~~ ~~he/she~~ shall revert to ~~his~~ ~~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~~ ~~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~~ ~~he/she~~ shall be retired in lieu of being restored to ~~his~~ ~~his/her~~ former position.

§ 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 § 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 § 1106 was approved by Senate Concurrent Resolution (1973 Stats., Res. Ch. 10).

§ 1107 Prohibitions.

No person shall wilfully 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 himself/herself or with others wilfully 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 he/she is an officer or employee of the City, immediately forfeit his his/her office or position.

§ 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~~ **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~~ **he/she** may deem advisable.

§ 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~~ **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)~~

§ 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.~~

~~The City Council shall have power to avail itself of any law of the State of California now or hereafter in force, insofar as such provisions are not in conflict with this Charter, whereby the assessment of property and the collection of taxes may be made by the officers of the County in which the City of Santa Clara is located. The Council may, by an ordinance, provide for the assessment of property and the collection of taxes by officers of the City. Such an ordinance may create the offices of Assessor and Tax Collector and provide for their consolidation with any other offices of the City now or hereafter existing, and give to such officers any or all of the powers authorized by general law.~~

~~If the City Council fails to fix the rate and levy taxes on or before August 15 or the date previously established by ordinance in any year, the rate for the next preceding fiscal year shall thereupon be automatically adopted and a tax at such rate shall be deemed to have been levied on all taxable property in the City for the current fiscal year. (As amended 1959 Statutes, Senate Concurrent Resolution No. 37; Chapter 121)~~

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

~~If a change of a fiscal year results in the existence of a period between fiscal years for which no budget has been adopted, the City Council shall adopt an "interim budget" for said period. The council may include in the tax levy for the fiscal year following said interim period a tax levy for the raising of sufficient funds with which to operate the City during said period. The tax limits provided for in this Charter shall be applicable to the levy of taxes for said interim period at the rate of one twelfth of any such limit for each month of said period. (As added 1959 Statutes, Senate Concurrent Resolution No. 37; Chapter 121)~~

~~§ 1307 Tax limits.~~

~~Exclusive of special levies permitted by this Charter, the City Council shall not levy a property tax in excess of one dollar (\$1.00) on each one hundred dollars (\$100.00) of the assessed value of taxable property in the City for municipal purposes, unless authorized by the affirmative votes of two thirds 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.~~

~~There shall be levied and collected at the time and in the same manner as other property taxes for municipal purposes are levied and collected, as additional taxes, if no other provision for payment thereof is made:~~

~~(a) A tax sufficient to meet all liabilities of the City for principal and interest of all bonds or judgments due and unpaid, or to become due during the ensuing fiscal year; and~~

~~(b) A tax sufficient to meet all obligations of the City to the State Employees' Retirement System, exclusive of charges payable under Section 1320 hereof, if any, due and unpaid or to become due during the ensuing fiscal year.~~

~~Special levies, in addition to the above, not to exceed the aggregate amount, of thirty five cents (\$.35) on each one hundred dollars (\$100.00) of the assessed value of taxable property in the City may be made annually, based on approved budget requirements, for the following specific purposes: Parks, recreation, city planning, libraries, advertising, and emergency funds for disaster relief. The proceeds of any such special levy shall be used for no other purpose than that specified.~~

~~§ 1308 Tax liens.~~

~~All taxes assessed together with any percentage imposed for delinquency and the cost of collection, shall constitute liens on the property assessed; every tax upon the personal property shall be a lien upon the real property of the owner thereof. The liens provided for in this section shall attach as of the first Monday in March in each year, and may be enforced by actions in any court of competent jurisdiction to foreclose such liens, or by sale of the property affected at public auction or in case any of said lands may be necessary for school purposes then at private sale to a school district, and the execution and delivery of all necessary certificates and deeds therefor, under such regulations as may be prescribed by ordinance; provided, that when real estate is offered for sale for City taxes due thereon, the same may be struck off and sold to the City, in like case and in like manner and with like effect and with like right of redemption, as it may be struck off and sold to the State when offered for sale for State and County taxes; and the Council shall have power to provide for the procedure to be followed in such sales to the City and redemption thereafter. §§ 1306, 1306.5, 1307, 1308 - Repealed~~

§ 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 **fifty** thousand dollars ~~(\$1,000.00)~~**(\$50,000)** 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 (10) days before the time for opening bids.

The fifty thousand dollar (\$50,000) contract amount shall be annually increased by a percentage equal to the percentage increase in the preceding calendar year's annual average of the Consumer Price Index as determined by the United States Department of Labor, Bureau of Consumers (CPI-U), San Francisco, Oakland, San Jose subgroup - all

items, or successor index. The CPI base index year for the adjustment shall be calendar year 1999.

The City Council may reject any and all bids presented and may readvertise 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 (4) 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 (4) affirmative votes and containing a declaration of the facts constituting such urgency.

§ 1311 Cash-basis General fund.

~~The City Council shall maintain a revolving fund, to be known as the "Cash Basis Fund" for the purpose of placing the payment of the running expenses of the City on a cash basis~~ **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.**

City Council shall maintain a General Contingency Reserve Fund. A reserve shall be built up in this fund from any available sources ~~in an amount which the City Council deems sufficient with which to meet all lawful demands against the City for the first five months, or other necessary period, of the succeeding fiscal year prior to the receipt of ad valorem tax revenues including any excess of revenues over expenditures in the General Fund during any fiscal year.~~

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 ~~such fund the General Contingency Reserve Fund to any other fund or funds, of such sum or sums as may be required for the purpose of placing such fund, as nearly as possible, on a cash basis.~~

~~§ 1312 Capital outlays funds.~~

~~A fund for capital outlays, generally, is hereby created, to be known as the "Capital Outlays Fund." The City Council may at any time create by ordinance a special outlay fund or funds for special capital outlay purposes. The City Council may levy and collect taxes for capital outlays and may include in the annual tax levy a levy for such purposes in which event it must apportion and appropriate to any such capital outlay fund or funds the moneys derived from such levy. It may not, in making such levy, exceed the maximum tax rate provided for in this Charter, unless authorized by the affirmative votes of two-thirds of the electors, voting on the proposition in any election at which such question is submitted. The City Council may transfer to any such fund any~~

~~unencumbered surplus funds remaining on hand in the City at any time.~~

~~Once created, such fund shall remain inviolate for the purpose for which it was created; if for capital outlays generally, then for any such purposes, and if for a special capital outlay, then for such purpose only, unless the use of such fund for some other purpose is authorized by the affirmative votes of a majority of the electors voting on such proposition at a general or special election at which such proposition is submitted.~~

~~If the purpose for which any capital outlay fund has been created has been accomplished, the City Council may transfer any unexpended or unencumbered surplus remaining in such fund to the fund for capital outlays, generally, established by this Charter. The provisions of this section shall not apply to the Utilities Fund established by Section 1320 hereof.~~

~~§ 1313 Department trust fund.~~

~~The City Council shall prescribe by ordinance for the setting up of a "Departmental Trust Fund" into which the collections of the various departments, offices and agencies shall be deposited through the Director of Finance. Withdrawals from such fund may be made by the Director of Finance only on order signed by the proper department or division head and for the following purposes:~~

~~(a) The making of refund of bail which has been exonerated or of other refundable deposits;~~

~~(b) The making of transfers to various City Funds at the end of each calendar month of monies accumulated during the month for such funds. purposes Council deems appropriate.~~

~~§ 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.~~

~~§ 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.~~

~~§ 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.~~

~~Each demand against the City shall be presented to the City Manager. If the amount thereof is~~

~~legally due and there remains on his books an unexhausted balance or an appropriation against which the same may be charged, he shall approve such demand and a warrant shall be drawn on the City Treasury therefor, payable out of the proper fund. Objections of the City Manager may be overruled by the City Council and the warrant ordered drawn.~~

~~§ 1316 Registering warrants.~~

~~Warrants on the City Treasury which are not paid for lack of funds shall be registered. All registered warrants shall be paid in the order of their registration when funds therefor are available and shall bear interest from date of registration at such rate as shall be fixed by the City Council by resolution. §§ 1315 and 1316 - Repealed~~

§ 1317 Actions against city.

No suit shall be brought on any claim 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. ~~against the City or any department, officer, or agency thereof until a demand for the same has been presented as herein provided and rejected in whole or in part. If rejected in part, suit may be brought to recover the whole. Except in those cases where a shorter time is otherwise provided by law, all claims for damages against the City must be presented to the City Manager within ninety (90) days after the occurrence, event or transaction from which the damages allegedly arose, and shall set forth in detail the name and address of the claimant, the time, date, place and circumstances of the occurrence and the extent of the injuries or damages received; all other claims or demands shall be presented within ninety (90) days after the last time of the account or claim occurred.~~

~~In all cases such claims shall be approved or rejected in writing and the date thereof given. Failure to act upon any claim or demand within sixty (60) days from the day the same is filed with the City Manager shall be deemed a rejection thereof.~~

§ 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 City Council shall employ, at the beginning of each fiscal year, a **an independent** certified public accountant who, ~~at least semi-annually, shall examine the customers' accounts, and all~~ **shall audit** the books, records, inventories and reports and accounts of all officers and

employees of the City who receive, handle administer or disburse public funds, and of such other officers, employees, departments or agencies as the City Council may direct. At the end of the year, a final and complete 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 accountant to the City Council, one copy thereof to be distributed to each member, one to the City Manager, and one to the City Attorney, respectively, and three additional copies to 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 of the City Clerk where they may shall be available for public inspection by the general public.

§ 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 not to exceed five per cent of the gross receipts from such utilities to the general fund of the City in payment for services rendered; 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)

§ 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, §§ 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, § 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 Elections Code and Amendments to State Elections Code § 1700 Reserved powers.

~~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. (Amended May 21, 1963, Chapter 102, Senate Concurrent Resolution No. 62)~~

§ 1701 State Elections Code.

~~The provisions of the Elections Code of the State of California, as the same exists on January 1, 1963, governing the initiative and referendum and the recall of municipal officers, shall apply to the use thereof in the City so far as such provisions of the Elections Code are not in conflict with the provisions of this Charter. (Amended May 21, 1963, Chapter 102, Senate Concurrent Resolution No. 62)~~

§ 1702 Amendments to State Elections Code.

~~The City Council, by ordinance, may adopt any future amendments to the provisions of the Elections Code of the State as adopted by Section 1701 of this Charter so far as such future amendments are not in conflict with any other sections of this Charter. (Amended May 21, 1963, Chapter 102, Senate Concurrent Resolution No. 62) §§ 1700, 1701 and 1702 - Repealed~~

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 ~~includes~~ **include** the ~~feminine and~~ neuter.

§ 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.

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