

**CHARTER**  
**CITY OF COMPTON**  
**CALIFORNIA**



**REPRINTED WITH AMENDMENTS**  
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## CHARTER OF THE CITY OF COMPTON

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

### ARTICLE I

#### NAME OF CITY

**Section 100. Name.** The municipal corporation now existing and known as the “CITY OF COMPTON” shall remain and continue to exist as a body politic and corporate, as at present, in name, in fact and in law.

### ARTICLE II

#### BOUNDARIES

**Section 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

**Section 300. Rights and Liabilities.** The City of Compton, as successor in interest of the municipal corporation of the same name, heretofore created and existing, shall own, possess, control, and in every way succeed to and become the owner of rights and of property of every kind and nature by said existing municipal corporation owned, possessed or controlled, and shall be subject to all the debts, obligations, liabilities and duties of said existing corporation.

**Section 301. Ordinances Continue in Effect.** 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effect, and not in conflict or inconsistent herewith, are hereby continued in force until the same shall have been duly repealed, amended, changed or superseded by proper authority.

**Section 302. Rights of Officers and Employees Preserved.** Nothing in this Charter contained, except as specifically provided, shall affect or impair the Civil Service rights or privileges of officers or employees of the City, or of any office, department or agency thereof, existing at the time this Charter takes effect.

**Section 303. Continuance of Present Officers and Employees.** The present officers and employees shall, without interruption, continue to perform the duties of their respective offices and employments for the compensation provided by the preceding Charter, or existing ordinances, resolutions, rules or laws, until the election, or appointment, and qualification of their successors under this Charter and subject to such removal and control as is herein provided.

Elected Officers: The elected officers of the City, in office at the time this Charter takes effect, shall continue in office until the expiration of their respective term and until their successors are elected and qualified.

**Section 304. 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.

**Section 305. Pending Actions and Proceedings.** No action or proceeding, civil or criminal, pending at the time when this Charter takes effect, brought by or against the City or any 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.

**Section 306. Effective Date of Charter.** This Charter shall not take effect until accepted and filed by the California Secretary of State.

## ARTICLE IV

### POWERS OF CITY

**Section 400. Powers of City.** The City shall have the power to make and enforce all rules and regulations in respect to municipal affairs, subject only to such restrictions and limitations as may be provided in this Charter, and in the Constitution of the State of California. It shall also have the power to exercise any and all rights, powers and privileges heretofore or hereafter established, granted or prescribed by any law of the State, by this Charter, or by other lawful authority, or which a municipal corporation

might or could exercise under the Constitution of the State of California. The enumeration in this Charter of any particular power shall not be held to be exclusive of, or any limitation upon, this general grant of power.

**Section 401. Procedures.** The City Shall have the power to act pursuant to procedures established by any law of the State, unless a different procedure is established under this Charter or by ordinance.

## ARTICLE V

### THE ELECTIVE OFFICERS

**Section 500. Enumeration of and Term.** The elective officers of the City shall consist of:

A City Council composed of five (5) members who are registered voters of the City, four (4) to be residents of their respective districts and nominated and elected only by the residents of their respective districts. The fifth shall be nominated and elected from the City at large and shall hold the office of Mayor:

Other elected officers of the City shall be:

A City Clerk;  
A City Treasurer; and  
A City Attorney.

All of the elected officers shall serve for a term of four (4) years. The terms of office of the members of the City Council residing in districts Two and Three, and the terms of office of the Mayor, City Clerk, City Treasurer and City Attorney elected in 1969 shall expire in the year 1973. The terms of office of the present members of the City Council residing in districts One and Four shall expire in the year 1971.

The terms of all elective officers shall commence on July First following their election and each shall serve until his successor is elected and qualified. Any ties in voting shall be settled by the casting of lots.

Provided, however, the City Council, on and after the operative date (as the term "operative date" is hereafter defined) shall be composed of seven (7) members, six (6) to be residents of their respective districts and nominated and elected only by the residents of their respective districts, and the seventh to be both nominated and elected from the City at large, and to be known as the Mayor.

At any time when the City Council finds by ordinance adopted by not less than four (4) affirmative votes that the population of the City exceeds 100,000 persons, the City Council shall thereupon, and within sixty (60) days after the effective date of such

ordinance, adopt an ordinance by at least three (3) affirmative votes dividing the City into six (6) Districts for the purpose of electing members of the Council.

Said districts so revised and fixed shall comprise as nearly as practicable equal numbers of voters as determined by records of the registration of voters of Los Angeles County on file with the Registrar of Voters of said County and be composed of contiguous and compact territory and bounded by natural boundaries of street lines.

The ordinance shall provide the districts so that each Councilman then in office will reside within the district bearing the number of the district from which he was elected and District 5 and District 6 shall not include the residence of any of the members of the Council except that either such districts may include the residence of the Mayor.

Within thirty (30) days after the effective date of the ordinance establishing six (6) council district, the Council shall in the manner provided by law, call a special election for the purpose of holding an election for a councilman from District 5 and a councilman from District 6. If any candidate receives a majority for either of such offices, the City Council shall declare such candidate or candidates (as the case may be) elected. If no candidate for either or both of such offices receives a majority, a final election shall be held on the Fourth Tuesday following said election between the two candidates receiving the highest vote in the first election of each or either of said offices. Following said second election, the City Council shall declare the candidate receiving the highest vote for each or either of said offices elected.

Such election, including the nominations, notice, canvass and other proceedings, shall follow as near as may be practicable the procedures for elections. The Council may provide procedures for such elections by ordinance.

When the Council has declared a candidate elected for Districts 5 and a candidate elected for District 6, the provisions for a seven (7) member City Council shall become operative at 12:01 a.m. on the seventh day after such declaration or if candidates are declared elected in the two districts at different times, at 12:01 a.m. on the seventh day after the last such declaration. Such seventh day is herein defined as the operative date.

The Councilman elected in the first instance from District 5 shall serve a term that shall commence on the operative date and shall end at the same time that the term of the councilman from District 1 ends. The Councilman elected in the first instance from District 6 shall serve a term that shall commence on the operative date and end at the same time as the term of the councilman from District 2 ends.

Councilmen thereafter elected from Districts 5 and 6 shall serve for a term of four (4) years.

On and after the operative date, the City shall be divided into six (6) districts notwithstanding the provisions of Section 501 of this Charter.

Notwithstanding the provisions of Section 502 of the Charter, and after the operative date, the City Council may change the boundaries of the Six Districts into which the City has been divided by ordinance adopted by at least five (5) affirmative votes whenever in the opinion of the City Council such is necessary to better equalize the population among the respective districts.

On and after the operative date whenever the provisions of the Charter call for three (3) affirmative votes, or the concurrence of the three (3) members of the City Council; or otherwise provide for an action to be taken by three (3) members of the City Council, such provisions shall be construed to require four (4) affirmative votes, or the concurrence of four (4) members of the City Council or otherwise provide for an action to be taken by four (4) members of the City Council.

On and after the operative date whenever the provisions of the Charter call for four (4) affirmative votes, or the concurrence of four (4) members of the City Council, or otherwise provide for an action to be taken by four (4) members of the City Council such provision shall be construed to require six (6) affirmative votes, or the concurrence of six (6) members of the City Council, or otherwise provide for an action to be taken by six (6) members of the City Council.

Notwithstanding the provisions of Section 502 of this Charter, on and after the operative date, a person shall be deemed to have been a resident of the City or a district, at a place which is, at the time of the election, within the City or the District.

**Section 501. Districts.** Following each decennial federal census, and using that census as a basis, the council shall, by ordinance or resolution, adjust the boundaries of any or all of the council districts of the city so that the districts shall be as nearly equal in population as may be and shall comply with the applicable provisions of Section 1973 of Title 42 of the United States Code, as amended. In establishing the boundaries of the districts, the council may give consideration to the following factors: (a) topography, (b) geography, (c) cohesiveness, contiguity, integrity, and compactness of territory, and (d) community of interests of the districts.

**Section 502. Redistricting.** The City Council may change the boundaries of the four districts into which the City is divided by ordinance adopted by at least four affirmative votes whenever, in the opinion of the City Council, such is necessary to better equalize the population among the respective districts.

**Section 503. Eligibility.** No person shall be eligible to hold any other elective office of the City unless he shall be a qualified elector of the City and shall have been such qualified elector for at least thirty (30) days next preceding the date of his nomination or appointment, and as to the offices on the City Council where nomination is by district, unless he shall have been a qualified elector of his district for at least thirty (30) days next preceding the date of his nomination or appointment.

**Section 504. Compensation of Members of the City Council, Various Boards and Commissions.** The members of the City Council shall receive reimbursement for necessary traveling and other expenses when on official duty out of the City on order of the City Council. In addition, members of the City Council, and the Mayor, shall receive a salary of Six Hundred Dollars (\$600.00) per month.

**Other Elective Officers.** The other elective officers, shall severally receive at stated time a compensation for their services in their respective capacities to be fixed by ordinance adopted by the City Council, which compensation for such services shall not be increased or diminished as to any such officer after his election or appointment and during his term of office, nor within thirty days prior to the date when nomination papers for the position may be filed. (Amended June 3, 1957 and June 30, 1969)

**Section 505. Vacancies.** A vacancy in any elective office, from whatever cause arising, shall be filled by appointment by the City Council, such appointee to hold office until the first Tuesday following the next general municipal election, as to any elective officer, and until his successor is elected and qualified. At the next general municipal election following any vacancies, such vacancies shall be filled by election and the person elected shall serve for the remainder of any unexpired term, and until his successor is elected and qualified.

If a member of the City Council absents himself from all regular meetings of his Council for a period of sixty days consecutively from and after the last regular meeting attended by such member, unless by permission of the body expressed in its official minutes, or is convicted of a crime involving moral turpitude, or ceases to be a bona fide resident of the City or District from which he resided at the time of his nomination in the case of a Councilman, or otherwise ceases to be eligible, his office shall become vacant and shall be so declared by the City Council.

In the event the City Council shall fail to fill a vacancy by appointment within thirty days after such office shall have been declared vacant, it shall forthwith cause an election to be held to fill such vacancy.

## ARTICLE VI

### THE CITY COUNCIL

**Section 600. Presiding Officer. Mayor.** The member of the City Council to be nominated from the City at large and to be known as the Mayor shall be the presiding officer of the City Council. The Mayor shall have a voice and vote in all its proceedings. He shall be the official head of the City for all ceremonial purposes and he 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.

**Section 601. Powers Vested in City Council.** All powers of the City shall be vested in the City Council, subject to the provisions of this Charter and to the Constitution of the State of California. It shall be the duty of the City Council to enforce the provisions of the Charter.

**Section 602. Interference in Administrative Service.** Neither the City Council nor any of its members shall order or request, directly or indirectly, the appointment of any person to an office or employment, or his removal there from, by the City Manager, or by any of the elective officers or other 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.

**Section 603. Regular Meetings.** The City Council shall hold at least four regular meetings each month, at such times as it shall fix by ordinance or resolution and may adjourn or re-adjourn 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.

**Section 604. Special Meetings.** Special meetings may be called at any time by the Mayor, or by three members of the City Council in accordance with and pursuant to the procedures set forth in state law for the calling and conducting of special meetings.

**Section 605. Place of Meetings.** Except to the extent otherwise permitted or required by this Charter, by ordinance of state law, all meetings of the City Council shall be held in the Council Chamber of the City Hall or in such place within the City to which any such meeting shall be adjourned and 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 three members of the City Council.

**Section 606. Quorum. Proceedings.** Three members of the City Council shall constitute a quorum to do business, but a less number may adjourn from time to time. In the absence of all the City Council from any regular meeting or adjourned regular meeting, the City Clerk may declare the same adjourned to a stated day and hour. Notice of such adjourned meeting shall be given or may be waived in the same manner as specified in this Charter for the giving or waiving of notice of special meeting of the City Council. The City Council shall judge the qualifications of its members as set forth by the Charter and shall judge all election returns. It may establish rules for the conduct of its proceeding to maintain the orderly conduct of meetings. Each member of the City Council shall have the power to administer oaths and affirmations in any investigation or proceeding pending before the City Council. The City Council shall have the power and authority to compel the attendance of witnesses, to examine them under oath and to compel the production of evidence before it. Subpoenas may be issued in the name of the City and be attested by the City Clerk. Disobedience of such subpoenas, or the refusal to

testify (upon other than constitutional grounds), shall constitute a misdemeanor, and shall be punishable in the same manner as violations of this Charter are punishable.

The City Council shall cause the City Clerk to keep a correct record of all its proceedings and at the demand of any member or upon the adoption of any ordinance, resolution, or order 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.

**Section 607. Adoption of Ordinances and Resolutions.** With the sole exception of ordinances which take effect upon adoption, hereinafter referred to, no ordinance shall be adopted by the City Council on the day of its introduction, nor within five days thereafter, nor at any time other than at a regular or adjourned regular meetings. At the time of adoption of an ordinance it shall be read in full, unless, after the reading of the title thereof, the further reading thereof is waived by motion of the City Council regularly made and approved by unanimous consent of the Councilmen present. At the time of adoption of a resolution it need be read in full only if, after reading of title thereof, the further reading thereof is requested. In the event that any ordinance is materially altered after its introduction, the same shall not be finally adopted except at a regular or adjourned regular meeting, held not less than five days after the date upon which such ordinance was so altered. The correction of typographical or clerical errors shall not constitute the making of an alteration within the meaning of the foregoing sentence.

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

Unless a higher vote is required by other provisions of this Charter the affirmative votes of at least three members of the City Council shall be required for the enactment of any ordinance or resolution, or for the making or approving of any order for the payment of money.

**Emergency Ordinance.** Any ordinance declared by the City Council to be necessary as an emergency measure for preserving the public peace, health or safety, and containing a statement of the reasons for its urgency, may be introduced and adopted at one and the same meeting if passed by at least four affirmative votes.

**Section 608. Ordinance. Enactment.** In addition to such acts of the City Council as are required by this Charter to be by ordinance, every act of the City Council establishing a fine or other penalty, or granting franchise, shall be by ordinance.

The enacting clause of all ordinances shall be substantially as follows: "The City Council of the City of Compton does ordain as follows:"

**Section 609. Ordinance. Publication.** The City Clerk shall cause each ordinance or a summary of the ordinance to be published at least once in the official

newspaper within fifteen days after its adoption. A summary of the ordinance need include no more than a brief description of the subject matter of the ordinance, the names of the council members and how they voted on the ordinance, a statement that the full text of the ordinance is available at no charge from the office of the City Clerk, and the telephone number of the office of the City Clerk.

**Section 610. Codification of Ordinances.** Any or all ordinance of the City which have been enacted and published in the manner required at the time of their adoption, and which have not been repealed, may be compiled, consolidated, revised, indexed and arranged as a comprehensive ordinance code and such code may be adopted by reference by the passage of an ordinance for such purpose. Such code need not be published in the manner required for other ordinances, but not less than three copies thereof shall be filed for use and examination by the public in the office of the City Clerk prior to the adoption thereof. Ordinances codified shall be repealed as of the effective date of the code. Subsequent amendments to sections of the code shall be enacted in the same manner as herein required for the amendment of ordinances generally.

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

**Section 611. Ordinance.** When Effective. No ordinance shall become effective until thirty days from and after the date of its adoption, except the following, which shall take effect upon adoption:

- (a) An ordinance calling or otherwise relating to an election;
- (b) An improvement proceeding ordinance adopted under some law or procedural ordinance;
- (c) An ordinance declaring the amount of money necessary to be raised by taxation, or fixing the rate of taxation; or
- (d) An emergency ordinance adopted in the manner herein provided.

**Section 612. Ordinance, Violation, Penalty.** A violation of any ordinance of the City shall constitute a misdemeanor and may be prosecuted in the name of the People of the State of California or may be redressed by civil action or administrative action. The maximum fine or penalty for any violation of a city ordinance shall be the maximum fine or term of imprisonment, or both, authorized by state law.

**Section 613. Ordinance. Amendment.** The amendment of any section or sections of an ordinance may be accomplished solely by the re-enactment of such section or sections at length, as amended.

**Section 614. Publishing of Legal Notices.** In the event that there is more than one newspaper of general circulation published in the City, the City Council shall annually, publish a notice inviting bids and contract for the publication of all legal notices

or other matter required to be published in a newspaper of general circulation in the City during the ensuing fiscal year. In the event there is only one newspaper of general circulation published in the City, then the City Council shall have the power to contract with such newspaper for the printing and publication of such legal notices without being required to advertise for bids therefore. The newspaper with which any such contract is made shall be designated as the official newspaper for the publication of such notices or other matter for the period of such contract. In no case shall the contract price charged for such publication exceed the customary rates charged by such newspaper for the publication of legal notices of a private character.

Unless otherwise required by this Charter, or law, or ordinance, the City Council may employ other means of publication in lieu of newspaper advertising. In the event there is no official newspaper designated by the City Council, then, unless otherwise required by law, all legal notices or other matter may be published by posting copies thereof in at least three public places in the City designated by ordinance.

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 the Charter, or law, or ordinance.

## **ARTICLE VII**

### **OFFICERS, POWERS AND DUTIES**

**Section 700. City Clerk.** The City Clerk shall have 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 of the proceedings of the City Council in books that shall bear appropriate titles and be devoted to such purpose. Such books shall have a general index sufficiently comprehensive to enable a person readily to ascertain matters contained therein;

(b) Maintain ordinance and resolution books into which shall be recorded all City ordinances and resolutions with the certificate of the Clerk annexed to each thereof stating the same to be the original or a correct copy, giving the number of said ordinance or resolution and, as to an ordinance requiring publication, stating that the same has been published or posted in accordance with this Charter;

(c) Be the custodian of the seal of the City;

(d) Administer oaths or affirmations, take affidavits and depositions pertaining to the affairs and business of the City and certify copies of official records;

(e) Have charge of all city elections; and

(f) Devote his full time during business hours to the duties of his office.

**Section 701. City Treasurer.** The City Treasurer shall be the custodian of all public funds belonging to or under the control of the City, or of any office, department or agency thereof, and to that end shall have power and be required to:

(a) Receive and have custody of all monies receivable by the City from any source;

(b) Deposit all monies received in such depositories as may be designated by resolution of the City Council and in compliance with all of the provisions of the State Constitution and laws of the State, governing the handling, depositing and securing of public funds;

(c) Disburse monies on demands properly audited in the manner provided for in this Charter;

(d) Prepare and submit to the City Controller monthly written reports of all receipts, disbursements and fund balances, copies of which shall be filed with the City Manager; and

(e) Devote his full time during business hours to the duties of his office.

**Section 702. City Attorney.** To become eligible for City Attorney the person elected or appointed to the office shall be an attorney at law duly licensed as such under the laws of the State of California and shall have been engaged in the practice of law for at least three years prior to his election or appointment. The City Attorney shall have power to perform and be responsible for the following duties:

(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 employees, in any or all actions and proceedings in which the City or any such officer or employee, in or by reason of his 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 regular meetings of the City Council and give his 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 approval thereon in writing;

(e) Prepare or review any and all proposed ordinance or resolution for the City, and amendments thereto;

(f) Prosecute on the behalf of the people such criminal cases for violations of this Charter, of City ordinance or of misdemeanor offenses arising upon violation of the laws of the State as in his opinion or that of the Chief of Police warrant his attention;

(g) Devote his full time during business hours to the duties of his office as may be specified in the ordinance fixing the compensation for such office; and

(h) On vacating the office surrender to his successor all books, papers, files and documents pertaining to the City's affairs.

**Section 703. Officers to be Appointed by the City Council.** The City Council shall appoint the City Manager, which position shall not be in the Classified Service, and who may be removed by motion of the City Council adopted by at least three affirmative votes.

It shall also appoint and may remove, under the Civil Service provisions of this Charter, the City Controller, which position shall be in the Classified Service.

**Section 704. Other Appointive Officers.** In addition to the officers enumerated in the preceding section, there shall be the other appointive officers enumerated in this Charter, who shall be appointed by the City Manager and who shall be the heads of their respective departments.

The City Council may provide by ordinance for the creation or abolishment of other appointive officers or departments.

**Section 705. City Manager. Appointment.** The City Manager shall be chosen on the basis of his executive and administrative qualifications. He shall be paid a salary commensurate with his responsibilities as chief administrative officer of the City. No City Councilman shall receive such appointment during the term for which he shall have been elected, nor within one year after the expiration of his term.

**Section 706. City Manager. Powers and Duties.** The City Manager shall be the chief executive officer and the head of the administrative branch of the City government. He shall be responsible to the City Council for the proper administration of all affairs of the City excepting such matters for which elective officers are made responsible by this Charter, and he shall have power and be required to:

(a) Appoint and remove, subject to the Civil Service provisions of this Charter, all department heads of the City, except elective officers and those the power of appointment of whom is vested in the City Council, and pass upon and approve all proposed appointments and removals of subordinate employees by department heads;

(b) Prepare the budget annually and submit it to the City Council and be responsible for its administration after adoption;

(c) 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;

(d) Keep the City Council advised of the financial condition and future needs of the City and make such recommendations as may seem to him desirable; and

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

**Section 707. City Manager. Council Table.** The City Manager 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.

**Section 708. City Controller. Powers and Duties.** The City Controller 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 to insure that budget appropriations are not exceeded;

(c) Maintain a general accounting system for the City government and each of its offices, departments and agencies;

(d) Require, and supervise the keeping of, current inventories of all property, real and personal, by the respective officers in charge thereof and periodically to audit the same;

(e) 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; and, as of the end of each fiscal year, submit a complete financial statement and report; and

(f) Audit and approve before payment all bills, invoices, payrolls, demands or charges against the City Government and, with the advice of the City Attorney, determine the regularity, legality and correctness of such claims, demands or charges.

**Section 709. City Engineer. Powers and Duties.** To be eligible for appointment as City Engineer the appointee shall be a Registered Civil Engineer in the State of California. The City Engineer shall have power and be required to:

- (a) Supervise and be responsible for all City engineering work;
- (b) Supervise and be responsible for the maintenance, properly indexed, of all maps, plans, profiles, field notes and other records and memoranda belonging to the City and pertaining to his office and the work thereof; and
- (c) On vacating the office surrender to his successor all maps, plans, field notes and other records and memoranda pertaining to the City's affairs.

**Section 710. Street Superintendent. Powers and Duties.** The Street Superintendent shall have the general care and supervision of all city streets, sewers and drains, and shall have power and be required to:

- (a) Make frequent inspection of all streets, sewers and drains of the City;
- (b) Receive and investigate all complaints as to their condition and have charge of the enforcement of all laws and ordinances pertaining thereto; and
- (c) Inspect all streets, sewers and drains while the same are in the course of construction; inspect, approve or reject all materials used in such construction, whether done by contract or otherwise and, pending investigations when necessary, stop all work thereon.

**Section 711. Building Official. Powers and Duties.** The Building Official shall have charge of the supervision and inspection of all building construction within the City and shall have power and be required to:

- (a) Examine building plans in order to determine conformity with State laws and ordinances and issue permits for the building thereof; and
- (b) Enforce the laws and ordinances regulating the construction and maintenance of buildings and other structures.

**Section 712. Chief of Police. Powers and Duties.** The Chief of Police shall have the power and be required to:

- (a) Preserve the public peace;
- (b) Execute and return all process issued to him 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.

**Section 713. Chief of the Fire Department. Powers and Duties.** The Chief of the Fire Department shall have power and be required to:

(a) Be in full charge at the scene of any fire with full power and authority to direct the operations of extinguishing the same, take such precautions as are indicated to prevent the spread thereof, and control all persons and property in the vicinity thereof for the preservation of life and property; and

(c) Make frequent inspection of all property within the city to enforce fire prevention regulations.

## **ARTICLE VIII**

### **THE CITY COURT**

**Sections 800, 801, 802** deleted from City Charter January 16, 1953.

## **ARTICLE IX**

### **BOARD OF EDUCATION**

**Section 900** deleted from City Charter April 21, 2009.

## **ARTICLE X**

### **COUNCIL APPOINTED BOARDS AND COMMISSIONS**

**Section 1000. In General.** There shall be the following enumerated boards and commissions which shall have the powers and duties herein stated: the Planning Commission, the Personnel Board, and the Recreation and Parks Commission. In addition, the City Council may create by ordinance such advisory boards or commissions as in its judgment are required and may grant to them such powers and duties as are consistent with the provisions of this Charter.

**Section 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.

**Section 1002. Appointments. Terms.** 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. The members thereof shall serve for a term of four years and until their respective successors are appointed and qualified.

The members first appointed to such boards and commissions shall so classify themselves by lot that each succeeding July 1<sup>st</sup> the term of one of their number shall expire. If the total number of members of a board or commission to be appointed exceeds four, the classification by lot shall provide for the grouping of terms to such an extent as is necessary in order that the term of a least one member shall expire on each succeeding July 1<sup>st</sup>. Thereafter, any appointment to fill an unexpired term shall be for such unexpired period.

**Section 1003** deleted from City Charter April 21, 2009.

**Section 1004. Meetings, Chairman.** 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 the board or commission. Each board or commission shall hold regular meetings as prescribed by ordinance of the City Council, and such special meetings as it may require. All proceedings shall comply with state laws governing open and public meetings.

The vote of a majority of the entire membership of such board or commission shall be necessary for it to take action.

The City Manager may appoint a secretary for each of such boards and commissions, who shall keep a record of its proceedings and transactions. Each board or commission may prescribe its own rules and regulations which shall be consistent with this Charter and copies of which shall be kept on file in the office of the City Clerk where they shall be available for public inspection. 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.

**Section 1005. Compensation and Vacancies.** The compensation for members of the Planning Commission, the Personnel Board and the Recreation and Parks Commission shall be established by ordinance of the City Council.

Any vacancies in any board or commission from whatever cause arising, shall be filled by appointment by the City Council. If a member of a board or commission absents himself from all regular meetings of such board or commission, for a period of sixty (60) days, consecutively (from and after the last regular meeting of such board or commission attended by such member) unless by permission of the City Council, 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 office shall become vacant and shall be so declared by the City Council.

**Section 1006. Oaths. Affirmations.** Each member of any such board or commission and the secretary thereof, shall have the power to administer oaths and affirmations in any investigation or proceeding pending before such board or commission.

**Section 1007. Planning Commission.** There shall be a City Planning 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 during their term of office on the Planning Commission. The number of members to comprise the commission may be changed by ordinance of the City Council to not less than five nor more than nine members.

**Section 1008. Planning Commission. Powers and Duties.** The Planning Commission shall have power and be required to:

(a) After a public hearing thereon, recommend to the City Council on proposals for the adoption, amendment, or repeal of the City's General Plan or any part thereof for the physical development of the City; and

(b) Exercise such functions with respect to land subdivisions, planning, and zoning as may be prescribed by ordinance.

**Section 1009. Personnel Board.** There shall be a Personnel Board consisting of five (5) members to be appointed by the City Council from the qualified electors of the City, none of whom shall hold any salaried city public office or city employment, nor while a member of the Board or for a period of one (1) year after he has ceased for any reason to be a member, be eligible for appointment to any salaried office or employment in the service of the City or to any elective office.

The Board shall be appointed and serve in the same manner as other boards and commissions except that Personnel Board Members may be removed by motion of the City Council adopted by at least three (3) affirmative votes.

**Section 1010. Personnel Board. Powers and Duties.** The Personnel Board shall have power and be required to:

(a) After a public hearing thereon, recommend to the City Council the adoption, amendment or repeal of Civil Service rules and regulations;

(b) Hear appeals of any person in the Classified Service relative to any suspension, demotion or dismissal;

(c) Hold hearings and make recommendation to the City Council on the adoption or revision of the position classification plan; and

(d) Make any investigation not inconsistent with this Charter or state law which it may consider desirable concerning the administration of personnel in the municipal service and report its findings to the City Council and City Manager.

**Section 1011. Recreation and Parks Commission.** There shall be a Recreation and Parks Commission consisting of five members which shall 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. The number of members to comprise the Commission may be changed by ordinance of the City Council to any number not less than five.

**Section 1012. Recreation and Parks Commission.** Powers and Duties. The Recreation and Parks Commission shall have power and be required to:

(a) Act in an advisory capacity to the City Council in all matters pertaining to public recreation, including parks, playgrounds and entertainment;

(b) Consider the annual budget of the Recreation and Parks 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 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.

## ARTICLE XI

### CIVIL SERVICE

**Section 1100. Merit Principle.** Appointments and promotions in the classified service of the City shall be made according to merit and fitness, to be ascertained, wherever there is more than one qualified applicant, by competitive examination. Merit and fitness being equal seniority shall prevail.

All promotions in the Classified Service, where there are in such service personnel possessing the minimum qualifications to qualify for such promotion, shall be limited to persons in the Classified Service, unless the Personnel Board finds and declares that in its opinion, the best interests of the public service require such examination to be open and competitive and not restricted to persons in the Classified Service.

**Existing System.** The ordinance establishing a Civil Service System, and the rules and regulations adopted there under, in effect at the effective date of this Charter are hereby repealed. All employees who have attained regular or probationary status or have been placed on eligible lists, or who have been granted military or other leaves of absence, under the existing Civil Service System, shall retain their respective rights subject to the provisions of this Charter.

**Section 1101. Classified Service.** The Civil Service of the City shall be divided into the Unclassified and the Classified Service.

(a) The Unclassified Service shall comprise the following officers and positions:

1. All elective officers;
2. City Manager;
3. Assistant City Manager;
4. One private secretary to the City Manager;
5. All members of boards and commissions;
6. Positions in any class or grade created for a special or temporary purpose, and which would exist for a period of not longer than ninety days. The Personnel Board, upon application of the appointing officer of board, and after public notice and hearing, by the affirmative votes of four of the members, may exempt any position in any class or grade for a maximum period of six months in any calendar year. Any such exemption shall not affect the tenure of any person whose appointment has become final under civil service;
7. Persons employed to render professional, scientific, technical or expert service of an occasional and exceptional character;
8. Crossing guards; and
9. Part-time employees paid on an hourly or per diem basis.

(b) The Classified Service shall comprise all positions not specifically included by this section in the Unclassified Service.

**Section 1102. Appointments from the 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 or resign there from within six months, he shall revert to his former position in the Classified Service without loss of any rights or privileges and upon the same terms and conditions as if he had remained in said position continuously, unless charges are filed and he is discharged in the manner provided for in this Charter and the rules established hereunder for positions in the Classified Service.

**Section 1103. Classification.** The City Manager shall make periodic studies of the classification and grading of positions and shall submit to the Personnel Board any changes which he deems desirable to better classify positions according to similarity of authority, duties and responsibilities.

The Personnel Board shall hold a public hearing thereon at which officers and employees affected thereby and others interested and desiring to be heard shall be given an opportunity to do so. Upon approval by the Personnel Board, they shall be referred to the City Council for final consideration and adoption.

**Section 1104. Recruitment.** Examinations of applicants for positions in the Classified Service shall be practical and relate to those matters which fairly test the relative capacity of the applicants to discharge the duties of the position to which they seek to be appointed.

No person may be an applicant who is not a legal resident of the United States.

**Section 1104.1. Residency.** Except for City elective officers, emergency personnel and persons employed by the City of Compton shall reside within a reasonable distance of his or her place of employment with the City.

**Section 1105. Veterans.** In all entrance examinations for positions in the Classified Service, veterans who served in the armed forces of the United States during time of war and prior to the cessation of hostilities, and who attain a passing grade, shall be allowed an additional preferential credit of (10%) percent in the case of those veterans who have service-connected disabilities and of five (5%) percent as to other veterans, which percentages are to be based upon the maximum grade for such examinations.

**Section 1106. Appointments.** Upon the receipt of notice of a vacancy in the Classified Service, the clerk of the Personnel Board shall certify to the appointing power names of the three highest candidates on the eligible list for such position. No candidate may be certified more than three times for any one classified position.

The Personnel Board, with the consent of the appointing power, may authorize the certification of less than three names for appointment in the event there remains less than three names on an eligible list and in the opinion of the Personnel Board conditions warrant such action. When no eligible lists are available, the Personnel Board, under such rules and regulations as it shall prescribe, may authorize the appointing power to make temporary appointments in the Classified Service, in order to prevent the stoppage of public business and in order to meet extraordinary conditions, which appointments shall remain in force until regular appointments can be made, but in no case to exceed ninety (90) days in any calendar year.

If sufficient number of applicants for a position in the Classified Service is not received, after advertising therefore has been completed in conformity with this Charter and Rules and Regulations, adopted hereunder, the Personnel Board may authorize an examination to proceed as to a lesser number of qualified applicants.

All original appointments shall be for a probationary period of one year during which the employee may be rejected at any time without right of appeal or hearing in any manner.

All promotional appointments shall be for a probationary period of six months during which time the employee may be rejected at any time without right of appeal or hearing in any manner. An employee rejected during the probationary period from a position to which he has been promoted, shall be reinstated to the position from which he was promoted, unless charges are filed and he is discharged as provided in the Charter and the rules.

**Section 1107. Abolition of Position. Lay-offs.** Whenever it becomes necessary, in the opinion of the City Council, to abolish a position, or to reduce the number of

employees in a given class, in the Classified Service, the City Council may do so, by stating in its proceedings its reasons therefore. Should such position, or positions, be renewed or any position or positions involving substantially the same duties be created or filled within one year, the employee or employees discharged shall be entitled to be appointed thereto.

All lay-offs occasioned by the abolishment of a position or the reduction in number of employees in a given class shall be governed by seniority in service and shall be in the reverse order of employment. Re-employment shall be in the reverse order of the lay-offs.

**Section 1108. Suspension, Demotion, and Dismissal.** The City Council and the elective and appointive officers having appointive power are vested with the right to exercise the disciplinary and removal powers hereinafter provided.

An employee serving a probationary period in any office, position or employment shall be subject to removal there from without right of appeal but subject to his right of reinstatement to the position in the Classified Service from which he has promoted, or transferred, if any.

An employee other than one serving a probationary period, holding a position in the Classified Service shall be subject to suspension without pay for a period of not exceeding thirty (30) days in any one (1) calendar year, or to demotion or removal from his position, for misconduct, incompetency, inefficiency, or for failure to observe the rules or regulations of the department, office or agency, or to cooperate reasonably with his superiors or fellow employees, but subject to the right of the employee to appeal to the Personnel Board in the manner set forth herein.

Such employee shall be entitled to receive, upon request, at the office of the board or officer taking such action, not later than the second business day thereafter, a written statement in item form of the reasons therefore, a copy of which statement shall be furnished the Personnel Board. He shall have ten (10) days after the receipt of such statement within which to file an answer to such statement of charges should he desire to do so.

The answer shall be filed in the office of the City Clerk and with the Clerk of the Personnel Board. In his answer, or if no statement of charges has been made available to him as required, such employee may request a hearing by Personnel Board to review such suspension, demotion or removal which shall be called and held as provided for in the rules and regulations. Hearings may be conducted informally and the rules of evidence need not apply.

Within ten (10) days after concluding the hearing, the Personnel Board shall certify its findings and recommendations to the City Manager. The suspension, demotion, or removal order by the City Manager or other official, from whose action the appeal was taken, shall be sustained unless the said Board shall by majority vote, render its decision

finding that the suspension, demotion, or removal was made without sufficient cause. If the Board shall find that the person suspended, demoted, removed was so suspended, demoted or removed without sufficient cause, said Board in its order shall provide that said person shall be reinstated forthwith to the position from which he was suspended, demoted or removed, and shall order paid to him the salary to which he would have been entitled had he not been suspended, demoted or removed. In filing its decision, the Board shall also make and file written findings of fact covering in general terms the issues involved.

In the absent of fraud or bad faith, the findings and decisions of the said Board shall be final and conclusive.

A reduction in pay shall be a demotion, under this section, unless it is a part of a plan to reduce salaries and wages in connection with a general economy or curtailment program.

The City Manager and any other officer or board in whom is vested by law the power to make transfers, promotions, demotions, reinstatements, lay-offs, and to suspend or dismiss employees, shall retain such power subject to the provisions of this Charter and the rules established hereunder, it being the intent and spirit of this Charter to provide a fair and just approach to municipal employment in order that city employees may be selected and promoted on a merit basis, but in no sense to impair the efficiency of the public service.

**Section 1109. Political Activities Prohibited.** No person holding a position in the Classified Service shall engage in any activities supporting or opposing the elction of any public officer or any state or local ballot measure either during that employee's normal City working hours or at any City facility. Nothing in the section shall be construed to prevent any such person from being or becoming a member of a political club or organization, or from attending political meetings or engaging in political activity while at work as a City employee, or from enjoying entire freedom from all interference in casting his vote, or from seeking election or appointment to public office.

No person in the Classified Service, or seeking admission thereto, shall be employed, promoted, demoted or discharged or in any way favored or discriminated against because of political opinions or affiliation or because of race, ethnicity, gender, national origin or religious belief.

No officer or employee of the city and no candidate for any city office shall, directly or indirectly, solicit any assessment, subscription or contribution, whether voluntary or involuntary, for any political purpose whatever, from anyone on the eligible lists or holding any position in the Classified Service. However, nothing in this section shall prohibit an officer, employee or candidate from communicating through the mail, media or by other means to a significant segment of the public, which may include persons in the Classified Service or on its eligible lists, for such an assessment, subscription or contribution.

**Section 1110. Prohibitions.** No person shall willfully or corruptly make any false statements, certificate, mark, rating or report in regard to an application, test, certification or appointment held or made under the personnel provisions 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 or with others willfully or corruptly violates any of the provisions of this Article shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished by a fine and/or imprisonment not to exceed the maximum fine or term of imprisonment, or both, authorized by state law for the punishment of misdemeanor crimes. Any person convicted hereunder shall be ineligible for a period of five years for employment in the City service and shall, if he be an officer or employee of the City, immediately forfeit his office or position.

## ARTICLE XII

### GENERAL PROVISIONS RELATING TO OFFICERS AND EMPLOYEES

**Section 1111. Contract for Performance of Administrative Functions.** Upon recommendation of the Personnel Board, the City Council may contract with the governing body of a city, or county within this state, or with a state department or other agency for the preparation or conducting of competitive examinations for positions in the City Service or for the performance of any other personnel administration service.

**Section 1200. 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 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 Treasurer. Premiums on official bonds shall be paid by the City.

In all cases wherein an employee of the City is required to furnish a faithful performance bond, there shall be no personal liability upon, or any right to recover against, his superior officer or other officer or employee, or the bond of the latter, unless such superior officer, or other officer or employee is a party to, or has conspired in, the wrongful act, directly or indirectly causing such loss.

**Section 1201. Oath of Office.** Each member of the City Council, of every board and commission and each officer provided for in this Charter before entering upon the discharge of the duties of his office, shall take, subscribe to and file with the City Clerk the following oath or affirmation:

“I do solemnly swear (or affirm, as the case may be) that I will support the Constitution of the United States and the Constitution of the State of California,

and that I will faithfully discharge the duties of the office of (here inserting name of office) according to the best of my ability.”

**Section 1202. Illegal Contracts. Financial Interest.** No member of the City Council, officer, member of any board or commission or employee of the City, shall be financially interested, directly or indirectly, in any contract, sale or transaction to which the City is a party, in violation of state laws and regulations governing conflicts of interests.

**Section 1203. Duties of Officers and Employees.** The City Council, by ordinance, may assign additional functions or duties to offices, departments or agencies established by this Charter, but may not discontinue or assign to any other office, department or agency any function or duty assigned by this Charter to a particular office, department or agency.

Where the positions are not incompatible, the City Council may combine in one office the powers and duties of two or more offices, created or provided for in the Charter.

**Section 1204. Administering Oaths.** Each department head and his deputies shall have the power to administer oaths and affirmations in connection with any official business pertaining to his department.

**Section 1205. Department Heads. Appointment Powers.** Each elective officer and other department heads shall have the power to appoint, suspend, demote and remove such deputies, assistants, subordinates and employees as are provided for by the City Council for his department upon the following conditions:

- (a) Subject to the Civil Service provisions of this Charter and the rules and regulations promulgated hereunder; and
- (b) Subject to the approval of the City Manager being first had and received, excepting
  1. As to the power of suspension which may be exercised without the prior approval of the City Manager, and
  2. As to the appointment by an elective officer of his principal deputy, which likewise shall not require the approval of the City Manager.

## **ARTICLE XIII**

### **ELECTIONS**

**Section 1300. Elections.** Municipal elections held in said city shall be classified as follows:

- (a) Primary nominating elections

- (b) General municipal elections
- (c) Special municipal elections

**Section 1301. Primary Nominating Elections.** Primary Nominating Elections shall be held on the third Tuesday in April in each odd-numbered year for the purpose of nominating not exceeding two candidates for each of the elective offices in which vacancies have occurred since the preceding general municipal election, and for such other purposes as may be provided by Charter or ordinance. The primary nominating election may be consolidated with the election of the Compton Unified School District. (Amended April 22, 1975; Amended November 7, 1978)

**Section 1302. General Municipal Elections.** General Municipal Elections shall be held on the first Tuesday in June in each odd-numbered year for the purpose of electing officers of the City to fill the vacancies and expiring terms in the elective offices and for such other purpose as may be provided by Charter or Ordinance. Notwithstanding the foregoing, the general election date may be changed by ordinance adopted not later than December 1 of any even-numbered year, if the date stated in the ordinance is not later than June 15<sup>th</sup> of the odd-numbered year and will permit consolidation of the next election with that of another public entity. (Amended April 22, 1975).

**Section 1303. Special Municipal Elections.** All other municipal elections, except the elections of members of Board of Education, that may be held by authority of this Charter, or of any law, shall be known as special municipal elections and shall be called by ordinance.

**Section 1304. Procedure for Holding Elections.** Unless otherwise provided by ordinance, all elections shall be held in accordance with the provisions of the Elections Code of the State of California insofar as the same are not in conflict with this Charter.

**Section 1305. Initiative, Referendum and Recall.** There is hereby reserved to the electors of the City the powers of the initiative, referendum and recall of municipal elective officers. The provisions of the Elections Code of the State of California as the same now exist or may hereafter be amended, governing the initiative, referendum and the recall of municipal officers shall apply to the use thereof in the City insofar as such provisions of the Elections Code are not in conflict with this Charter.

## ARTICLE XIV

### FISCAL ADMINISTRATION

**Section 1400. Fiscal Year.** The fiscal year of the City government shall begin on the first day of July of each and end on the thirtieth day of June of the following year.

**Section 1401. Tax System.** Unless otherwise provided by ordinance, the City shall continue to use, for the purpose of ad valorem municipal taxation, the county system of assessment and tax collection, as such system is now in effect or may hereafter be amended and insofar as such provisions are not in conflict with this Charter.

If the City Council shall fail to fix the rates and levy taxes on or before August 31, in any year, the rates for the next preceding fiscal year shall thereupon be automatically adopted and a tax at such rates shall be deemed to have been levied on all taxable property in the City for the current fiscal year.

**Section 1402. Tax Limits.** Exclusive of special levies permitted by this Charter, the City Council shall not levy a property tax in excess of One (\$1.00) Dollar on each One Hundred (\$100.00) Dollars 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 such proposition at any election at which the question of such additional levy for municipal purposes is submitted to the electors.

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, for the retirement of City Employees, due and unpaid or to become due during the ensuing fiscal year.

A special levy, in addition to the above, may be made annually for park, playground and recreation purposes in an amount not to exceed twenty (20c) cents on each One Hundred (\$100.00) Dollars of the assessed value on taxable property in the City.

Special levies, in addition to the above, may be made annually, for libraries in an amount not to exceed ten (10c) cents on each One Hundred (\$100.00) Dollars of the assessed value of taxable property in the City, and for promotion and advertising in an amount not to exceed five (5c) cents on each One Hundred (\$100.00) Dollars of the Assessed value of taxable property in the City.

The limits upon the special levies permitted hereunder may not be exceeded unless authorized by the affirmative votes of two-thirds of the electors voting on such proposition at an election at which a proposal to exceed any such limit is submitted.

The proceeds of any special levy shall be used for no other purpose than that specified.

**Section 1403. Bonded Debt Limit.** The bonded indebtedness of the City may not exceed the sum of fifteen (15%) percent of the total assessed valuation of property within the City, exclusive of any indebtedness that has been or may hereafter be incurred for the purpose of acquiring, establishing or extending a system of water-works for the supplying of water, or for the purpose of constructing sewers or drains in the City, 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.

**Section 1404. Annual Budget. Preparation by the City Manager.** At such date as he shall determine, the City Manager, or an officer designated by him, shall obtain from each department head estimates of revenue and expenditure for his department, 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 department heads, respectively, and may revise the estimates as he may deem advisable.

**Section 1405. Budget. Submission to City Council.** Prior to the beginning of each fiscal year, the City Manager shall submit to the City Council the proposed budget as prepared by him. After reviewing 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 (10) days prior to said hearing by at least one insertion in the 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.

**Section 1406. 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 desiring to be heard shall be given an opportunity to do so.

**Section 1407. 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 three members. Upon final adoption, the budget shall be in effect for the ensuing fiscal year. A copy thereof, certified to by the City Clerk, shall be filed with the City Controller 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 officers, departments and agencies of the City.

**Section 1408. 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 four members so as to authorize the transfer of unused balances appropriated for one purpose to another purpose, or to appropriate available revenue not included in the budget.

**Section 1409. Contracts on Public Works.** Every contract involving an expenditure of more than Twenty Five Thousand Dollars (\$25,000.00) for the construction or improvement (excluding maintenance and repair) of public buildings, works, streets, drains, sewers, utilities, parks and playgrounds shall be to the lowest responsible bidder after notice by publication in the official newspaper by one or more insertions, the first of which shall be at least ten days before the time for opening bids.

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

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

**Section 1410. Centralized Purchasing.** Under the control and direction of the City Manager there shall be established a centralized purchasing system for all City departments 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 office, department or agency of the City government.

**Section 1411. Competitive Bidding.** Before making purchases of, or contracts for, supplies, materials or equipment, ample opportunity shall be given for competitive bidding, under such rules and regulations and with such exceptions as the City Council may prescribe in the ordinance setting up such rules and regulations. When making purchases for the City, local merchants shall be given the preference, quality and prices being equal.

**Section 1412. Cash Basis Fund.** Deleted from City Charter June 30, 1969.

**Section 1413. Public Service Departments' Depreciation Funds.** The City Council shall annually set aside from the income derived from its revenue producing public utilities, as a separate depreciation fund for each of said public utilities, a sum which, according to the estimate of the City Manager, and approved by the City Council, shall be sufficient to meet the normal depreciation in said public utility. Such depreciation funds shall be used only for the replacement, betterment, and extension of the plants and equipment of said public utilities, respectively.

**Section 1414. Capital Outlays Funds.** A fund for capital outlays, generally, is hereby created, to be known as the "Capital Outlays Fund." The City Council by ordinance may create a special fund or funds for a special capital outlay purpose. 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 fund or funds the monies 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 a majority of the electors voting on the proposition at 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 purposes for which it was created; if, for capital outlay, 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.

**Section 1415. Departmental Trust Fund.** The City Council may prescribe by ordinance for the setting up of a "Treasurer's Departmental Trust Fund" into which the collection of the police department, street department, building official, etc., may be deposited daily by the respective officers with the City Treasurer. Withdrawals from such fund may be made by the Treasurer only on order signed by the proper department head and for the following purposes only:

- (a) The making of refund of bail which has been exonerated or of other refundable deposits;
- (b) The making of settlements with City funds at the end of each calendar month for collections accumulated during the month.

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 of such other department heads shall account to the City Council for all disbursements made there from when making demand for replenishment of the same and at such other times as the Council may require and the amounts of such disbursements shall thereupon be charged against the proper appropriations.

**Section 1416. Presentation of Demands.** Each demand against the City shall be presented to the City Controller, who shall examine the same. 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 draw his warrant on the City Treasurer therefore, payable out of the proper fund. Objections of the Controller may be overruled by the City Council and the warrant ordered drawn.

The City Controller shall transmit such demand with his approval or rejection thereof endorsed thereon and warrant, if any, to the City Manager. If a demand is one for which an appropriation has been made, it shall require the approval of the City Manager. A demand for which no appropriation has been made, shall require the approval of the City Council.

Any person dissatisfied with the refusal of the City Manager to approve any demand, in whole or in part, may present the same to the City Council, which, after examining into the matter may approve or disapprove the demand in whole or in part.

At every regular meeting of the City Council, the City Manager shall furnish the City Council with a list of all demands approved by him since the date of the preceding regular meeting.

**Section 1417. Warrants on Treasury.** After approval by the City Manager, or City Council, as the case may be, the warrant in payment thereof as prepared, by the City Controller, shall be presented to the City Treasurer and shall be paid by him out of the funds designated, if there be sufficient money in the fund for that purpose. A warrant not paid for lack of funds shall be registered, and all registered warrants shall be paid in the order of their registration when funds therefore are available.

In the payment of municipal or other bonds upon presentation and surrender of the proper bonds or coupons, the Treasurer shall draw his warrant for payment thereof which, upon approval by the Controller shall be paid without further approval by any body or officer.

**Section 1418. Actions Against City.** No suit shall be brought on any claim or demand for money or damages against the city or any board, commission or officer thereof until a claim has been presented to the City and rejected in whole or part. The procedures, requirements, restrictions and time limits applicable to and governing the presentation to and processing of claims for damages, and the filing of lawsuits following

the rejection in whole or in part of claims, shall be governed by the California Tort Claims Act as set forth in the California Government Code. The City Council may, by ordinance, require the presentation of claims for demands otherwise exempted from the claims presentation requirements.

**Section 1419. Independent Audit.** The City Council shall employ, at the beginning of each fiscal year, a qualified accountant who, at such time or times as may be specified by the City Council, shall examine the books, records, inventories and reports of all officers and employees who receive, handle or disburse public funds and of such other officers, employees or departments as the City Council may direct. At the end of the 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, City Controller, City Treasurer, and City Attorney, respectively, and three additional copies to be placed on file in the office of the City Clerk where they shall be available for inspection by the general public.

## ARTICLE XV

### PUBLIC UTILITIES. FRANCHISES.

**Section 1500. City-owned 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 a general or special election at which such proposition is submitted.

**Section 1501. Granting of Franchises.** Any person, firm or corporation furnishing the City or its inhabitants with transportation, communication, terminal facilities, water, light, heat, power, refrigeration, storage or any other public utility or service, or using the public streets, ways, alleys, or places for the operation of plants, works, or equipment for the furnishing thereof or traversing any portion of the City for the transmitting or conveying of any such service elsewhere may be required by ordinance to have a valid and existing franchise. The City Council is empowered to grant such franchise to any such person, firm or corporation, whether operating under an existing franchise or not. The City Council may prescribe the terms and conditions of any such grant. It may also provide, by procedural ordinance, the method of procedure and additional terms and conditions for making such grants, subject to the provisions of this Charter.

**Section 1502. Resolution of Intention. Notice and Public Hearing.** Before granting any franchise, the City Council shall pass a resolution declaring its intention to grant the same, stating the name of the proposed grantee, the character of the franchise and the terms and conditions upon which it is proposed to be granted. Such resolution shall fix and set forth the day, hour and place when and where any persons having any interest therein or any objection to the granting thereof may appear before the City Council and be heard thereon. It shall direct the City Clerk to publish said resolution at

least once, within fifteen (15) days of the passage thereof, in the official newspaper. Said notice shall be published at least ten (10) days prior to the date of hearing.

At the time set for the hearing the City Council shall proceed to hear and pass upon all protests and its decision thereon shall be final and conclusive. Thereafter, it may grant, or deny, the franchise, subject to the right of referendum of the people.

**Section 1503. Term of Franchise.** Every franchise shall state the term for which it is granted, which, unless it be indeterminate as provided for herein, shall not exceed twenty-five (25) years.

A franchise grant may be indeterminate, that is to say, it may provide that it shall endure in full force and effect until the same, with the consent of the Public Utilities Commission of the State of California, shall be voluntarily surrendered or abandoned by its possessor, or until the State of California, or some municipal or public corporation, thereunto duly authorized by law, shall purchase by voluntary agreement or shall condemn and take, under the power of eminent domain, all property actually used and useful in the exercise of such franchise and situate within the territorial limits of the State, municipal or public corporation purchasing or condemning such property, or until the franchise shall be forfeited for noncompliance with its terms by the possessor thereof.

**Section 1504. Grant to be in Lieu of All Other Franchises.** Any franchise granted by the City with respect to any given utility service shall be in lieu of all other franchises, rights or privileges owned by the grantee, or by any successor of the grantee to any right under such franchise, for the rendering of such utility service within the limits of the City as they now or may hereafter exist, except any franchise derived under Section 19 of Article XI of the Constitution of California as said section existed prior to the amendment thereof adopted October 10, 1911. The acceptance of any franchise hereunder, shall operate as an abandonment of all such franchises, rights and privileges within the limits of the City as such limits shall at any time exist, in lieu of which such franchise shall be granted.

Any franchise granted hereunder shall not become effective until written acceptance thereof shall have been filed by the grantee thereof with the City Clerk. Such acceptance shall be filed within ten days after the adoption of the ordinance granting the franchise or any extension thereof granted by the City Council and when so filed, such acceptance shall constitute a continuing agreement of such grantee that if any when the City shall thereafter annex, or consolidate with, additional territory, any and all franchises, rights and privileges owned by the grantee therein, except a franchise derived under said constitutional provision, shall likewise be deemed to be abandoned within the limits of such territory.

**Section 1505. Eminent Domain.** No franchise grant shall in any way or to any extent impair or affect the right of the City to acquire the property of the grantee thereof either by purchase or through the exercise of the right of eminent domain, and nothing herein contained shall be construed to contract away or to modify or to abridge either for

a term or in perpetuity the City's right of eminent domain with respect to any public utility. Every franchise grant shall reserve to the City the right to purchase the property of such utility either at an agreed price or a price to be determined in a manner to be prescribed in the grant, or in the procedural ordinance hereinabove mentioned. In fixing the price to be paid by the City for any utility, no allowance shall be made for franchise value (other than the actual amount paid to the City at the time of the franchise acquisition), good will, going concern, earning power, increased cost of reproduction, severance damage, or increased value of right of way.

**Section 1506. Duties of Grantees.** By its acceptance of any franchise hereunder, the grantee shall covenant and agree to perform and be bound by each and all of the terms and conditions imposed in the grant, or by procedural ordinance and shall further agree to:

(a) Comply with all lawful ordinances, rules and regulations theretofore or thereafter adopted by the City Council in the exercise of its police power governing the construction, maintenance and operation of its plants, works, or equipment;

(b) Pay to the City on demand the cost of all repairs to public property made necessary by any of the operations of the grantee under such franchise;

(c) Indemnify and hold harmless the City and its officers from any and all liability for damages proximately resulting from any operations under such franchise;

(d) Remove and relocate without expense to the City any facilities installed, used and maintained under the franchise if and when made necessary by any lawful change of grade, alignment or width of any public street, way, alley or place, including the construction of any subway or viaduct; and

(e) Pay to the City during the life of the franchise a percentage, to be specified in the grant, of the gross annual receipts of the grantee within the limits of the City, or such other compensation as the City Council may prescribe in the grant.

**Section 1507. Exercising Rights Without Franchise.** The exercise by any person, firm or corporation of any privilege for which a franchise is required, without possessing a valid and existing franchise therefore, shall be a misdemeanor and shall be punished in the same manner as violations of this Charter are punishable and each day that such condition continues to exist shall constitute a separate violation.

## ARTICLE XVI

### EMPLOYEES' RETIREMENT SYSTEM

**Section 1600. Employees' Retirement System.** The California Public Employees' Retirement Act, as now existing and as hereafter amended, having previously been adopted by vote of the City electorate as the retirement program for the employees of the City, shall remain the retirement system for the City's employees. Plenary authority and power is hereby vested in the City, its City Council and its several officers, agents and employees to do and perform every act and exercise every power granted, permitted or required in accordance with the provisions of the California Public Employees' Retirement Act to continue the participation by the City as a contract member of the California Public Employees' Retirement System.

**Section 1601. Retirement Contract.** The contract previously entered into with the Board of Administration of the Public Employees' Retirement System may be terminated by the City only under authority granted by ordinance adopted by a majority vote of the electors of the City.

## ARTICLE XVII

### MISCELLANEOUS

**Section 1700. Definitions.** Unless the provision or the context otherwise requires, as used in this Charter:

- (a) "Shall" is mandatory, and "may" is permissive.
- (b) "He" means both masculine and feminine gender.

**Section 1701. State of Extreme Emergency.** During the existence of any national or local emergency created by military attack or sabotage, or in the providing for adequate national or local defense, or upon the occasion of a great public calamity, such as an extraordinary fire, flood, storm, epidemic, earthquake, or other disaster, the City Manager is hereby authorized to take such action as is deemed by him necessary to safeguard life, health or property notwithstanding any other provision of this Charter. During the existence of any such emergency the responsible city officer may comply with any lawful federal or state law, order or regulation and the provisions of this Charter, in safeguarding life, health or property in the City. At the first meeting of the City Council following the commencement of any such emergency, or the taking of any action under this section, the City Council shall review the situation and its findings as to the existence of such emergency or the need for any further action of an emergency nature and contrary to any provision of this Charter, shall be final and conclusive.

**Section 1702. Violations.** The violation of any provision of this Charter shall be deemed a misdemeanor and be punishable upon conviction by a fine or term of imprisonment, or both, authorized by state law for the punishment of misdemeanor crimes.

**Section 1703. Validity.** If any provision of this Charter, or the application thereof to any person or circumstance is held invalid, the remainder of the Charter, and the application of such provision to other persons or circumstances, shall not be affected thereby.

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