

CITY CHARTER SUGGESTIONS (through Jan. 10, 2011)

Since Dec. 6, 2011, the City of Costa Mesa has been soliciting input from residents and other interested parties on the initial draft of a proposed charter, or local constitution, for the City.

The City has compiled the suggestions and comments below for the City Council's consideration at the first official public hearing on the charter at 7 p.m. Tuesday, Jan. 10. The City will continue to solicit input on the charter for the council's consideration from Jan. 10 to the second public hearing at 7 p.m. on Tuesday, Feb. 14.

The first draft of the proposed city charter is attached at the end of the suggestions/comments.

The suggested additions/edits/deletions received by City Hall since Jan. 5 are in light gray. Near the end of this document, there is one resident's suggested rewrite of Newport Beach's charter for Costa Mesa, there's another resident's suggested rewrite of Visalia's charter for Costa Mesa.

SUGGESTIONS TO THE CITY COUNCIL

Suggested additions, edits: the Preamble

1. **Suggested amend:** WE THE PEOPLE of the City of Costa Mesa, California, believe fiscal responsibility and the prudent stewardship of public funds is essential for confidence in government, that ethics and integrity are the foundation of public trust and that just governance is built upon these values. Through the enactment of this Charter, we declare our intent...enact and adopt this Charter for the City of Costa Mesa. It is incumbent upon those who govern and make decisions for and on behalf of the City of Costa Mesa to legally, as well as morally, abide by the provisions of this Charter, in its strictest sense, to assure the continued success and well-being of our City.

Suggested additions, edits: Municipal Affairs, Section 100

1. **Suggested amend to Section 101:** Rights and Liabilities of Cityies; Prior Contracts, Liabilities, Etc., Continued in Effect The City of Costa Mesa shall remain vested.... All lawful ordinances, resolutions, rules and regulations and contracts, or portions thereof, in force at the time this Charter takes effect...are hereby continued in force until...superseded by proper authority.
2. **Suggested addition to Section 101:** If Section 101 does not apply to Measure C (regarding fairgrounds land use), please alter it so that the provisions of Measure C are included. [Measure C would stay in effect with the charter.]
3. **Suggested addition:** Section 101(a). Pending Actions and Proceedings No action or proceeding, civil or criminal, pending at the time when this Charter takes effect, brought by or against the City or any officer, office, department or agency thereof, shall be affected or abated by adoption of this Charter or by anything herein contained.
4. **Suggested amend to Section 102:** Municipal Affairs Each of the responsibilities of governance set forth and described in this Charter, and as established to the extent allowed by the Constitutional, statutory and judicially defined law of the State of California, is hereby declared to be a municipal affair of concern, the performance of which is unique to the benefit of the citizens of the city of Costa Mesa. Unless specifically provided for in this Charter, the general laws of the State of California shall apply to the City of Costa Mesa.
5. **Suggested addition:** 105: Any Municipal Affair, responsibility, governance action, or authority not specifically addressed in this charter shall be governed by the rules governing general law cities in the State of California.

Suggested additions, edits: Form of Government, Section 200

1. **Suggested addition to Section 201:** The parts that are here are fine but a specific qualification section should be added. City Council members should be U.S. citizens, at least 18 years old, a registered voter,

resident of the City of Costa Mesa for at least 2 years and remain a resident as long as they are on the Council. Include language about City Council's compensation/expenses; include language about Council vacancies, forfeitures (absenteeism); felony convictions; rules for conflict of interest and nepotism.

2. **Suggested addition to Section 201:** The Mayor of the city shall be elected by the qualified voters of the City at a general municipal election. The term of service for the mayor and shall be for a period of two (2) years from the date of election.
3. **Suggested amend to Section 201:** The members of the City Council shall not be eligible to hold any other office or employment with the City during the period of their incumbency, and for a period of two years following the termination of their position on the City Council.
4. **Suggested addition to Section 201:** Council Member Qualification - 5 year Minimum Residency requirement.
5. **Suggested amend to Section 201:** No person shall be certified to sit on the City Council for more than two (2) four-year terms in that person's lifetime.
6. **Suggested amend to Section 201:** The person with the next highest amount of votes, on the most recent election be appointed to the vacated position, of course that is if they are still interested on being on the City Council.
7. **Suggested addition:** There shall be a City Council consisting of a Mayor and four Council members. If a vacancy occurs in the office of Mayor, the Vice Mayor shall assume the duties of the office of Mayor until the office shall be filled at the next general municipal election. The assumption of the duties of the Mayor shall not require that the Vice Mayor relinquish his or her seat as a Council member elected or appointed from a district. If a vacancy occurs among any other members of the City Council, the remaining members shall within 75 days after such occurrence appoint a qualified resident voter of the unrepresented district who shall hold office until the office is filled at the next general municipal election. If the City Council cannot agree on one person to fill the vacancy, the replacement shall be chosen by lot.
8. **Suggested addition:** The Mayor shall be elected by the voters of the City at large for a term of four years beginning with the municipal elections. The Mayor shall be a voting member of the City Council and shall preside at meetings of the City Council. The Mayor shall act as chief executive of the City in performing all acts required to be performed under the laws of the State of California and this Charter. The Mayor shall be recognized as the official head of the City for all ceremonial purposes, by the Courts for the purpose of serving civil process and by the Governor of the State for military purposes. The Mayor shall have a voice and vote in all proceedings of the City Council and shall perform such other duties as may be prescribed by this Charter or as may be imposed by the City Council consistent with his or her office. THE VICE MAYOR. At its organizational meeting, the City Council shall elect from among the Council members a Vice Mayor who shall exercise the powers and perform the duties of the Mayor during the latter's absence or disability.
9. **Suggested addition:** POWERS VESTED IN THE 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. The City Council is empowered to carry into effect the provisions of this Charter, to execute the powers vested in the City, and to perform all duties and obligations imposed upon the City by State law.
10. **Suggested addition:** Members of the Planning Commission shall be elected for two-year terms by the residents of Costa Mesa at large.
11. **Suggested addition:** Members of all (other—except for elected Planning Commission members) commissions and committees shall be chosen by an appointment committee consisting of equal numbers of council members plus current committee members and citizens chosen at random from a volunteer pool. (For example, if two council members and two members of the Arts Commission will be on a committee, four members randomly selected from a pool of interested residents shall be included. The method of including representatives of the public at large is used at other public institutions.) The appointment committee shall establish a job description and a list of desirable qualifications prior to solicitation of applicants.
12. **Suggested amend to Section 202:** Change from requiring 1 public meeting a month to at least 2 public meetings a month. The meetings, many times, end after midnight now. With only one meeting a month

public input wouldn't have a chance. Second paragraph, please define and be specific about "state laws," such as "open and public" include specific language about dissemination of information about council meetings.

13. **Suggested addition to Section 202:** Time and Place of Meetings; Rules of Conduct of Proceedings (Add third paragraph) No citizen shall be denied the right, personally or through counsel, to present grievances at any regular meeting of the City Council, or to offer suggestions for the betterment of municipal affairs, subject always to the rules of the City Council, governing the conduct of Council meetings.
14. **Suggested addition to Section 202:** Any Council member, whose personal interests, or those of his/her family, or those of his/her business associates, may realize a pecuniary benefit, whether immediate or prospective, as a result of a City action before the Council, shall immediately recuse him/herself from participating in any way in such City action.
15. **Suggested amend to Sections 203/204:** Be consistent. If we aren't having a title of City Manager anymore then change it everywhere to CEO. Paragraph 3, remove "without cause stated or hearing had." This language puts way too much power in the hands of the City Council. What specific power and duties of the City Manager? What about language that explains/describes an "acting" city manager? Line 2 "as prescribed by this Charter" Where? What about language describing personnel, boards, commissions, committees?
16. **Suggested addition to Section 203:** Administrative Officers; Appointment and Removal; Grounds (Add fourth paragraph) The City Manager shall not be removed from office during or within a period of ninety days after any municipal election at which a member of the City Council is elected. No person shall be eligible to receive appointment as City Manager while serving as a member of the City Council or any City commission, board, or committee, nor within one year after such person has ceased to be a member of the City Council.
17. **Suggested amend to Section 203:** Concerned about 4 Council Members being able to dismiss an employee with no hearing and no stated reason.
18. **Suggested amend to Section 204:** Administrative Officers; Qualifications and Duties The City Manager shall be the administrative head...by ordinance of the City Council. The City Manager shall be chosen on the basis of his or her executive and administrative qualifications, with special reference to actual experience in, and knowledge of, accepted principles and practices of organizational design and development, long-range planning, public administration, public financing, municipal budgeting, financial administration, program and policy formulation, purchasing, maintenance of public records, and applicable state and federal laws and regulations governing the administration and operations of a municipal agency.
19. **Suggested addition to Section 204:** Since the general public in numerous public hearings and meetings have strongly expressed that there should be no Santa Ana River bridge crossings between Costa Mesa and her neighboring cities at either 19th St. or Gisler Ave. and since the city has maintained a Council policy of not supporting any bridge crossings at these streets and that these two elements of the Orange County Master Plan of Highways (OCMPH) should be deleted from the OCMPH since the early 1990s, it is the wish of the people of Costa Mesa to include that same policy along with the planning policy as described in the General Plan Circulation Element Circulation Objective IA.18 as part of this Charter, unless and until that policy is changed by amendment to this Charter.
20. **Suggested amend to Section 205:** Interference With Performance of Duties of City Manager No member of the City Council shall in any manner attempt to influence or coerce the City Manager in the ~~making of any appointment or removal of any officer or employee, in the purchase of supplies or services, or in any other administrative matter~~ in accordance with the Charter, City ordinance, or applicable state and federal law.
21. **Suggested clarification to Section 205:** Second line, "in accordance with the Charter," where is this language in the charter about attempt to influence/coerce? What about specific language about a city clerk and city treasurer?
22. **Suggested addition to Section 206:** Code of Ethics and Conduct The City Council shall adopt a Code of Ethics and Conduct for elected officials and members of appointed commissions, boards and committees to assure public confidence in the integrity of local government elected and appointed officials. The City

Council shall adopt said Code of Ethics and Conduct by ordinance or resolution within six months of the effective date of this Charter.

23. **Suggested addition:** Should include a Court of Review – akin to the U.S. and California Supreme Courts – to provide local checks and balances on the City Council by splitting governance into three equal branches; the executive, legislative and judicial branches. The Court could be established, for example, with three judges elected by vote of the citizens of Costa Mesa, and hold office for six years in staggered terms. The Court would sit only as needed, when a petition for review is filed. Suitable compensation of judges could be established for their part-time work. The City would provide a venue, materials, and equipment for the Court's operation, and fund it as needed. This Court is needed to supplement the cumbersome and expensive routes of appeal that have been traditionally available – lawsuits and the Referendum. A more rapid response is needed, in case a Council greatly empowered by a charter succumbs to dangerously unfettered activism.
24. **Suggested addition:** City Council may consider organizations (Commission) to participate in decisions affecting the City as a whole, a commission (such as Planning Commission) is given the power to make decisions, or take actions. Some or all such powers may be limited or effectively unlimited. Candidates must be at least 18 and willing to participate for a two-year term. Candidates also should demonstrate a history of participating in community activities, ideally with emphasis on city related activities. The City Council conducting the recruitment program will screen all applications and recommend qualified candidates for membership and their selections will be made by drawing from eligible residents.
25. **Suggested addition:** In the event the Council takes any action that has a significant negative impact upon the City's finances, including causing legal action resulting in fines or penalties, said Council will be held personally financially responsible for said costs.
26. **Suggested addition:** Include a provision that the municipal elections shall continue to be governed by state law, or alternatively, have the charter spell out with specificity the exact manner in which all election matters, including initiatives, referenda and recalls will be conducted. As written the charter leaves the door wide open for the council, by a mere vote of 3, to alter the local election laws. This includes setting forth qualifications for office, percentage of registered voters' signatures required for an initiative, referendum or recall to be changed (lowered or increased, at the whim of any given council, since any such election ordinances can be enacted and/or repealed by Council and not the voters.
27. **Suggested addition:** All provisions of the general law of the State of California as they now exist or as amended in the future shall govern matters concerning elections including, but not limited to, election dates, initiatives, referenda, recall, eligibility to vote, and qualifications for office, and no other provisions shall apply, except that the time for filing a petition for a referendum shall be ninety days from the final reading of the legislative action, and no such action, other than an urgency ordinance as defined by general law, shall take effect until the time for filing of a referendum petition has expired and no valid petition has been filed.

Suggested additions, edits: Legislative Authority, Section 300

1. **Suggested addition to Section 300:** add specific language about special elections article.
2. **Suggested amend to Section 300:** Ordinances (Amend first paragraph) The City Council shall act by ordinance, resolution, or motion. Except for urgency ordinances,...nor at any time other than at a regular meeting, and no ordinance shall become effective until thirty (30) days from and after the date of its final passage. Nothing herein...signed by the Mayor and attested by the City Clerk.
3. **Suggested addition:** Section 301. Initiative, Referendum and Recall The provisions of the Elections Code of the State of California, as the same now exists or may hereafter be amended, governing the initiative and referendum and the recall of municipal officers, shall apply to the use thereof in the City of Costa Mesa.
4. **Suggested addition:** Section 301: All Zoning Ordinances, zoning changes or Planning Ordinances or planning changes or land use ordinances or land use changes must conform to the General Plan or any Specific plan and the rules that guide General plans.

5. **Suggested addition:** Section 302: All ordinances will continue to be adopted in the same manner as described in California code covering general law cities.
6. **Suggested addition:** Section 302. Planning and Zoning The Zoning Code, land use designations of properties as shown on the official Zoning Map, and land use decisions (including, but not limited to, subdivisions, variances, conditional use permits, and administrative zoning approvals) shall be consistent with the General Plan and any applicable Specific Plan. In the event that a zoning ordinance or zoning map becomes inconsistent with the General Plan or Specific Plan by reason of amendment to the General Plan or Specific Plan, the zoning ordinance or zoning map shall be amended within a reasonable time so that it is consistent with the General Plan or Specific Plan as amended.
7. **Suggested addition:** City Council powers limited, not to be liberally or broadly interpreted, with all other Charter rights/powers reserved for the Citizens of Costa Mesa.
8. **Suggested addition:** Include the manner for the enactment of ordinances to remain the same as under state law, and for the charter to specifically so provide.

Suggested additions, edits: Fiscal Matters, Section 400

1. **Suggested amend to Section 400:** Economic and Community Development The City shall encourage, support, and promote economic development and community development in the City, while balancing the benefits of such development with potential impacts on residents, in terms of traffic, noise, pollution and other factors that affect the quality of life.
2. **Suggested amend to Section 401:** Public works contracts should not be exempt from public bidding. Prevailing wage should be paid even with "fair and open competition." Bids lower than the prevailing wage allow the bidder to pay employees much less than the going rate for the work an employee is doing. This would allow the owner of the business to make a larger profit on the backs of his workers. This kind of language encourages the contractor to hire undocumented workers at minimum wage or even lower than minimum wage.
3. **Suggested amend to 401 section:** Council shall be required to maximize contracting out all City services, except above Police/Fire/EMT minimum Street Patrol services, to most qualified bidder that provides best value to City over the life of each such contract.
4. **Suggested amend to Section 401:** Retain all language to Project Labor Agreements and the ability to keep the City protected from strikes by unions. PLA's give the City the chance to ensure the most qualified bidder gets the award.
5. **Suggested addition amend to Section 401:** Competitive bids shall be solicited for all contracts with public or private entities, and contracts shall be awarded to the lowest responsible and responsive bidder. No changes to an Invitation to Bid or Request for Proposal shall be made after the Invitation or Request has been issued, and non-responsive bids shall be rejected; provided, however, that after a contract has been awarded, the City Council, at a regular public meeting, may modify the contract by adding or deleting specific items of work within the general scope of the contract and adjusting compensation accordingly. Contracts for legal, accounting, engineering or architectural services shall be awarded with due consideration for the specific skills and expertise required, in addition to the financial and other aspects of the proposals.
6. **Suggested addition to Section 401:** Every contract awarded by the City of Costa Mesa which is not limited by its terms to one year or less shall include a specific amount of maximum compensation, per year and overall. The maximum compensation shall not be exceeded or increased except by a vote of at least three members of the City Council at a regular public meeting, before goods or services in excess of the maximum are provided to the City.
7. **Suggested addition to Section 401:** All construction and maintenance contracts awarded by the City shall provide that all persons providing services under the contract shall be legally entitled to perform the work and shall possess all required licenses and permits needed for the work. The contracts shall require the contractor to provide adequate proof of compliance prior to the start of the work and monthly thereafter until the work is completed.

8. **Suggested amend to Section 401:** Paragraphs four and five: the power of the City Council needs checks and balances. Who reviews the levels set, based upon what criteria?
9. **Suggested deletion to 401:** Delete the wording "The City is exempt from the provisions of all California statutes regulating public contracting and purchasing, except as provided by this Charter, City ordinance, or by agreement approved by the City Council" because this is unconstitutional under California and Federal law.
10. **Suggested addition:** Fiscal matters need language about annual budget preparation, submission, public hearing, public consideration, City tax rates, and audits.
11. **Suggested addition:** Council will minimize hiring Consultants, but in no event to exceed 0.5% of GF.
12. **Suggested addition:** Section 403: The city is prohibited from enacting any law imposing a real property transfer fee.
13. **Suggested addition:** Section 403. Conflict of Interest No member of the City Council shall be financially interested, as that term is defined at Government Code Section 87103, as it is presently worded or may hereafter be amended, in any contract, sale or transaction to which the City is a party, and neither shall any member of any City commission, board, or committee, or any City official or employee be financially interested in any contract, sale or transaction to which the City is a party and which comes before said commission, board, committee or said official or employee or department of the City with which he or she is connected, for official action.

Suggested additions, edits: Revenue Retention, Section 500

1. **Suggested deletion to Section 500:** Delete "Revenues raised and collected by the City shall not be subject to subtraction, retention, attachment, withdrawal or any other form of involuntary reduction by any other level of government."
2. **Suggested deletion to Section 501:** Delete No person whether elected or appointed, acting on behalf of the City, shall be required to perform any function which is mandated by any other level of government, unless and until funds sufficient for the performance of such function are provided by said mandating authority."

Suggested additions, edits: General Laws, Section 600

1. **Suggested addition to Section 600:** "All provisions of the general law of the State of California pertaining to conflict of interest, including but not limited to Government Code Section 1090, shall apply to and be binding upon the City Council and all officers and employees of the City of Costa Mesa."
2. **Suggested amend to Section 601:** Council Member Compensation now includes salary benefits, medical benefits and pension benefits. Since Council members are only here part-time, they should only receive a part-time salary. Council members should pay for their own medical insurance. Councilmember Total Compensation- \$150 per member per Council meeting.
3. **Suggested amend to Section 601:** Council Member Compensation Notwithstanding the previous paragraph, salary of the Mayor and Council Members will continue to be set by California Government Code §36516, as that statute provides as of the date of the adoption of this Charter, where the formula considers city population and state law. Elected Council members are not entitled to city benefits' benefits, employment benefits, or employer contributions without the majority approval of qualified voters of the City at a general municipal election.
4. **Suggested addition to Section 601:** No rule or proposal increasing the salary, benefits, power, or authority of elected officials or their appointed representatives,* including this City Charter shall take effect until each sitting member of the Council at the time of passage of the ordinance has stood for re-election. (For example, this charter could not go into effect until after the 2014 election.) *Members of Planning Commission, Parks & Rec Commission, etc.
5. **Suggested addition to Section 601:** No elected or appointed official may receive pay for more than one committee or commission position.

6. **Suggested addition:** Section 602.1 – The City is a right to work City. No employee is required to join a union or the OC Employee Assn.
7. **Suggested deletion** to Section 602: Delete the last sentence. If voters must approve increases they should also have to approve decreases. Add that sentence to the section. The way it reads the City Council has too much power in their hands.
8. **Suggested addition to Section 602:** Retirement age for each new City employee will be 65 years of age, except for active Police/Fire/EMT on street patrol, whose Retirement Age will be 59 years of age.
9. **Suggested addition:** Section 602.2 – Total benefits (retirement, health, +) contributions shall be shared 50% by the City and the employee. The City's total contribution shall not exceed 10% of the employees pay.
10. **Suggested deletion to Section 603:** Delete. City employees should make that change within their own union or association. They have the power to make that change themselves if they are unhappy with the way their dues are being spent.
11. **Suggested deletion to Sections 602 & 603.** Delete entirely. They are punitive and unnecessary. (2 comments)
12. **Suggested addition:** Taxpayer Payroll Committee would establish rates of compensation for all employees. The compensation would be based on the Bureau of Labor Statutes for private employers (not union wages). Local benefits shall not be greater than those provided by Social Security (rate of contribution by employee and employer, age of retirement).
13. **Suggested addition:** Need General Fund Appropriate limits specific in Charter – e.g., maximum 50% of GF for Salaries/Benefits; Minimum 10% of GF for Reserve; Minimum of 10% of GF for Infrastructure; Minimum of 5% of GF for Telecommunications; Minimum of 5% of GF for Police/Fire Vehicles. Total City employee headcount not to exceed 200, including FTEs, of those, minimums of 100 Police Street Patrol, 40 Firefighters, and 5 EMTs, with a maximum 55 in other City jobs.
14. **Suggested addition:** Except for the City Manager, and a Public Safety Administrator (to head up Police/Fire/EMT), maximum annual salary for any City employee not to exceed \$150K, including all incentives and bonuses, excluding City PERS contribution.
15. **Suggested addition:** City's Contribution to PERS for each new City employee not to exceed 20%.
16. **Suggested addition:** Each new City employee to pay 100% of City-offered medical/hospital plans.
17. **Suggested addition:** Council will minimize Overtime, but in no event exceed 0.5% of GF.
18. **Suggested addition:** Add language that protects our status as a "Rule of Law" City and continues to oppose illegal immigration violations and so-called "Safe Harbor" cities.
19. **Suggested addition:** In any doctrine reinforcing the historic principles of self governance and home-rule, it is of the utmost importance to include the right of law abiding citizens to keep and bear arms. Laws can come and go depending on the elected officials but it is crucial that no law can be passed that would infringe on that primal right for law abiding citizens.
20. **Suggested addition:** Include a provision that spells out exactly how the zoning and land use laws will be changed and have them contained in the charter, or have the charter provide that state law will continue to govern zoning and land use (including use of public parklands).
21. **Suggested addition:** The charter to specifically prohibit Council from seeking voter approval to impose a real property transfer tax.
22. **Suggested addition:** All zoning ordinances and zoning variances shall conform to and be consistent with the general plan in effect at the time of adoption or approval and to any applicable specific plan, and to general law in regard to the rules governing general and specific plans and zoning.

23. **Suggested addition:** All provisions of the general law of the State of California pertaining to conflict of interest, including but not limited to Government Code Section 1090, shall apply to and be binding upon the City Council and all officers and employees of the City of Costa Mesa.
24. **Suggested addition:** Whenever a valid petition for a referendum has been filed, the City Council shall either vacate the action that is the subject of the referendum or submit the matter to a vote of the electorate at the next general election.
25. **Suggested addition:** Any citizen initiative for which a valid petition has been filed shall be submitted to a vote of the electorate at the next general election.
26. **Suggested addition:** No proposed amendment to this charter shall be adopted unless approved by a majority of those voting on the matter at a general election held in an even-numbered year.
27. **Suggested addition:** All matters not expressly included in this charter shall be governed by the general law of the State of California.
28. **Suggested addition:** All communications concerning City of Costa Mesa business between a Council member and any individual or organization other than City of Costa Mesa employees shall be disclosed at the next regular Council meeting. The disclosure shall include the names of all persons participating, the dates of such communications, the form of communication, the subject of the communication and a summary of the substance of the communication.
29. **Suggested addition:** An anti-party ordinance such a Newport Beach's.
30. **Suggested addition:** All parkland in the City of Costa Mesa shall remain public parkland, and no uses shall be permitted except public park uses. No parkland shall be sold or leased without a majority vote of the electorate at a general election held in November of an even-numbered year. No commercial use shall be allowed, and no alcoholic beverages shall be sold, in any city park.
31. **Suggested addition:** I would suggest, being a medical marijuana patient, that dispensaries be allowed with a LIMIT of 4 in the city, dividing cm into 4 areas and allowing 1 in each area.
32. **Suggested addition:** Protection of right to quiet enjoyment of one's own home ordinances. A) Requests for any variances to a private residence be noticed to all homeowners within an area of 500 feet at least one month in advance in an official letter clearly marked as affecting their property and clearly spelling out the variance request. B) Requests for variances for commercial property or changes to zoning, parks or traffic patterns shall require notice to all residents and property within an area of one-quarter mile as well as to any homeowner who will experience a direct impact of increased traffic at their home. C) Notices for any variances to residential or commercial property shall be sent at least one month in advance in an official letter clearly marked as affecting the property and clearly spelling out the suggested changes. D) A citizen's commission composed of representatives of each neighborhood shall approve the format of the template for notification letters to be sent out. E) Appeals by residents of affirmative Planning Commission decisions (those allowing a variance) to City Council or a rehearing of a City Council decision shall cost no more than \$50. F) Variance and spot-rezones must be approved only with a statement as to the *necessity* for this variance. G) Appeals by residents for a rehearing of a City Council decision shall cost no more than \$50.
33. **Suggested addition:** The use and disposition of all city parks and/or park land shall be governed by California code as described for general law cities and the general plan of Costa Mesa.

Suggested additions, edits: Interpretation, Section 700

1. **Suggested amend to 700:** Language contained in this charter is to be construed narrowly. Any powers not specifically and clearly granted to the city shall be governed by the general law of the state of California.
2. **Suggested amend to 700:** Any authority or power not specifically given to City Government shall be governed by the general law of the state of California.

Suggested additions: Overview Review Committee, Section 900

1. **Suggestion addition:** A committee of a minimum of 10 registered voter residents of the City of Costa Mesa shall be appointed by the city council within 30 days of the approval of this charter whose duty shall be the oversight/review of the charter, development and recommendation of appropriate amendments to the charter. (a) said committee has the authority to have/hold public discussions/forums to receive public input on charter strengths, weaknesses, needs, and abuses (b) whose reasonable cost will be covered by the city (c) who's recommendations must be presented at a public hearing of the council within 30 days of receipt of the recommendations.

Suggested additions: Elections, Section 1000

1. **Suggestion addition:** All matters concerning municipal elections including but not limited to, initiatives, referendums, recalls, voter qualification, qualifications for office, timing of elections and charter amendments shall follow the election Codes of the state of California as described for General law cities.

Suggested additions: Ex-Parte Communications, Section 1100

1. **Suggested addition:** All elected officials and any appointed officials of those elected officials shall report, in a public manor, any ex parte communications with any interested parties on an issue before such official(s) prior to a vote on that issue.

Suggested additions: Pending Actions and Proceedings, Section 1200

1. **Suggested addition:** No action or proceeding, civil or criminal, pending at the time when this Charter takes effect, brought by or against the City or any officer, office, department or agency thereof, shall be affected or abated by adoption of this Charter or by anything herein contained.

Suggested additions, edits: Amendment, Section 800

1. **Suggested amend to Section 800:** Amendment to Charter, Revised or Repealed This Charter, and any of its provisions, may be amended by a majority two thirds vote of the electors voting on the question. Amendment or repeal may be proposed by initiative or by the governing body.
2. **Suggested amend to Section 800:** Replace with: A volunteer Charter Revision, Amendment and Oversight Committee (CRAOC) will be established. The city is to remain a General Law city until the CRAOC is established. The CRAOC will consist of a number of individuals elected by the voters of Costa Mesa and will have service terms and limits. Committee members will be elected/re-elected by the voters of Costa Mesa every TBD years. The CRAOC can propose revisions, amendments, and all other form of changes to the charter or repeal it. The CRAOC provides oversight by having the authority, through majority CRAOC vote, to approve for placement on the ballot any proposal for power or authority that is outside of that specifically defined in the charter. If placed on the ballot, a majority of Costa Mesa voters must approve the proposal. The proposed changes or proposal for repeal can be put on the ballot without the city council's approval if 60% or more of CRAOC committee members agree. All other CRAOC rules for selecting a leader of the CRAOC, and for operation and approval of proposals will be established by the CRAOC. If the charter changes or proposal for repeal are approved by the CRAOC for the ballot, the changes must be approved by a majority of the Costa Mesa electors voting on the issue before they become effective.
3. **Suggested amend to Section 800:** Amendment to Charter, Revised or Repealed This Charter, and any of its provisions, may be amended by a majority two thirds vote of the electors voting on the question. Amendment or repeal may be proposed by initiative or by the governing body.
4. **Suggested addition:** Section 801. Charter Review The City Council shall hold a public hearing to determine if there is a need to convene a citizens' Charter Review Commission to conduct a review of the City Charter no less frequently than every ten years.

One resident rewrote Newport Beach's charter for Costa Mesa

Article I

Incorporation and Succession

Name and Boundaries.

The City of Costa Mesa, hereinafter termed the City, shall continue to be a municipal corporation under its present name of "City of Costa Mesa." The boundaries of the City shall be the boundaries as established at the time this Charter takes effect, and as such boundaries may be changed thereafter in the manner authorized by law.

Succession, Rights and Liabilities.

The City of Costa Mesa shall continue to own, possess and control all rights and property of every kind and nature owned, possessed or controlled by it at the time this Charter takes effect and shall be subject to all its debts, obligations, liabilities and contracts.

Ordinances.

All lawful ordinances, resolutions, rules and regulations, and 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.

Continuance of Present Officers and Employees.

The present officers and employees shall continue without interruption to perform the duties of their respective offices and employments upon the same conditions and for the compensation provided by the 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 provided in this Charter. The terms of office of elective officers whose offices are made appointive under this Charter shall expire upon the appointment of their successors, respectively.

Continuance of Contracts and Public Improvements.

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

Pending Action and Proceedings.

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

Effective Date of this Charter.

This Charter shall take effect upon its approval by the Legislature.

Article II

Powers of City

Powers.

The City shall have the power to make and enforce all laws, 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, or act pursuant to any and all rights, powers, privileges, or procedures, 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, or act pursuant to, 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, the generality of the foregoing provisions.

Article III

Form of Government

Form of Government.

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

Article IV

City Council

Elective Officers.

The elective officers of the City shall consist of a City Council of five members. Candidates for City Council shall be nominated from and by the electors of each of the five districts referred to in Article X of this Charter and one shall be elected from each of such districts by the voters of the City at large . Alternatively, and successively, four four-year terms shall be filled at one general municipal election and three four-year terms at the next such election, consistent with the sequence of terms of Councilmembers existing on the effective date of this amendment.

The term of office shall be four years. The term of each Council member shall commence on the date of the City Council meeting, following his or her election, at which the council receives the certification of election results from the City Clerk. (As amended by amendments effective April 8, 1980, and November 6, 1984)

Eligibility.

No person shall be eligible to hold office as a member of the City Council unless he or she is, and shall have been for at least thirty (30) days immediately preceding nomination or appointment, a registered elector of the district from which he or she is nominated or appointed, and for at least thirty (30) days immediately preceding his or her election or appointment, a registered elector of the City.

Notwithstanding the provisions of Section 400, no person shall be or remain eligible to hold office as a member of the City Council for more than two consecutive four-year terms. Members of the City Council who have served one or more terms prior to their current term shall be entitled to complete such term, but shall not be eligible for re-election except as provided below. Members of the City Council who are serving their first term as of the effective date of this amendment shall be eligible to hold office during a second four year term when the current term expires.

This section is intended to prevent persons from serving more than two consecutive terms, and shall not be construed to render ineligible any person who would not, by virtue of his or her election, serve more than two consecutive terms. (As amended by amendments effective on June 19, 1968, June 6, 1964, April 8, 1980, and November 3, 1992)

Compensation.

The members of the City Council shall receive no compensation for their services as such.

Reimbursement for Expenses.

The members of the City Council shall receive reimbursement on order of the City Council for Council authorized traveling expenses when on official duty. In addition, each member shall receive the sum of four hundred forty-one dollars and Fifteen Cents (\$441.15) per month, adjusted annually in accordance with the U.S. Department of Labor, Bureau of Labor Statistics, Consumer Price Index, or five percent (5%) whichever amount is lesser, as reimbursement for other expenditures imposed upon him in serving as a City Councilmember. Absence of a Councilmember from all regular and special meetings of the Council during any calendar month shall render such Councilmember ineligible to receive such sum for such calendar month

Vacancy.

A vacancy in the City Council from whatever cause arising, shall be filled by appointment by the City Council of a qualified person from the district in which the vacancy has occurred, such appointee to hold office until the first Tuesday following the next general municipal election and until his or her successor qualifies. At the next general municipal election following any vacancy, a Councilmember shall be elected from the district in which the vacancy exists to serve for the remainder of the unexpired term.

If a member of the City Council absents himself or herself from all regular meetings of the City Council for a period of sixty days consecutively from and after the last regular City Council meeting 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 his or her district, his or her 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 so declared vacant, it shall forthwith cause an election to be held to fill such vacancy from the proper district. (As amended by amendments effective on December 20, 2010)

The Mayor. Mayor Pro Tempore.

On the date of any meeting of the City Council at which time the Council receives the certification of the results of any general or special municipal election at which any member of Council is elected, the City Council shall, after swearing and qualifying any newly elected member, elect one of its members as its presiding officer, who shall have the title of Mayor. The Mayor shall have a voice and vote in all its proceedings. The Mayor shall have the primary but not exclusive responsibility for interpreting the policies, programs and needs of the city government to the people, and, as occasion requires, the Mayor may inform the people of any change in such other duties consistent with the office as may be prescribed by this Charter or as may be imposed by the City Council. The Mayor shall serve in such capacity at the pleasure of the City Council.

In addition to the payment for expenses as a Council Member under Section 402B, the City Council may provide by resolution for the payment to the Mayor of an allowance of not exceeding Two Hundred Twenty Dollars and Fifty-Eight Cents per month, adjusted annually in accordance with the U.S. Department of Labor, Bureau of Labor Statistics, Los Angeles, Long Beach, Anaheim Consumer Price Index, or Five Percent (5%) whichever amount is lesser, to reimburse the Mayor for the additional expenses incurred in serving in that capacity.

The City Council shall at the same time the Mayor is elected also designate one of its members as Mayor Pro Tempore, who shall serve in such capacity at the pleasure of the City Council. The Mayor Pro Tempore shall perform the duties of the Mayor during the Mayor's absence or disability

Powers Vested in the City Council.

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

Interference in Administrative Service.

Neither the City Council nor any of its members shall interfere with the execution by the City Manager of his or her powers and duties, or order, directly or indirectly, the appointment by the City Manager or by any of the department heads in the administrative service of the City, of any person to an office or employment or his or her removal therefrom. 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 thereof shall give orders to any subordinates of the City Manager, either publicly or privately

Regular Meeting.

The City Council shall hold regular meetings at least twice each month at such times as it shall fix by ordinance or resolution and may adjourn or re-adjourn any regular meeting to a date and hour 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. If the hour to which a meeting is adjourned is not stated in the order of adjournment such meetings shall be held at the hour for holding regular meetings. If at any time any regular meeting falls on a holiday such regular meeting shall be held on the next business day.

Special Meetings.

Special meetings may be called at any time by the Mayor, or by four members of the City Council, by written notice delivered personally to each member and to each local newspaper of general circulation and to each radio and television station which has made written request at least twenty-four hours before the time specified for the proposed meeting. A special meeting may also be validly held without the giving of such written notice, if required to be held by this Charter or if all members shall give their consent, in writing, to the holding of such meeting and such consent is on file in the office of the City Clerk at the time of such meeting. A telegraphic communication from a member consenting to the holding of a meeting shall be considered a consent in writing. At any special meeting only such matters may be acted upon as are referred to in such written notice or consent

Place of Meetings.

All meetings shall be held in the Council Chambers of the City Hall, or in such place to which any such

meeting may 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 four members of the City Council.

Quorum. Proceedings.

A majority of the 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 members of the 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 a meeting adjourned by less than a quorum or by the Clerk shall be given by the Clerk or may be waived by consent in the same manner as specified in this Charter for the giving or waiving of notice of special meetings of the City Council, but need not specify the matters to be acted upon. The City Council shall judge the qualifications of its members as set forth by the Charter. It shall judge all election returns. It may establish rules for the conduct of its proceedings and evict or prosecute any member or other person for disorderly conduct at any of its 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 shall 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.

At the demand of any member, and 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 such questions to be entered in the minutes of the meeting.

Citizen Participation.

No citizen shall be denied the right, personally or through counsel, to present grievances at any regular meeting of the City Council, or offer suggestions for the betterment of municipal affairs.

Adoption of Ordinances and Resolutions.

With the sole exception of ordinances which take effect upon adoption, referred to in this Article, no ordinance shall be adopted by the 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 meeting. At the time of its introduction an ordinance shall become a part of the proceedings of such meeting in the custody of the City Clerk. At the time of adoption of an ordinance or resolution it shall be read in full, unless after the reading of the title thereof, the further reading thereof is waived by unanimous consent of the Councilmembers present. In the event that any ordinance is altered after its introduction, the same shall not be finally adopted except at a regular or adjourned regular meeting held not less than five days after the date upon which such ordinance was so altered. The correction of typographical or clerical errors shall not constitute the making of an alteration within the meaning of the foregoing sentence.

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

Unless a higher vote is required by other provisions of this Charter, the affirmative votes of at least four 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. All ordinances and resolutions shall be signed by the Mayor and attested by the City Clerk.

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 five affirmative votes. (As amended by amendments effective on December 20, 2010)

Ordinances. Enactment.

In addition to such other 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 a franchise, shall be by ordinance.

The enacting clause of all ordinances shall be substantially as follows:

"The City Council of the City of Costa Mesa ordain as follows:"

Ordinances. Publication.

The City Clerk shall cause each ordinance to be published pursuant to the procedures established in California Government Code Section 36933 or any successor statute thereto.

Codification of Ordinances.

Any or all ordinances of the City which have been enacted and published in the manner required at the time of their adoption, and which have not been repealed, may be compiled, consolidated, revised, indexed and arranged as a comprehensive ordinance code, and such code may be adopted by reference, with the same effect as an ordinance, by the passage of an ordinance for such purpose. Such code need not be published in the manner required for other ordinances, but not less than three copies thereof shall be filed for use and examination by the public in the office of the City Clerk prior to the adoption thereof. Ordinances codified shall be repealed as of the effective date of the code. Such code may be subsequently revised, recompiled, recodified and indexed, including such restatement and substantive change as is necessary in the interest of clarity, in the same manner as prescribed in this section for the original adoption by reference of an ordinance code. Amendments to the code shall be enacted in the same manner as ordinances.

Detailed regulations pertaining to the construction of buildings, plumbing and wiring, when arranged as a comprehensive code, may likewise be adopted by reference in the manner provided in this Section. Maps, charts and diagrams also may be adopted by reference in the same manner

Ordinances. 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 levying the annual tax upon property.
- (d) An emergency ordinance adopted in the manner provided for in this Article.

The City shall not be bound by any contract, except as hereinafter provided, unless the same shall be made in writing, approved by the City Council and signed on behalf of the City by the Mayor and City Clerk or by such other officer or officers as shall be designated by the City Council. Any of said officers shall sign a contract on behalf of the City when directed to do so by the City Council.

By ordinance or resolution the City Council may authorize the City Manager to bind the City, with or without a written contract, for the acquisition of equipment, materials, supplies, labor, services or other items included within the budget approved by the City Council, and may impose a monetary limit upon such authority.

The City Council may by ordinance or resolution provide a method for the sale or exchange of personal property not needed in the City Service or not fit for the purpose for which intended, and for the conveyance of title thereto.

Contracts for the sale of the products, commodities or services of any public utility owned, controlled or operated by the City may be made by the manager of such utility or by the head of the department or City Manager upon forms approved by the City Manager and at rates fixed by the City Council.

The provisions of this Section shall not apply to the services rendered by any person in the employ of the City at a regular salary.

Freeway and Expressway Agreements; Connection with Freeways; Vote of Electors Required for Approval. Unless and until approved by a majority of the City's electors voting at a general or special election, the City shall not enter into an agreement or contract with the State of California or any other government or department, subdivision, agency or commission thereof (1) allowing construction of a freeway or expressway which would be in whole or in part within the boundaries of the City, or (2) to close any City street at or near the point of its interception with any freeway or expressway or to make provision for carrying such City street over or under or to a connection with the freeway or expressway or to do any work on such City street as is necessary therefor.

Protection from Traffic and Density.*

Voter approval is required for any major amendment to the Costa Mesa General Plan. A "major amendment" is one that significantly increases the maximum amount of traffic that allowed uses could generate, or significantly increases allowed density or intensity. "Significantly increases" means over 100 peak hour trips (traffic), or over 100 dwelling units (density), or over 40,000 square feet of floor area (intensity); these thresholds shall apply to the total of: 1) Increases resulting from the amendment itself, plus 2) Eighty percent of the increases resulting from other amendments affecting the same neighborhood and adopted within the preceding ten years. "Other amendments" does not include those approved by the voters

“Voter approval is required” means that the amendment shall not take effect unless it has been submitted to the voters and approved by a majority of those voting on it. Any such amendment shall be submitted to a public vote as a separate and distinct ballot measure notwithstanding its approval by the city council at the same time as one or more other amendments to the City’s General Plan. The city council shall set any election required by this Section for the municipal election next following city council approval of the amendment, or, by mutual agreement with the applicant for the amendment, may call a special election for this purpose with the cost of the special election shared by the applicant and the City as they may agree. In any election required by this Section, the ballot measure shall be worded such that a YES vote approves the amendment and a NO vote rejects the amendment; any such election in which the ballot measure is not so worded shall be void and shall have no effect.

This section shall not apply if state or federal law precludes a vote of the voters on the amendment

Limitations on Use of Eminent Domain.

The City of Costa Mesa and/or any City-Affiliated Agency shall not exercise the power of eminent domain to acquire any property from the owner of the property, without the owner’s consent, for the sole purpose of transferring the property to another person to further private economic development.

As used in this section of the Charter, the following terms shall have the following ascribed meanings:

“Owner” means the owner of the fee title interest in the property to be acquired, as shown on the last equalized assessment roll, or other more current proof of vesting the City may have.

“Property” shall mean any interest in real or personal property otherwise subject to acquisition through the use of eminent domain.

“City-Affiliated Agency” shall mean the City of Costa Mesa and/or any other entity possessing the power of eminent domain, the governing board of which is solely composed of, or is solely appointed by, the members of the City Council of the City of Costa Mesa. (Added by amendment effective January 12, 2007)

City Hall.

City Hall, and the administrative offices of the City of Costa Mesa, and related parking, shall be located on and within the acres of real property owned by the City of Costa Mesa

Article V

City Manager

City Manager.

There shall be a City Manager appointed by the City Council who shall be the chief administrative officer of the City. In the selection of a City Manager the City Council shall screen all qualified applicants and other qualified persons known by the Council to be available. It shall appoint by a majority vote, the person that it believes to be best qualified on the basis of his or her executive and administrative qualifications, with special reference to his or her experience in, and his or her knowledge of, accepted practice in respect to the duties of the office as set forth in this Charter. The City Manager shall serve at the pleasure of the City Council.

Eligibility.

No person shall be eligible to receive appointment as City Manager while serving as a member of the City Council nor within one year after he or she has ceased to be a City Councilmember.

Compensation and Bond.

The City Manager shall be paid a salary commensurate with his or her responsibilities as chief administrative officer of the City, which salary shall be established by ordinance or resolution. The City Manager shall furnish a corporate surety bond in such form and in such amount as may be determined by the City Council

Powers and Duties.

The City Manager shall be the head of the administrative branch of the City government. He or she shall be responsible to the City Council for the proper administration of all affairs of the City. Without limiting the foregoing general grant of powers, responsibilities and duties, the City Manager shall have power and be required to:

(a) Appoint, and he or she may suspend or remove, subject to the provisions of this Charter, all department heads and officers of the City except elective officers and those department heads and officers the power of whose appointment is vested by the Charter in the City Council, and approve or disapprove all proposed

appointments and removals of subordinate employees by officers or department heads.

- (b) Prepare the budget annually, submit such budget to the City Council and be responsible for its administration after its 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 fiscal 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 or her desirable.
- (e) Establish a centralized purchasing system for all City offices, departments and agencies.
- (f) Prepare 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 and recommend them to the City Council for adoption by it.
- (g) See that the laws of the State pertaining to the City, the provisions of this Charter and the ordinances of the City are enforced.
- (h) Exercise control of all administrative offices and departments of the City and of all appointive officers and employees except those directly appointed by the City Council and prescribe such general rules and regulations as he or she may deem necessary or proper for the general conduct of the administrative offices and departments of the City under his or her jurisdiction.
- (i) Perform such other duties consistent with this Charter as may be required of him or her by the City Council.

Meetings.

The City Manager shall be accorded a seat at the City Council table and at all meetings of boards and commissions and shall be entitled to participate in their deliberations, but shall not have a vote.

Removal.

The City Manager shall not be removed from office during or within a period of ninety days next succeeding any municipal election at which a member of the City Council is elected. At any other time the City Manager may be removed only at a regular meeting of the City Council and upon the affirmative votes of a majority of the members of the City Council.

Manager Pro Tempore.

The City Manager shall appoint, subject to the approval of the City Council, one of the other officers or department heads of the City to serve as Manager Pro Tempore during any temporary absence or disability of the City Manager. If he fails to make such appointment, the City Council may appoint an officer or department head to serve as such Manager Pro Tempore.

Article VI

Officers and Employees

Officers to be Appointed by the City Council.

In addition to the City Manager, there shall be a City Attorney and a City Clerk, who shall be appointed by and serve at the pleasure of the City Council and may be removed only upon the affirmative votes of a majority of the members of the City Council.

Administrative Department.

The City Council may provide, by ordinance not inconsistent with this Charter, for the organization, conduct and operation of the several offices and departments of the City as established by this Charter, and for the creation of additional departments, divisions, offices and agencies and for their consolidation, alteration or abolition. Each new department created by the City Council shall be headed by an officer as department head who shall be appointed and may be suspended or removed by the City Manager.

The City Council, by ordinance or resolution, may assign additional functions or duties to offices, departments or agencies not inconsistent with this Charter. Where the positions are not incompatible, the City Council may combine in one person the powers and duties of two or more offices created or authorized by this Charter. No office provided in this Charter to be filled by appointment by the City Manager may be consolidated with an office to be filled by appointment by the City Council. The City Council shall provide for the number, titles, qualifications, powers, duties and compensation of all officers and employees.

City Attorney. Powers and Duties.

To become and remain eligible for City Attorney the person appointed 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 or her appointment. The City Attorney shall have power and may be

required to:

- (a) Represent and advise the City Council and all City Officers in all matters of law pertaining to their offices.
- (b) Prosecute on behalf of the people any or all criminal cases arising from violation of the provisions of this Charter or City ordinances. He or she shall prosecute misdemeanor offenses arising under State law if authorized and directed to do so by ordinance or resolution adopted by the City Council.
- (c) Represent and appear for the City in any or all actions or proceedings in which the City is concerned or is a party, and represent and appear for any City officer or employee, or former City officer or employee, in any or all actions or proceedings in which any such officer or employee is concerned or is a party for any act arising out of his or her employment or by reason of his or her official capacity.
- (d) Attend all regular meetings of the City Council and give his or her advice or opinion in writing whenever requested to do so by the City Council or by any of the boards or officers of the City.
- (e) Approve the form of all contracts made by and all bonds given to the City, endorsing his or her approval thereon in writing.
- (f) Prepare any and all proposed ordinances and resolutions for the City and amendments thereto.
- (g) Devote such time to the duties of his or her office as may be specified in the ordinance or resolution fixing the compensation for such office.
- (h) Surrender to his or her successor all books, papers, files and documents pertaining to the City's affairs. 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

City Clerk. Powers and Duties.

The City Clerk shall have power and be required to:

- (a) Attend all meetings of the City Council unless excused 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.
- (b) Maintain separate books, in which shall be recorded respectively all ordinances and resolutions, with the certificate of the Clerk annexed to each thereof stating the same to be the original or a correct copy, and as to an ordinance requiring publication, stating that the same has been published or posted in accordance with this Charter; keep all books properly indexed and open to public inspection when not in actual use.
- (c) Maintain separate books, in which a record shall be made of all written contracts and official bonds.
- (d) Be the custodian of the seal of the City.
- (e) Administer oaths or affirmations, take affidavits and depositions pertaining to the affairs and business of the City and certify copies of official records.
- (f) Be ex-officio Assessor, unless the City Council has availed itself, or does in the future avail itself, of the provisions of the general laws of the State relative to the assessment of property and the collection of City taxes by county officers, or unless the City Council by ordinance provides otherwise.
- (g) Have charge of all City elections.
- (h) Perform such other duties consistent with this Charter as may be required of him or her by ordinance or resolution of the City Council. (As amended by amendments effective on December 20, 2010)

Director of Finance.

There shall be a Director of Finance appointed by the City Manager and subject to suspension or removal by the City Manager who shall have power and shall be required to:

- (a) Have charge of the administration of the financial affairs of the City under the direction of the City Manager, and be head of the Finance Department of the City.
- (b) Compile the budget expense and income estimates for the City Manager.
- (c) Maintain a general accounting system for the City government and each of its offices, departments and agencies.
- (d) Receive all taxes, assessments, license fees and other revenues of the City, or for whose collection the City is responsible, and receive all taxes or other money receivable by the City from the County, State or Federal Government, or from any Court, or from any office, department, or agency of the City.
- (e) Have custody of all public funds belonging to or under control of the City or any office, department or agency of the City government and deposit all funds coming into his or her hands in such depository as may be designated by resolution of the City Council, or, if no such resolution be adopted, then in such depository designated in writing by the City Manager, 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.
- (f) Supervise and be responsible for the disbursement of all moneys and have control of all expenditures to insure that budget appropriations are not exceeded; audit all purchase orders before issuance; audit, approve and provide for the payment of all bills, invoices, payrolls, demands or charges against the City and, with the advice of the City Attorney, when necessary, determine the regularity, legality and correctness of such claims, demands or charges.
- (g) See that all taxes, assessments, license fees and other revenues of the City, or for whose collection the

City is responsible, and all other money receivable by the City from the County, State or Federal Government, or from any court, office, department or agency of the City are collected.

(h) Through the City Manager submit to the City Council and to the certified public accountant employed by the City as an independent auditor a monthly statement of all receipts, disbursements and fund balances 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.

(i) Supervise the keeping of current inventories of all property of the City by all City departments, offices and agencies.

(j) Assume the title of and act as City Treasurer and with the approval of the City Manager appoint deputies as necessary to act under the provisions of any law requiring or permitting action by a City Treasurer.

(k) Perform such other duties consistent with this Charter as may be required of him or her by ordinance or resolution of the City Council. (As amended effective January 20, 1959, and December 20, 2010)

Administering Oaths.

Each department head and his or her deputies shall have the power to administer oaths and affirmations in connection with any official business pertaining to his or her department

Department Heads. Appointment Powers.

Each department head and appointive officer shall have the power to appoint, suspend and remove such deputies, assistants, subordinates and employees as are provided for by the City Council for his or her department or office, subject to the provisions of this Charter and of any personnel, merit or civil service system adopted hereunder. Any such appointment or removal by a department head appointed by the City Manager shall be subject to approval by the City Manager

Illegal Contracts. Financial Interest.

No member of the City Council, department head or other officer of the City (except a member of any board or commission), shall be financially interested, directly or indirectly, in any contract, sale or transaction to which the City is a party.

No member of any board or commission shall be financially interested directly or indirectly, in any contract, sale or transaction to which the City is a party and which comes before the board or commission of which such person is a member for approval or other official action or which pertains to the department, office or agency of the City with which such board or commission is connected.

Any contract, sale or transaction in which there shall be such an interest, as specified in this Section, shall become void at the election of the City when so declared by resolution of the City Council.

No member of the City Council, department head or other officer of the City, or member of any board or commission shall be deemed to be financially interested, within the meaning of the foregoing provisions, in any contract made with a corporation where his or her only interest in the corporation is that of a stockholder and the stock owned by him or her shall amount to less than three percent (3%) of all the stock of such corporation issued and outstanding.

If any member of the City Council, department head or other officer of the City, or member of a board or commission shall be financially interested as aforesaid, upon conviction thereof he or she shall forfeit his or her office in addition to any other penalty which may be imposed for such violation of this Charter.

Acceptance of Other Office.

Any elective officer of the City who shall accept or retain any other elective public office, except as provided in this Charter, shall be deemed thereby to have vacated his or her office under the City Government.

Nepotism.

The City Council shall not appoint to a salaried position under the City government any person who is a relative by blood or marriage within the third degree of any one or more of the members of such City Council, nor shall any department head or other officer having appointive power appoint any relative of his or hers within such degree to any such position

Official Bonds.

The City Council shall fix by ordinance or resolution the amounts and terms of the official bonds of all officials or employees who are required by this Charter or by ordinance to give such bonds. All bonds shall be executed by responsible corporate surety, shall be approved as to form by the City Attorney, and shall be filed

with the City Clerk. Premiums on official bonds shall be paid by the City.

There shall be no personal liability upon, or any right to recover against, a superior officer, or his or her bond, for any wrongful act or omission of his or her subordinate, unless such superior officer was a party to, or conspired in, such wrongful act or omission.

Article VII

Appointive Boards and Commissions

In General.

There shall be the following named boards and commissions which shall have the powers and duties herein stated. In addition, the City Council may create by ordinance such additional 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.

Appropriations.

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

Appointment. Terms.

The members of each of such boards or commissions 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. They shall be subject to removal by motion of the City Council adopted by at least three 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 the term of one of each of their number shall expire each succeeding July first. Where the total number of the members of a board or commission to be appointed exceeds four, the classification by lot shall provide for the pairing of terms to such an extent as is necessary in order that the terms of at least one and not more than three shall expire in each succeeding year. Thereafter, any appointment to fill an unexpired term shall be for such unexpired period.

Existing Boards.

The respective terms of office of all members of the boards and commissions in existence at the time this Charter takes effect shall terminate upon the effective date of this Charter. The present members of the boards and commissions which will continue in effect under this Charter shall be deemed reappointed to the respective boards and commissions of which they are members as first appointed members thereof under this Charter.

Meetings. Chairperson.

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

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

Compensation. Vacancies.

The members of boards and commissions shall serve without compensation for their services as such but may receive reimbursement for necessary traveling and other expenses incurred on official duty when such expenditures have received authorization by the City Council. In addition, the City Council may by resolution fix an amount as reimbursement of other expenditures incurred by the members of boards and commissions while in the performance of their official duties.

Any vacancies in any board or commission, from whatever cause arising, shall be filled by appointment by the City Council. Upon a vacancy occurring leaving an unexpired portion of a term, any appointment to fill such vacancy shall be for the unexpired portion of such term. If a member of a board or commission absents himself or herself from three consecutive regular meetings of such board or commission, unless by permission of such board or commission expressed in its official minutes, or is convicted of a crime involving moral turpitude, or ceases to be a registered elector of the City, his or her office shall become vacant and shall be so declared by the City Council.

Planning Commission. Members.

There shall be a Planning Commission consisting of five members

Planning Commission. Powers and Duties.

The Planning Commission shall have the power and be required to:

- (a) After a public hearing thereon, recommended to the City Council the adoption, amendment or repeal of a Master Plan, or any part thereof, for the physical development of the City.
- (b) Exercise such control over land subdivisions as is granted to it by ordinance not inconsistent with the provisions of this Charter.
- (c) Make recommendations to the City Council concerning proposed public works and for the clearance and rebuilding of blighted or substandard areas within the City.
- (d) Exercise such functions with respect to zoning and land use as may be prescribed by ordinance not inconsistent with the provisions this Charter.

Board of Library Trustees. Powers and Duties.

There shall be a Board of Library Trustees consisting of five members which shall have the power and duty to:

- (a) Have charge of the administration of City libraries and make and enforce such by-laws, rules and regulations as may be necessary therefor.
- (b) Designate its own secretary.
- (c) Consider the annual budget for library purposes during the process of its preparation and make recommendations with respect thereto to the City Council and City Manager.
- (d) Purchase and acquire books, journals, maps, publications and other supplies peculiar to the needs of the library, subject, however, to the limitations of the budget for such purposes. The expenditure and disbursement of funds for such purchases shall be made and approved as elsewhere in this Charter provided.
- (e) Approve or disapprove the appointment, suspension or removal of the Librarian, who shall be the department head.
- (f) Accept money, personal property or real estate donated to the City for library purposes, subject to the approval of the City Council.
- (g) Contract with schools, county or other governmental agencies to render or receive library services or facilities, subject to the approval of the City Council.

Parks and Recreation Commission. Powers and Duties.

There shall be a Parks, Beaches and Recreation Commission consisting of five members.

The Parks and Recreation Commission shall have the power and duty to:

- (a) Act in an advisory capacity to the City Council in all matters pertaining to parks, recreation, parkways and street trees.
- (b) Consider the annual budget for parks, recreation, parkways and street tree purposes during the process of its preparation and make recommendations with respect thereto to the City Council and the City Manager.
- (c) Assist in the planning of parks and recreation programs for the inhabitants of the City, promote and stimulate public interest therein, and to that end solicit to the fullest extent possible the cooperation of school authorities and other public and private agencies interested therein.
- (d) Establish policies for the acquisition, development and improvement of parks, and playgrounds and for the planting, care and removal of trees and shrubs in all parks, playgrounds and streets, subject to the rights and powers of the City Council.
- (e) Perform such other duties as may be prescribed by ordinance not inconsistent with the provisions of this Charter.

Civil Service Board.

The Civil Service Board shall consist of five members, none of whom while a member of the board, or for a period of one year after he has ceased for any reason to be a member, shall occupy or be eligible for

appointment to any salaried office or employment in the service of the City.

The members of the Civil Service Board shall be nominated and appointed in the following manner. Two members shall be appointed by the City Council from a list of five persons to be nominated by vote of the employees in the Classified Service, two members shall be appointed by the City Council directly, and the fifth shall be appointed by the City Council from a list of three persons nominated by a majority of the four thus appointed. The successor of any member of the board shall be nominated and appointed in the same manner as such member was nominated and appointed.

Civil Service Board. Powers and Duties.

The Civil Service Board shall have the power and duty to:

- (a) Recommend to the City Council, after a public hearing thereon, the adoption, amendment or repeal of civil service system rules and regulations. The rules and regulations, as may be adopted from time-to-time by the City Council, shall have the force and effect of law.
- (b) Act in an advisory capacity to the City Council on problems concerning personnel administration.
- (c) Receive and hear appeals submitted by any person employed by the City relative to any appointment, promotion, suspension, demotion, dismissal or other disciplinary action and to make determinations thereon. The Board's determinations shall be final for persons included in the Civil Service System.

The Board may modify or revoke a disciplinary action only upon the following three grounds:

1. The facts do not justify the action taken, the action taken is unlawful or the action taken is superseded by local, state or federal law; or
 2. Substantive violation or omission of procedure was made; or
 3. The action taken was unreasonable, capricious or arbitrary in view of the offense, the circumstances surrounding the offense and the past employee record of the employee.
- (d) Make any investigation concerning the administration of personnel in the municipal service and report its findings to the City Council and City Manager when requested to do so by the City Council, the City Manager or by any organized City Employees' association.
 - (e) Perform such other duties as may be prescribed by ordinance.

Cultural Arts Commission.

There shall be a City Arts Commission with the number of members to be established by ordinance or resolution and it shall have the power and duty to:

- (a) Act in an advisory capacity to the City Council in all matters pertaining to artistic, aesthetic and cultural aspects of the City.
- (b) Recommend to the City Council the adoption of such ordinances, rules and regulations as it may deem necessary for the administration and preservation of fine arts, performing arts, historical, aesthetic and cultural aspects of the community.
- (c) On behalf of the City, actively encourage programs for the cultural enrichment of the community.
- (d) Perform such other duties relating to the Arts as the City Council may require

Article VIII

Civil Service System

Civil Service System.

There shall be a Civil Service System to establish an equitable and uniform procedure for handling personnel matters; to attract to the City service the most competent persons available, to assure that the appointment and promotion of employees will be based on merit and fitness, and to provide reasonable security for employees.

The City Council shall by ordinance continuously maintain this system for the employment, classification, advancement, suspension and discharge of those appointive officers and employees who shall be included in the system. The system shall comply with all other provisions of this Charter

Positions Included in the System.

The civil service system shall include all full time, regular and permanent positions or employment on the Police and Fire Department of the City and may, by ordinance, include any other appointive officers or positions in the service of the City except the following:

1. All elective officers.
2. City Manager, Assistant City Manager, if any, one executive assistant to the City Manager, City Attorney, Assistant City Attorney, if any, City Clerk, Director of Finance, City Engineer, all Department Heads, and Assistant Chiefs in the Police and Fire Departments.

3. All members of boards and commissions.
4. Positions in any class or grade created for a special or temporary purpose and which may exist for a period of not longer than six months in any one calendar year.
5. Persons employed to render professional, scientific, technical or expert service.
6. Persons who render part-time service without pay or who are paid on an hourly or per diem basis.

Withdrawal From System.

After inclusion in the system, any departments or appointive officers or employees shall not be withdrawn therefrom, either by an outright repeal of the civil service ordinance or otherwise, unless such withdrawal has been submitted to the city electors at a special or regular municipal election and approved by a majority of two-thirds of those electors voting on the proposition. (As amended by amendments effective on December 20, 2010)

Article IX

Retirement

Retirement System.

Plenary authority and power are hereby vested in the City, its City Council and its several officers, agents and employees to do and perform any act, and to exercise any authority granted, permitted, or required under the provisions of the Public Employees' Retirement Act, as it now exists or hereafter may be amended, to enable the City to continue as a contracting City under the Public Employees' Retirement System. The City Council may terminate any contract with the Board of Administration of the Public Employees' Retirement System only under authority granted by ordinance adopted by a majority vote of the electors of the City, voting on such proposition at an election at which such proposal is presented.

Article X

Elections

General Municipal Elections.

General Municipal elections for the election of officers and for such other purposes as the City Council may prescribe shall be held in the City on the first Tuesday after the First Monday of November in each even-numbered year, and consolidated with the Statewide general election in the manner provided by the California Elections Code.

Special Municipal Elections.

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

Procedure for Holding Election.

Unless otherwise provided by ordinance hereafter enacted, all elections shall be held in accordance with the provisions of the Elections Code of the State of California, as the same now exist or hereafter may be amended, for the holding of municipal elections so far as the same are not in conflict with this Charter.

Initiative, Referendum and Recall.

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

Voters Signing Nomination Petitions.

The voters signing and petition for the nomination of any person to the office of Councilmember shall be residents and registered voters of the district from which such person is to be nominated
Districts.

The City is hereby divided into five districts, the names and respective boundaries of which shall be as established by ordinance. No ordinance changing and redefining the boundaries of any district shall be enacted within six months prior to any regular Councilmanic election.

Following the national census and each tenth year thereafter the City Council shall appoint a committee to study and report to the City Council on the advisability of redistricting the City. Upon receipt of any such committee report, and at any other time deemed necessary or desirable in order that the district boundaries

be fair and logical, the City Council may by ordinance change and redefine the boundaries of any or all of the seven districts herein established. The boundaries so defined shall be established in such manner that the district shall, as nearly as practicable, constitute natural areas of contiguous and compact territory and provide fair representation on the City Council. No redistricting shall disqualify any Councilmember from serving as Councilmember from the district from which he or she was nominated or appointed for the remainder of his or her term, if elected, or until the next general municipal election, if appointed. Any territory hereafter annexed to or consolidated with the City shall, at the time of such annexation or consolidation, be added by ordinance of the City Council to an adjacent district.

Territory Not Specifically Described.

Any territory constituting a part of the City and not specifically included in any district shall be deemed included in the district with which it has the longest common boundary line. If there is no common boundary line with any district, then such territory shall be deemed included in the nearest district to it.

Article XI

Fiscal Administration

Fiscal Year.

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

Annual Budget. Preparation by the City Manager.

At such date as the City Manager shall determine, each board or commission and each department head shall furnish to the City Manager estimates of revenue and expenditures for his or her department for such board of commission for the ensuing fiscal year, detailed in such manner as may be prescribed by the City Manager. In preparing the proposed budget, the City Manager shall review the estimates, hold conferences thereon with the respective department heads, boards or commissions and may revise the estimates as he or she may deem advisable.

Budget. Submission to City Council.

At least thirty-five days 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 the same and making such revisions as it may deem advisable, the City Council shall determine the time for the holding of a public hearing thereon and shall cause to be published a notice thereof not less than ten days prior to said hearing, by at least one insertion in 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.

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 such opportunity.

Budget. Adoption.

After the conclusion of the public hearing the City Council shall make any revision of the proposed budget that it may deem advisable and on or before June 30, it shall adopt the budget. A copy thereof, certified by the City Clerk, shall be filed with the person retained by the City Council to perform auditing functions for the Council and a further copy shall be placed, and shall remain on the file, in the office of the City Clerk where it shall be available for public inspection. The budget so certified shall be reproduced and copies made available for the use of the public and of departments, offices and agencies of the City.

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 funds not included in the budget or to cancel any appropriation not expended or encumbered.

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, except as otherwise in this Charter provided.

Tax Procedure.

The procedure for the assessment, levy and collection of taxes upon property, taxable for municipal purposes, may be prescribed by ordinance of the City Council.

Bonded Debt Limit.

The City shall not incur an indebtedness evidenced by general obligation bonds which shall in the aggregate exceed the sum of fifteen percent (15%) of the total assessed valuation, for purposes of City taxation, of all the real and personal property within the City.

No bonded indebtedness which shall constitute a general obligation of the City may be created unless authorized by the affirmative votes of two-third of the electors voting on such proposition at any election at which the question is submitted to the electors and unless in full compliance with the provisions of the State Constitution and of this Charter.

Contracts on Public Works.

Every project for the construction or improvement of public buildings, works, streets, drains, sewers, utilities, parks or playgrounds, and every purchase of supplies or materials for any such project, when the total expenditures required for the project exceed One Hundred Twenty Thousand Dollars (\$120,000), or such lesser amount as may be established by ordinance, shall be let by the City Council by contract to the lowest responsible bidder after notice by publication in the official newspaper by one or more insertions, the first of which shall be at least ten days before the time for opening bids. This formal bid dollar amount may be adjusted annually for inflation pursuant to an index specified by City Council resolution. Projects for the maintenance or repair of such facilities are excepted from the requirements of this paragraph if the City Council determines that such work can be performed more economically by a City department than by contracting for the doing of such work.

All bids shall be accompanied by either a certified or cashier's check, or a bidder's bond executed by a corporate surety authorized to engage in such business in California, made payable to the City. Such security shall be in an amount not less than that specified in the notice inviting bids or in the specifications referred to therein, or if no amount be so specified then in an amount not less than ten percent (10%) of the aggregate amount of the bid. If the successful bidder neglects or refuses to enter into the contract, within the time specified in the notice inviting bids or in the specifications referred to therein, the amount of his or her bidder's security shall be declared forfeited to the City and shall be collected and paid into its general fund, and all bonds so forfeited shall be prosecuted and the amount thereof collected and paid into such fund.

The 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 were received, may declare and determine that, in its opinion, based on estimates approved by the City Manager, the work in question may be performed better and more economically by the City with its own employees or the supplies or materials may be purchased more economically on the open market, and after the adoption of a resolution to this effect by at least five affirmative votes of the Council may proceed to have said work done or said supplies or materials purchased in the manner stated, without further observance of the provisions of this Section. Such contracts likewise may be let without advertising for bids, if such work or supplies or materials 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 resolution passed by at least five affirmative votes of the Council and containing a declaration of the facts constituting such urgency.

The City Council shall have the power to establish standards, procedures, rules or regulations in order to implement the provisions of this section. (As amended by amendments effective April 28, 1966, June 6, 1974, November 4, 1986, and December 20, 2010)

Purchasing Supplies.

The City Council may prescribe by ordinance rules and regulations for the purchasing of supplies, materials and equipment. When making purchases for the City, merchants maintaining an established place of business within the City shall be given the preference, quality and prices being equal.

Cash Basis Fund.

The City Council may maintain a revolving fund, to be known as the "Cash Basis Fund," for the purpose of placing the payment of the running expenses of the City on a cash basis. A balance may be built up in this fund from any available sources in an amount which the City Council deems sufficient with which to meet all lawful demands against the City for the first five months, or other necessary period, of the succeeding fiscal year prior to the receipt of ad valorem tax revenues. Transfers may be made by the City Council from such fund to any other fund or funds of such sum or sums as may be required for the purpose of placing such funds, as nearly as possible, on a cash basis. All money so transferred from the Cash Basis Fund shall be returned thereto before the end of the fiscal year.

Capital Improvement Fund.

A fund for capital improvements generally is hereby created, to be known as the "Capital Improvement Fund". The City Council may create by ordinance a special fund or funds for a special capital improvement purpose. The City Council may transfer to any such fund any unencumbered surplus funds remaining on hand in the City at any time.

Once created, such fund shall remain inviolate for the purpose for which it was created; if for capital improvements generally, then for any such purposes, and if for a special capital improvement, then for such purpose only, unless the use of such fund for some other capital improvement 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 special capital improvement 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 improvements generally, established by this Charter. (As amended effective April 28, 1966, and December 20, 2010)

Claims and Demands.

Except as otherwise provided by the provisions of State law applicable to chartered cities, all claims for damages against the City shall be filed as prescribed by ordinance.

All other demands against the City must be in writing and may be in the form of a bill, invoice, payroll, or formal demand. Each such demand shall be presented to the Director of Finance within ninety days after the last item of the account or claim accrued. The Director of Finance shall examine the same. If the amount thereof is legally due and there remains on his books an unexhausted balance of an appropriation against which the same may be charged, he shall approve such demand and provide for its payment out of the property fund. Otherwise he shall reject it. The City Council may overrule any rejection by the Director of Finance and order the demand paid.

The Director of Finance shall transmit such demand, with his approval or rejection thereof endorsed thereon, to the City Manager. If a demand is one for an item included within an approved budget appropriation, it shall require the approval of the City Manager, otherwise it shall require the approval of the City Council, following the adoption by it of an amendment to the budget authorizing such payment. 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 reject the demand in whole or in part.

Registering Demands.

Demands on the City which are not paid for lack of funds shall be registered. All registered demands shall be paid in the order of their registration when funds therefor are available and shall bear interest from the date of registration at such rate as shall be fixed by the City Council by resolution. (As amended effective January 20, 1959)

Independent Audit.

The City Council shall employ at the beginning of each fiscal year, a qualified certified public accountant who shall, at such time or times as may be specified by the City Council, and at such other times as he shall determine, examine the books, records, inventories and reports of all officers and employees who receive, handle or disburse public funds and of all such other officers, employees or departments as the City Council may direct. As soon as practicable after the end of the fiscal year, a final audit and report shall be submitted by such accountant to the City Council, one copy thereof to be distributed to each member, one to the City Manager, Director of Finance and City Attorney, respectively, and sufficient additional copies of the audit shall be placed on file in the office of the City Clerk where they shall be available for inspection by the general public, and a copy of the financial statement as of the close of the fiscal year shall be published in the official newspaper

Article XII
Board of Education

State Law Governs.

The manner in which, the times at which, and the terms for which the members of Boards of Education shall be elected or appointed, their qualifications, compensation and removal and the number which shall constitute any one of such boards shall be as now or hereafter prescribed by the Education Code of the State of California.

Effect of Charter.

The adoption of the Charter shall not have the effect of creating any new school district nor shall the adoption of this Charter have any effect upon the existence or boundaries of any present school districts within the City or of which the City comprises a part, but such present school districts shall continue in existence subject to the provisions of the laws of the State of California as the same now exists or hereafter may exist.

Article XIII
Franchises

Granting of Franchises.

Any person, firm or corporation furnishing the City or its inhabitants with transportation, communication, terminal facilities, water, light, heat, electricity, gas, 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 conveyance of any such service elsewhere, may be required by ordinance to have a valid and existing franchise therefor. The City Council is empowered to grant such franchise to any person, firm or corporation, whether operating under an existing franchise or not, and to 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 of such grants, or the making thereof, all subject to the provisions of this Charter.

Nothing in this Section, or elsewhere in this Article, shall apply to the City, or to any department thereof, when furnishing any such utility or service.

Resolution of Intention. Notice and Public Hearing.

Unless a different procedure is established by the Municipal Code, 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 days of the passage thereof, in the official newspaper. Said notice shall be published at least ten 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 by ordinance grant the franchise on the terms and conditions specified in the resolution of intention to grant the same, subject to the right of referendum of the people, or it may deny the same. If the City Council shall determine that changes should be made in the terms and conditions upon which the franchise is proposed to be granted, a new resolution of intention shall be adopted and like proceedings had thereon

Terms 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 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.

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 and 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. No grant of any franchise may be transferred or assigned by the grantee except by consent in writing of the City Council and unless the transferee or assignees thereof 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 by this Charter.

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 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.

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 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, or if the public health, comfort, welfare, convenience, or safety so demands.
- (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.

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 therefor, shall be a misdemeanor and shall be punishable 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 XIV

Miscellaneous

Definitions.

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

- (a) "Shall" is mandatory, and "may" is permissive.
- (b) "City" is the City of Costa Mesa and "department," "board," "commission," "agency," "officer," or "employee," is a department, board, commission, agency, officer or employee, as the case may be, of the City of Costa Mesa.
- (c) "County" is the County of Orange.

(d) "State" is the State of California.

Service and Utility Charges.

All service charges and charges for utilities furnished by the City may be combined upon one or more bills or invoices but each such charge shall be separately stated. No service or utility furnished by the City shall be separately stated. No service or utility furnished by the City shall be discontinued for failure to pay any other service or utility furnished by the City.

Violations.

(a) The violation of any provision of this Charter shall be deemed a misdemeanor, which may be prosecuted in the name of the People of the State of California, and be punishable by a fine not exceeding One Thousand Dollars (\$1000.00) or by imprisonment in the City Jail for a term not exceeding six (6) months or by both such fine and imprisonment. Additionally, such violations of this Charter may also be redressed by civil action and/or administrative citation.

(b) The City Council may make the violation of any ordinance of the City a misdemeanor or an infraction which may be prosecuted in the name of the People of the State of California. Unless specifically designated as an infraction, a violation of any ordinance of the City shall constitute a misdemeanor. The maximum fine and/or penalty for any violation of a City ordinance, whether a misdemeanor or an infraction, shall be established by ordinance. Additionally, the violation of any City ordinance may be addressed by civil action and/or administrative citation. (As amended effective June 6, 1974, and December 20, 2010)

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 provisions to other persons or circumstances, shall not be affected thereby.

CHARTER OF THE CITY OF COSTA MESA

Article I

Section 1. The territory of the City of Costa Mesa 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 II

Section 1. The City of Costa Mesa, as successor in interest of the municipal corporation of the same name, heretofore created and existing, shall own, hold, possess, use, lease, control, and in every way succeed to and become the owner of all rights and all property of every kind and nature by said existing municipal corporation owned, controlled, possessed, or claimed, and shall be subject to all the debts, obligations, liabilities, dues and duties of said existing corporation.

Article III

Powers of City

Section 1. The City of Costa Mesa, a municipal corporation, shall after the adoption of this charter, continue its existence as such municipal corporation, and under the corporate name, City of Costa Mesa, shall have possess, and exercise all powers and rights vested in said City of Costa Mesa, under this charter, and the Constitution of California and the laws of the state, and all powers which a municipal corporation may lawfully possess or exercise under the Constitution of this state. The City of Costa Mesa shall have the right and power to make and enforce all laws and regulations in respect to municipal affairs, subjected only to the restrictions and limitations provided in this charter; provided that nothing herein shall be construed to prevent or restrict the City from exercising or consenting to, and the City is hereby authorized to exercise any and all rights, powers and privileges heretofore or hereafter granted or prescribed by the general laws of the state; provided also, that where the general laws of the state provide a procedure for the carrying out and enforcement of any rights or powers belonging to the City, said procedure shall control and be followed unless a different procedure shall have been provided in this charter or by ordinance.

Section 2. Without in any way or to any extent limiting or curtailing the powers hereinbefore conferred or mentioned, and for the purpose only of removing all doubt concerning the exercise of powers hereinafter expressly mentioned, the City of Costa Mesa shall have power:

- (1) To have and use a corporate seal;
- (2) To sue or be sued in all courts in all actions and proceedings;
- (3) To levy and collect taxes, and to levy and collect license taxes for both regulation and revenue;
- (4) To borrow money, incur municipal indebtedness, and issue bonds or other evidence of such indebtedness;
- (5) To acquire by purchase, bequest, devise, gift, condemnation or other manner sanctioned by law, within and without the limits of said City, property of every kind and nature for all purposes;
- ~~(6) To acquire by said means and to establish, maintain, equip, own and~~

~~operate, either within or outside of the City, telephone and telegraph systems, street railways, or other means of transportation, warehouses, free markets, waterworks, filtration plants, gas works, electric light, heat and power works, underground or overhead conduit systems or any other works necessary to a public utility; and to join with any other city or cities or county in the acquisition, construction and maintenance of same;~~

~~(7) To improve the streams and channels flowing through the City or adjoining the same, to widen, straighten and deepen the channels thereof, and remove obstructions therefrom, to construct and maintain embankment and other works to protect the City from overflow and storm waters;~~

~~(8) To furnish the City or its inhabitants or persons without the City, and public utility service or commodity whatsoever;~~

~~(9) To lease, sell, convey and dispose of any and all property herein mentioned for the common benefit;~~

~~(10) To acquire, construct, operate and maintain parks, playgrounds, markets, baths, public halls, auditoriums, libraries, museums, art galleries, gymnasiums, mausoleum and any and all buildings, establishments, institutions, and places whether situated inside or outside of the City limits, which are necessary or convenient for the transaction of public business or for promoting the health, morals, education, care of the indigent or welfare of the inhabitants of the City or for their amusement, recreation, entertainment, or benefit;~~

~~(11) To acquire, construct and maintain all works necessary for the disposition of sewage, garbage and waste, to construct, own, maintain and operate incinerating or garbage reduction plants, and to join with any other city or cities or county in the acquisition, construction and maintenance of any such works or plant;~~

~~(12) To define and abate nuisances;~~

~~(13) To provide for the care of the indigent;~~

~~(14) To establish boulevards and regulate traffic thereon;~~

~~(15) To equip and maintain a fire department and to make all necessary regulations for the prevention of fires;~~

~~(16) To grant permits to use the streets or public property revocable at any time without notice;~~

~~(17) To regulate and establish rates and charges to be imposed and collected by any person or corporation for commodities or services rendered under or in connection with any franchise, permit, or license heretofore or hereafter granted by the City, or other authority, provided, that the same is not inconsistent with the Constitution of the State of California;~~

~~(18) To receive devises, bequests, gifts and donations of all kinds of property, in fee simple, or in trust, for charitable or other purposes and to do all acts necessary to carry out the purposes of such devises, bequests, gifts and donations with power to manage, sell, lease, or otherwise dispose of the same in accordance with the terms of the devise, bequest, gift or donation or absolutely in case such devise, bequest or trust be unconditional;~~

(19) To regulate and limit the height and bulk of buildings hereafter erected, and to regulate and determine the area of yards, courts and other open spaces ~~and for said purpose to divide the City into districts. Such regulations shall be uniform for each class of buildings throughout any district, but the regulations in one or more districts may differ from those in other districts.~~ Such regulations shall be designed to secure safety from fire and other dangers, and to promote the public health and welfare, including, so far as conditions may permit, provisions for adequate light, air and convenience of access, and shall be made with reasonable regard to the character of the buildings erected in each district, the value of land and the use to which it may be put, to the end that such regulations may promote the public health, safety and welfare;

(20) To regulate and restrict the location of trades and industries and the location of buildings designed for specified uses, ~~and for said purposes to divide the City into districts and to specify for each such district the trades and industries which shall be excluded or subjected to special regulations and the uses for which buildings may not be erected or altered.~~ Such regulations shall be designed to promote the public health, safety and welfare and shall be made with reasonable consideration, among other things, to the character of the district and to its peculiar suitability for particular uses.

(21) Emergency Powers. Notwithstanding any general or special provision of this Charter, the Council, in order to insure continuity of governmental operations in periods of emergency resulting from disasters of whatever nature, shall have the power and immediate duty:

(a) To provide for prompt and temporary succession to the powers and duties of all City officers, of whatever nature and whether filled by election or appointment, the incumbents of which may become unavailable for carrying on the powers and duties of such offices, and

(b) To adopt such other measures as may be necessary and proper for insuring the continuity of City operations, including, but not limited to, the financing thereof. In the exercise of the powers hereby conferred, the Council in all respects shall conform to the requirements of this Charter except to the extent that in the judgment of the Council so to do would be impractical or would admit of an undue delay.

Article IV

Officers, Deputies and Employees and Their Compensation

Section 1. The officers of the City of Costa Mesa shall be five members of the Council, ~~members of the Board of Education, five Library Trustees,~~ a City Manager, a City Clerk, and a City Attorney. The Council may also provide by ordinance for additional offices and for the duties thereof, and for additional duties of officers herein provided for, but in no such manner as to encroach upon the duties of any officer as provided for by this Charter. The Council may also provide by ordinance for such subordinate officers, assistants, deputies, clerks and employees in the several offices and departments as they deem necessary. The

members of the Council and the members of the Board of Education shall be elected from the City at large, as provided in this Charter; ~~provided, however, that all qualified electors of the Costa Mesa Unified School District shall also have the right to vote for members of the Board of Education.~~ All other officers, assistants, deputies, clerks and employees shall be appointed as provided in this Charter, or as the Council may provide by ordinance in case no provision for their appointment is herein made, and shall hold their respective offices or positions at the pleasure of the appointing power. Where the appointment of any of said officers, assistants, deputies, clerks or employees, is vested in the Council, such appointment and any removal must be made by a three-fifths vote of the members of the appointing power.

Section 2. All elective officers of the City shall be subject to recall as provided in this Charter.

Section 3. All officers, assistants, deputies, clerks and employees shall receive such compensation as the Council may from time to time determine by resolution; provided, however, that the compensation of elective officers, not otherwise fixed by this Charter, shall be fixed and determined by ordinance only.

Section 4. The Council shall not appoint to a salaried position under the City government any person who is a relative by blood or marriage within the second degree of any one or more of the members of such Council and neither shall any department head or other officer having appointive power appoint any relative within such degree to any such position.

Article V Elections

Section 1. General municipal elections, after the effective date of this Charter, ~~for the election of officers and for such other purposes as the Council may prescribe~~ shall be held on the date prescribed by the ~~Education Code.~~ **Charter.** All other municipal elections that may be held by authority of this Charter, or of the general law, shall be known as special municipal elections.

Section 2. Provisions of State Law to Apply: The Council may, by ordinance, make further provisions as to the manner of holding and conducting elections. The provisions of the laws of the State of California relating to municipal elections, the qualifications of electors, the manner of voting, the duties of election officers, and all other particulars so far as they may be applicable, shall govern all municipal elections, except as otherwise provided in this Charter, or by such ordinance; provided, that no primary elections shall be held.

Section 3. Terms of Elective Officers: Elective officers shall hold office for a period of four years from and after eight o'clock p.m. of the first Monday following the day of election, and until their successors are elected and qualified; provided further that any person elected to fill a vacancy shall serve for the remainder of the unexpired term. In the election of councilmen ~~and members of the Board of Education,~~ where full terms and one or more unexpired terms are to be filled, no distinction shall be made in nomination or voting between the full terms and the unexpired terms, but the person or persons elected by the highest

number of votes shall be elected for the full term or terms, and the persons receiving the next highest vote shall be elected for the unexpired term or terms, as the case may be.

Article VI

Legislative. The Council. Powers and Duties

Section 1. The legislative power of the City of Costa Mesa shall be vested in the people through the initiative and referendum, and in a body to be designated The Council. Each candidate for member of the Council shall have been an elector of the City for at least ~~30 days~~ **one year** prior to the final date for filing nomination papers for the election at which he is a candidate.

Section 2. Meetings: The Council shall meet in the Council Chambers at the City Hall in regular session ~~on the fourth Monday in April~~ following their election at 8 p.m., and shall organize as herein required. Thereafter the Council shall meet at such times and places as the Council may prescribe by rule, except that it shall meet regularly at least once each month. All of the meetings of the Council shall be open to the public. Special meetings may be called by the Mayor, by two members of the Council, or by the City Manager, but notice of every such meeting must be served personally upon every member not joining in the call, and upon the City Manager, if not called by him, or left at the place of residence or of business of each person to be so served, not less than two hours before the time of such special meeting.

Such notice must state the subject or subjects to be considered or acted upon and must state the time of such meeting. All meetings of the Council and all records thereof, shall be open to the public, and no citizen shall be denied the right personally, or through counsel, to present grievance, or offer suggestions for the betterment of municipal affairs.

Section 3. Quorum: Three members of the Council shall constitute a quorum, but a less number may adjourn from time to time. No franchise shall be granted, ordinance passed, budget adopted, supplemented or amended, appropriation made, or payment of money ordered unless three members of the Council concur in such action.

Section 4. General Powers of the Council: Subject to the provisions and restrictions in this Charter contained, and the valid delegation by this Charter of any powers to any person, officer, board or committee, which delegation of power, if any, shall control, the Council shall have the power, in the name of the City, to do and perform all acts and things appropriate to a municipal corporation and the general welfare of its inhabitants and which are not specifically forbidden by the Constitution of the State or which now or hereafter it would be competent for this Charter specifically to enumerate. No enumeration or specific statement herein of any particular powers shall be held to be exclusive of, or a limitation of, the foregoing general grant of powers.

Section 5. Certain Powers and Duties Enumerated: The Council shall--

- (1) Judge the qualifications of its members and of election returns;
- (2) Establish rules for its proceedings;

(3) Cause a correct record of its proceedings to be kept. The ayes and noes shall on demand of any member, be taken and entered therein, and they shall be recorded on all votes passing any ordinance or appointing or dismissing or confirming the appointment or dismissal of any officer, or authorizing the execution of contracts, or the appropriation or payment of money.

(4) Choose one of its members as presiding officer, to be called Mayor. The Mayor shall preside over the sessions of the Council, shall sign official documents when the signature of the Council or Mayor is required by law, and he shall act as the official head of the City on public and ceremonial occasions. He shall have power to administer oaths and affirmations. When the Mayor is absent from any meeting of the Council, the members of the Council may choose another member to act as ~~Vice Mayor~~ **Mayor Pro tem** and he shall for the time being, have the powers of the Mayor.

Section(5) Appoint a City Attorney, a City Manager, a City Clerk, ~~and five Library Trustees.~~

Section 6. Ordinance: The enacting clause of every ordinance passed by the Council shall be: "Be it ordained by the Council of the City of Costa Mesa." The enacting clause of every ordinance initiated by the people shall be: "Be it ordained by the people of the City of Costa Mesa." At least five days must elapse between the introduction and the final passage of any ordinance; provided, that amendments germane to the subject of any proposed ordinance may be made when it is brought up for final passage; and provided further, that in case of an extraordinary epidemic or any disaster, such as flood, fire, or earthquake requiring immediate action on the part of any public authority, an emergency ordinance may be introduced and passed at either a regular or special meeting without any intervention of time between introduction and final passage. A final vote on any ordinance or any vote on any appropriation must be taken only at a regular or adjourned regular meeting. Every ordinance must be signed by the Mayor, attested by the Clerk and the ordinance or a brief summary thereof published once in the official newspaper. Any ordinance granting any franchise or privilege shall be published at the expense of the applicant therefor.

Section 7. When Ordinances go into Effect: Except as otherwise provided in this Charter every ordinance, and every measure passed by the Council granting any franchise or privilege, shall go into effect at the expiration of thirty days after its final passage, unless otherwise provided in said ordinance or measure; provided, however, that no such ordinance or measure shall go into effect less than thirty days from its final passage. But ordinances declared by the Council to be necessary as emergency measures for the immediate preservation of the public peace, health, or safety, containing a statement of the reasons for their urgency and passed by a four-fifths vote of the Council, ordinances ordering or otherwise relating to annexations, elections, and ordinances relating to public improvements, the cost of which is to be borne wholly or in part by special assessments, may go into effect at the will of the Council.

Section 8. Amending Ordinances: No ordinance shall be amended by reference to

its title, but the sections thereof to be amended, shall be re-enacted at length as amended; and any amendment passed contrary to the provisions of this section shall be void, except the City Council may adopt and amend any standard code of technical regulations by reference thereto without the necessity of publishing said ordinances in their entirety; providing, however, that three (3) copies of the specific codes to be adopted by reference are available for inspection in the City Clerk's office between the introduction and passage of said ordinance.

Section 9. Codification of Ordinances: Any or all ordinances of the City which have been enacted and published in the manner required at the time of their adoption, and which have not been repealed, may be compiled, consolidated, revised, indexed and arranged as a comprehensive ordinance code, and such code may be adopted by reference with the same effect as an ordinance by the passage of an ordinance for such purpose. Such code need not be published in the manner required for other ordinances, but not less than three (3) 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 subject which require extensive regulations, when arranged as a comprehensive code, may likewise be adopted by reference in the manner provided in this section.

Section 10. Contracts: In the erection, improvement, and repairing of all public buildings and works, in all street and sewer work, the installation of pipes, fire hydrants, wells, pumping plants, conduits, electric transmission lines, substations, power plants; gas mains and generators, improvements and development of parks and playgrounds, and works for protection against overflow, and in furnishing any supplies, or materials for the same, when the expenditures required for the same shall exceed the amount specifically set by the State of California, from time to time covering the requirement of formal bids, the same shall be done by contract, and shall be let to the lowest responsible bidder, after notice by publication in the official newspaper by one or more insertions, the first of which shall be at least seven days before the time for opening bids; provided, that the Council may reject any and all bids presented and may re-advertise in their discretion; and provided further, that after rejecting bids, or if no bids are received, the Council may declare and determine that in its opinion the work in question may be performed better or more economically by day labor, or the materials or supplies purchased at a lower price in the open market and after the adoption of a resolution to this effect by a four-fifths vote, they may proceed to have the said work done or materials or supplies purchased without further observance of the foregoing provisions of this section; provided further, that nothing in this section shall require the care, repair or maintenance of streets or public utilities to let by contract.

Section 11. Power to do Public Work Direct: The Council shall have the power to

provide by ordinance a complete procedure whereby the City may bid on all public work done under the provisions of any local improvement ordinance or resolution. Said ordinance shall provide the procedure whereby the City shall perform such public work for which the City may be the lowest bidder. A revolving fund may be created by bond issue for the purpose of financing the cost of such public work.

Section 12. Advertising: All official advertising of the City shall be done in a newspaper of general circulation as defined by the laws of the State of California, which newspaper shall be published in the City of Costa Mesa, and shall be designated by the Council as the official newspaper. The Council shall annually call for bids for such advertising, and a contract therefor shall be awarded to the lowest responsible bidder; provided, that the Council may reject all bids and may again call for bids; and provided further that no defect or irregularity in proceedings taken under this section, or failure of the Council to designate an official newspaper, shall invalidate any publication, where the same is otherwise in conformity to law or this charter.

Section 13. Councilmen Ineligible to Other City Positions: No member of the Council shall be eligible to any office or employment provided for in this charter except an elective office, during the term for which he was elected.

Section 14. Vacancies in the Council: Any member of the Council who is absent from all meetings thereof for two consecutive months, unless excused by the Council, shall forfeit his office. Any vacancies occurring in the Council may be filled by a person appointed by a majority vote of the whole Council. Said person appointed shall serve until his successor is elected and qualified. Such successor shall be elected at the next regular election at which members of the Council are chosen, provided there is sufficient time to nominate and elect such successor at said next regular election.

Section 15. Committees of Council: The Council shall appoint such standing and other committees as it deems necessary.

Section 16. Sale or Lease of City Property: No sale of real estate shall be authorized by the Council except by ordinance passed by the affirmative vote of four-fifths of all the members and no lease shall be made for a period of longer than five years, except by ordinance adopted by the Council.

Section 17. Independent Audit: The Council shall employ, at the beginning of each fiscal year an independent certified public accountant who, at such time or times as may be specified by the Council, at least annually, shall examine the books, records, inventories, and reports of all officers and employees who receive, handle or disburse public funds and all such other officers and employees and departments as the Council may direct. As soon as practicable after the end of the fiscal year, a final audit and report shall be submitted by such accountant to the Council, one copy thereof to be distributed to each member, one to the Fiscal Officer, one to the City Manager and one to the City Attorney respectively, and three (3) additional copies to be placed on file in the office of the City Clerk, where they shall be available for inspection by the

general public.

Section 18. Official Bonds: The Council shall fix by ordinance the amounts and terms of the official bonds of all officials or employees who are required by ordinance to give such bonds. All bonds shall be executed by responsible corporate surety, shall be approved as to form by the City Attorney and shall be filed with the City Clerk. Premiums on official bonds shall be paid by the City. There shall be no personal liability upon, or any right to recover against, a superior officer, or his bond, for any wrongful act or omission of his subordinate, unless such superior officer was a party to, or conspired in such wrongful act or omission.

Section 19. Every officer of the City, before entering upon the duties of his office, shall take and file with the City Clerk the constitutional oath of office, except that the oath of the City Clerk shall be filed with the Fiscal Officer.

Section 20. City Clerk: The City Clerk shall keep, under the direction of the Council, a full and true record in a book, of all proceedings of the Council. He shall keep a book, marked "Ordinances," in which he shall copy all ordinances, with his certificate annexed to said copy, stating that it is a full and true record thereof, and that such ordinance has been duly published. Said record copy, with such certificate shall be prima facie evidence of the contents of such ordinances and of the passage and publication thereof. The Clerk shall also keep an index to the minutes of the Council and to said Ordinance Book. The City Clerk shall be the custodian of the City Seal and shall affix the same to all official certificates made by him and to other papers when directed by the Council to attest or execute the same. He shall have power to administer oaths and affirmations, to take affidavits, and to certify the same. He shall have such other powers and perform such other duties as may be provided by this Charter or by ordinance.

Article VII

City Attorney

Section 1. The City Attorney shall be a qualified elector of the City at the time of his appointment, and shall be an attorney and counselor-at-law, duly admitted to practice law in the State of California. He shall have been actually engaged in the practice of his profession in this State for a period of at least three years next before his appointment.

Section 2. It shall be his duty when directed by the Council to prosecute on behalf of the people, all criminal cases for violations of this Charter and of City ordinances, and to attend to all suits and other matters to which the City is a party or in which the City may be legally interested. He shall be in attendance at every meeting of the Council unless excused therefrom by the Mayor or the Council. He shall give his advice or opinion in writing whenever required by the Council or other officers, except the Board of Education. He shall be the legal advisor of all City officers; he shall approve the forms of all bonds given to and all contracts made with the City; he shall, when required by the Council, or any member thereof, draft all proposed ordinances for the City, and amendments thereto; and shall do and perform all such things touching his office as the

Council may require of him, and at the expiration of this term shall surrender to his successor all books, papers and documents pertaining to the City's business.

Section 3. He shall receive as compensation a salary to be fixed by resolution, and in case the Council shall require him to devote all of his time to the duties of his office, he shall receive in addition thereto, such reasonable fees as the Council may allow for suits or proceedings before any court or commission in which he has been directed by the Council to act or appear.

Section 4. The Council shall have power to direct and control the prosecution and defense of all suits and proceedings to which the City is a party or in which it is interested, and may employ counsel to assist the City Attorney therein.

Article VIII City Manager

Section 1. The City Manager need not be a resident of the State of California at the time of his appointment. His powers and duties shall be:

- (1) To see that all ordinances of the City are enforced;
- (2) To appoint, except as otherwise provided in this Charter, all officers, heads of departments or divisions, and all deputies, assistants and employees in the several departments and offices, and to remove same. Appointment and removal of department heads shall be subject to the approval of the Council and shall not be effective without such approval;
- (3) To keep the Council fully informed as to compliance with the law in the operation of public utilities, to see that the provisions of franchises, permits and privileges granted by the City are fully observed, and to report to the Council any violation thereof;
- (4) To attend all meetings of the Council unless excused therefrom by the Council or by the Mayor;
- (5) To act as purchasing agent for all departments of the City. Provided, however, that he may designate some officer or employee of the City to act as assistant purchasing agent, and perform the duties of the purchasing agent;
- (6) To examine or cause to be examined, without notice, the official conduct of any officer, assistant, deputy, clerk or employee in any of the departments of the city government, except of the Council and Board of Education;
- (7) To keep the Council advised as to the needs of the City;
- (8) To appoint and remove at his pleasure, a secretary;
- (9) To prepare, or cause to be prepared, plans and specifications for work which the Council may order, coming under his supervision;
- (10) To have control, subject to such ordinances as may from time to time be adopted, of all public utilities owned and operated by the City;
- (11) To devote his entire time to the discharge of his official duties;
- (12) To perform such other duties as may be required by this Charter or as the Council may require of him.

Section 2. In case of absence, sickness, or other disability of the City Manager to act, the Council may designate some other person to perform his duties during such disability.

Article IX
Fiscal Administration

Section 1. Indebtedness: No indebtedness shall be incurred on behalf of the City, for any purpose, unless and until the same shall have been authorized by ordinance, resolution or order of the Council.

Section 2. Fiscal Officer: A fiscal officer shall be appointed by the City Manager subject to the approval of the City Council, and the City manager shall establish the qualifications, duties and functions of such fiscal officer.

Section 3. Demands Against the City: Moneys shall be drawn from the City Treasury only in the manner prescribed by ordinance of the Council.

Section 4. Filing of Claims: Except as otherwise provided by the provisions of State law applicable to chartered cities, claims against the City shall be filed as prescribed by ordinance.

Section 5. The Fiscal Year: The fiscal year of the City shall commence upon the first day of July of each year, or at such other time as may be fixed by ordinance.

Section 6. Annual Budget: On such date in each year as shall be fixed by the Council, the City Manager shall send to the Council a careful estimate, in writing, of the amounts required for the business and proper conduct of the various departments, offices, boards and commissions of the City, over which he has control during the next ensuing year. The City Manager shall also at said time submit to the Council an estimate of the amount of income from fines, licenses, and other sources of revenue, exclusive of taxes upon property, and the probable amount required to be levied and raised by taxation.

Section 7. Public Hearing on the Budget: After reviewing the proposed budget as submitted by the City Manager and making such revisions as it may deem advisable, the Council shall determine the time for holding of a public hearing upon, and shall cause a notice thereof to be published not less than ten (10) days prior to said hearing by at least one insertion in the official newspaper of the City.

Copies of the proposed budget shall be available for inspection by the public at the office of the City Clerk at least ten (10) days prior to said hearing.

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

Section 8. Adoption of the Budget: After the conclusion of the public hearing, the Council shall further consider the proposed budget and make any revisions thereof that it may deem advisable, and thereafter it shall adopt the budget with revisions, if any. Upon final adoption, the budget shall be in effect for the ensuing fiscal year.

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

lawfully encumbered.

At any meeting after the adoption of the budget, the Council may amend or supplement the budget by motion.

Section 9. Tax System: The Council shall by ordinance provide a system for the assessment, levy and collection of City taxes upon property.

Section 10. The Council shall have power by ordinance to authorize the transfer to and the assumption and discharge by officers of the County of Tulare, of any function of the City relating to the assessment of property for taxation, and equalization of such assessment, the collection of taxes levied for municipal purposes, the collection of assessments levied for local improvements, the sale of property for non-payment of taxes levied for municipal purposes or for nonpayment of assessments levied for local improvements, and the redemption of property from sales for either of said purposes and may repeal any such ordinances.

Section 11. Tax Rate: The total property tax for any one year shall not exceed one per cent of the assessed valuation, unless a special tax be authorized, as provided in this Charter; and the proceeds of any such special tax shall be used for no other purpose than that specified for which it was voted; provided, however, that in addition to said one per cent there shall be included in every annual levy, a sufficient amount to cover 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 not otherwise provided for.

Special Levies: Special levies in addition to the above may be made annually in amounts not to exceed the limits hereinafter enumerated in this section, respectively, on each \$100 of the assessed value of the taxable property in the City:

~~(1) For the support and maintenance of free public libraries and reading rooms, Thirty Cents (\$.30).~~

~~(2) For the support and maintenance of parks, playgrounds and recreation centers, Thirty Cents (\$.30).~~

~~The City shall spend each fiscal period not less than the total amount raised each year from special levies for the free public libraries and reading rooms, and the parks, playgrounds and recreation centers.~~

Section 12. Special Taxes and Bonds:

(a) Whenever the Council shall determine that the public interest demands a special tax for a specified purpose, either for any specified number of years or for an indefinite period of time, ~~in excess of the maximum tax rates provided for in Section 11 of this Article IX,~~ the Council may submit to the qualified voters of the City at a regular or special election a proposition to authorize such tax for such purpose and for such number of years for an indefinite period of time, but no such special tax shall be levied unless authorized by the affirmative votes of the same number of voters voting on such proposition as is at the time required to authorize indebtedness of the City evidenced by general obligation bonds.

(b) No indebtedness evidenced by general obligation bonds shall be incurred by

the City unless authorized by the affirmative votes of that number of voters voting on the proposition for incurring such indebtedness that shall at the time be required by the Constitution and general laws of the State. All proceedings for the incurring of indebtedness evidenced by general obligation bonds of the City shall be taken in accordance with the Constitution and general laws of the State. All proceedings for the incurring of indebtedness evidenced by general obligation bonds of the City shall be taken in accordance with the Constitution and general laws of the State, except as provided in Section 13 of this Article IX.

Section 13. Limit of General Obligation Bonded Indebtedness: The general obligation bonded indebtedness of the City shall at no time exceed a total of twenty per cent of the assessed valuation of all property taxable for City purposes.

Section 14. City Promotion: The Council may appropriate and spend money from the funds of the City for any or all of the following purposes: Reception and entertainment of public guests, assistance of public celebrations, fairs and exhibitions, to aid or carry on the work of immigration to the City, to encourage and promote industrial and commercial development and tourism; and generally, for the purpose of advertising the City; provided, however, that the aggregate expenditures from property taxes for all of said purposes shall not exceed in one fiscal year the sum of four (\$.04) cents on each One Hundred Dollars (\$100) of the assessed value of property within the City.

Article X

Department of Education

~~Section 1. Board of Education: The control of the Public School Department of the City of Costa Mesa, including the whole of the Costa Mesa Unified School District, shall~~

~~be vested in a Board of Education, which shall consist of members elected from the district at large.~~

~~Section 2. The powers and duties of the Board of Education shall be such as are prescribed by the Constitution and Laws of the State of California.~~

Article XI

City Library

~~Section 1. Library Trustees: The Board of Library Trustees shall each serve for a term of four years and until his successor is appointed and qualified; provided, that at the first appointment under this Charter, two trustees shall be appointed for two years, and three trustees for four years and until their successors are appointed and qualified. In case of a vacancy, the same shall be filled by appointment by the Council for the remainder of the term then vacant.~~

~~Section 2. The Board of Library Trustees shall have the power and duty to:~~

~~(a) Act in an advisory capacity to the Council and the City Manager in all matters pertaining to library administration;~~

~~(b) Formulate and recommend annually to the Council and the City Manager a budget for library services;~~

~~(c) Act in an advisory capacity to the Council and the City Manager regarding~~

~~provision of library services for the inhabitants of the City.~~

Article XII

Parks, Playgrounds and Recreation Centers

Section 1. The Council may, by ordinance, provide for the appointment of a commission of five members to serve without compensation, and to act in an advisory capacity to the Council and City Manager in all matters pertaining to parks, playgrounds and recreation centers. This commission shall be known as the City Parks and Recreation Commission.

Article XIII

City Planning

Section 1. Planning Commission: The Council may, by ordinance, provide for the appointment of a City Planning Commission of five members, to serve without compensation, and to have such powers and duties as the Council may prescribe relating to City planning.

The Planning Commission shall have the power and duty to:

- (a) Recommend to the Council, after a public hearing thereon, the adoption, amendment or repeal of a General Plan or any part thereof, for the physical development of the City;
- (b) Exercise such functions with respect to land subdivisions, planning and zoning as may be prescribed by ordinance or resolution.
- (c) Perform such other duties relating to planning and zoning as the Council may require by ordinance or resolution.

Article XIV

Franchises

Section 1. Franchise, renewals, extensions or amendments of franchise may be granted by the City Council whenever, in its opinion, the public necessity or convenience may require any such grant. No such grant shall be exclusive, nor made except by ordinance, nor in violation of any limitation contained in this Charter, nor for a longer term than fifty years. The enactment, publication and taking effect of any such ordinance shall be governed by and subject to the provisions of Article VI and Article XV of this Charter; provided, that no such ordinance shall be passed as an emergency measure. No public utility franchise shall be transferable except with the approval of the City Council expressed by ordinance; and copies of all transfers, trust deeds, mortgages or other documents affecting the title or use of public utilities shall be filed with the City Council within ten days after the execution thereof.

Section 2. Any person desiring any franchise or a renewal of any franchise, may file with the City Clerk a written application therefor, accompanied by a cash deposit of One Hundred (\$100) Dollars, as a fund out of which to pay the expenses connected with such application, and proceedings had or taken thereunder. In the event the franchise or the renewal of franchise so applied for is not granted, the unexpended portion of said deposit, if any, shall be returned to the applicant; and if the franchise or the renewal of franchise applied for shall be awarded to some other than the applicant, such deposit shall be returned to

the applicant. No franchise or any renewal of a franchise shall be finally awarded, until all expenses incurred in connection with the awarding of the same shall have been fully paid by the person to whom the same shall be awarded.

Section 3. Upon the filing of the said application and the making of the deposit, as aforesaid, the City Council shall, if it propose grant the same, proceed to determine the character of the franchise or of the renewal franchise applied for, and shall determine the terms, restrictions, reservations, conditions, provisions, and the form of the ordinance to be adopted for the purpose of granting the same. And if such application be for the renewal of an existing franchise, the Council shall not be in any way limited or restricted in its determination of such terms, restrictions, reservations, conditions or provisions, by the provisions of the franchise sought to be renewed.

Section 4. The Council shall thereupon advertise the fact of said application, together with the statement that it proposes to grant the same in the form so determined, in one or more newspapers of general circulation published in the City of Costa Mesa, once a day for five successive days, or as often during said period as such newspapers are published, and the full publication must be completed not less than twenty nor more than thirty days before any further action is taken thereon. Said advertisement must state the character of the franchise or of the renewal of franchise proposed, and set forth in full the form of the ordinance proposed for the granting of the same, and must state that sealed bids therefor will be received and open at a time and place to be stated in said advertisement, and that the said franchise or renewal of franchise will be awarded to the highest and best bidder; provided that no franchise nor any renewal of any franchise shall be sold for less than \$500.

Section 5. At the time of opening the sealed bids, any responsible person, firm or corporation may bid for said franchise or renewal of franchise, a sum not less than ten percent above the highest sealed bid therefor and such bid so made may be raised, and such bidding may continue until finally said franchise or renewal of franchise shall be struck off, sold and awarded by the City Council to the person, firm or corporation offering the highest and best bid therefor; provided, that such bidder shall, before the making of such award deposit with the City Clerk at least ten per cent of the amount of his bid, and if such successful bidder be not the applicant, the sum of One Hundred (\$100) Dollars in addition to his bid shall be deposited by him at the same time, and in the event of his failure to make such deposit or deposits, his bid shall be rejected and no further proceedings for the sale of said franchise, or renewal of franchise shall be had without re-advertising in the manner hereinbefore provided; and in case the successful bidder shall fail to deposit with the Treasurer, the remaining ninety per centum of his bid within five days after its acceptance, the award of said franchise or renewal of franchise shall be set aside and all deposits theretofore made thereon shall be forfeited to the City, and no further proceedings for the sale of said franchise or renewal of franchise shall be had without re-advertising in the manner hereinbefore provided.

Section 6. The successful bidder for any franchise or renewal of franchise sold or awarded under this Charter, shall file a bond running to the City of Costa Mesa, with at least two good and sufficient sureties or other good and sufficient bond provided by law, to be approved by the City Council, in a penal sum to be prescribed by the City Council and set forth in the advertisement for bids, conditioned that such bidder shall well and truly observe, fulfill and perform each and every term, condition and provision of such franchise or renewal of franchise, and that in case of any breach of condition of such bond, the whole amount of the penal sum therein named shall be taken and deemed to be liquidated damages and shall be recoverable from the principal and sureties upon said bond, or from any or either of them. Said bond shall be filed with the City Clerk within five days after such franchise, or renewal of franchise is awarded, and upon the filing and approval of such bond the said franchise or renewal of franchise shall be granted by the City Council by ordinance to the person, firm or corporation to whom it was struck off, sold and awarded. And in case the said bond shall not be so filed, the award of such franchise or renewal of franchise shall be set aside and any money paid therefor shall be forfeited to the City and said franchise or renewal of franchise may, in the direction of the City Council, be re-advertised and again offered for sale in the same manner and under the same restrictions as in this Charter provided for the original application, advertisement and sale.

Section 7. No clause or condition of any kind shall be inserted in any franchise or renewal of franchise offered for sale under the terms of this Charter, which shall directly or indirectly restrict free and open competition in bidding therefor, and no clause or provision shall be inserted in any franchise or renewal of franchise offered for sale, which shall in any wise favor one person, firm or corporation as against another in bidding for the purchase therefor.

Section 8. Extensions and amendments of existing franchise may be granted by the City Council in the same manner and subject to the same limitation, restrictions and provisions as provided in this Charter for the granting of franchises and renewals of franchises; provided that extensions or amendments of franchises shall not be advertised for sale, or sold, or awarded to the highest bidder, and the provisions of this Charter governing the advertising for sale, and the sale and award of franchises or renewals of franchises to the highest bidder, shall have no application to the granting of extensions or amendments of existing franchises.

Section 9. If any ordinance granting a franchise or a renewal, extension or amendment of any franchise shall fail to go into effect by reason of its not being approved by a majority of the votes cast at an election to which the same was referred by referendum proceedings as provided in this Charter, such failure to go into effect shall not entitle the person to whom the grant of such franchise or renewal, extension or amendment of franchise was made, to claim a refund of any moneys paid or deposited by him as provided in this Charter, on account of any of the proceedings had for the obtaining of such grant. But if any such

ordinance shall be repealed by the City Council upon the filing of a referendum petition demanding its repeal, or a reference thereof to a vote of the electors of the City, without submitting it to such vote, all moneys paid or deposited by the grantee of such franchise renewal, extension or amendment of franchise as provided in this Charter, in excess of the actual expenses of the proceedings for such grant shall be refunded to such grantee.

Section 10. Any public utility franchise may be terminated by ordinance at specified intervals of not more than ten years after the beginning of operation, whenever the City shall determine to acquire by condemnation or otherwise, the property of such utility. Indeterminate franchise may also be granted, subject always to the right of the City at any time and upon six months' notice in writing to acquire and possess the property of the grantee.

Section 11. All grants, renewals, extensions or amendments of public utility franchises, whether so provided in the ordinance or not, shall be subject to the right of the City:

- (a) To repeal the same by ordinance at any time for non-use, or for failure to begin construction within the time prescribed;
- (b) To require proper and adequate extensions of plant service, and the maintenance of the plant and fixtures at the highest practicable standard of efficiency;
- (c) To regulate the rates and charges of all public utilities;
- (d) To establish reasonable standards of service and quality of products and prevent unjust discrimination in service or rates;
- (e) To prescribe the form of accounts and at any time to examine and audit the accounts and other records of any such utility, and to require annual and other reports by each such public utility; provided, that if a public service commission or any other authority shall be given the power by law to prescribe the forms of accounts for public utilities throughout the state or throughout any district of which the City is a part, the forms so prescribed shall be controlling so far as they go, but the City Council may prescribe more detailed forms for the utilities within its jurisdiction;
- (f) To impose such other regulations as may be conducive to the safety, welfare, and accommodation of the public.

Section 12. The consent of abutting and adjacent property owners shall not be required for the construction, extension, maintenance or operation of any public utility, but any such property owner shall be entitled to recover from the owner of such public utility, the actual amount of damages to such property on account thereof, less any benefits received therefrom; provided, suit is commenced within two years after the damage is begun.

Section 13. All extensions of public utilities within the City limits shall become a part of the aggregate property of the public utility, shall be operated as such, and shall be subject to all the obligations and reserved rights contained in this Charter, and in any original grant hereafter made. The right to use and maintain any extension shall terminate with the original grant and shall be terminable as

provided in Sections 10, 11 and 17 hereof.

Section 14. Every public utility franchise hereafter granted shall be held subject to all the terms and conditions contained in this Article, whether or not such terms are specifically mentioned in such franchise. Nothing in this Charter shall operate to limit in any way, except as specifically stated, the discretion of the City Council or the electors of the City in imposing terms and conditions in connection with any franchise grant.

Section 15. Within six months after this Charter takes effect, every public utility and every owner of a public utility franchise, shall file with the City, certified copies of all the franchises owned or claimed or under which any such utility is operated. The City shall compile and maintain a public record of all public utility franchises and of all public utility fixtures in the streets of the City.

Section 16. It shall be the duty of the City Manager to investigate and report on all proposed ordinances relating to public utilities. He shall exercise a diligent oversight over the operation of all public utilities operated within the City. The City Attorney shall represent the City in all proceedings before any State Public Utilities Commission involving the public utilities within the City. The City Manager shall perform such other duties in relation to public utilities as may be prescribed by the City Council.

Section 17. Accounts shall be kept for each public utility owned or operated by the City, distinct from other City accounts and in such manner as to show the true and complete financial results of such City ownership, or ownership and operation, including all assets, liabilities, revenues and expenses. Such accounts shall show the actual cost to the City of each public utility owned, the cost of all extensions, additions and improvements, all expenses of maintenance, the amounts set aside for sinking fund purposes, and in the case of City operation, all operating expenses of every description. The accounts shall show as nearly as possible the value of any service furnished to or rendered by any such public utility by or to any other City or governmental department. The accounts shall also show a proper allowance for depreciation, insurance and interest on the investment, and estimates of the amount of taxes that would be chargeable against the property if privately owned. The City Council shall annually cause to be made and printed for public distribution, a report showing the financial results of such City ownership or ownership and operation, which report shall give the information specified in this section and such other information as the City Council shall deem expedient.

Section 18. The City may establish, acquire, lease and operate, or cease to operate and dispose of public utilities and quasi-public utilities at its own option in the manner provided by the laws now existing or hereafter enacted or by the majority vote of the registered, qualified electors of the City in the manner provided by ordinance enacted by the City Council by the affirmative vote of four members of such Council. All amendments of such ordinances shall require a like vote. In such ordinances the City Council may define what are public utilities and quasi-public utilities.

Section 19. In acquiring public utilities and quasi-public utilities, the City may purchase the same subject to existing bond issues and other obligations thereof, whether secured by mortgages or trust deeds against the property of such utilities or not, and may assume and pay such obligations as part of the purchase price.

Article XV

Initiative, Referendum and Recall

Section 1. The Initiative, Referendum and Recall: Except insofar as is otherwise provided by ordinances hereinafter enacted, the provisions of the Elections Code of the State of California, as the same now exist or may hereafter be amended, governing the initiative, the referendum and the recall of municipal officers shall apply to the use thereof in the City insofar as the same are not in conflict with this Charter.

Article XVI

Miscellaneous Provisions

Section 1. Notwithstanding anything in this Charter contained, the City Manager may from time to time, in order to facilitate the prompt, economical and efficient dispatch of City business, assign assistants, deputies, clerks or employees from any office or department of the City government to perform work or service in connection with any other office or department of the City government or may assign any assistant, deputy, clerk or employee of the City to work in more than one of said offices or departments.

Section 2. All general laws of the State applicable to municipal corporations, now or hereafter enacted, and which are not in conflict with the provisions of this Charter or with ordinances or resolutions adopted in pursuance of this Charter, shall be applicable to the City.

Section 3. Wherever in this Charter the word "City" occurs, it means the City of Costa Mesa, and every department, board or officer whenever either is mentioned, means a department, board or officer, as the case may be, of the City of Costa Mesa.

Section 4. The compensation of elective officers shall not be increased during the terms of their respective offices.

Section 5. If any officer of the City shall die or remove from the City, or absent himself therefrom for more than thirty days consecutively, without the permission of the Council, or if he shall fail to qualify by taking the oath of office and filing his official bond, whenever such bond is required, within fifteen days from the time his certificate of election or appointment is mailed or delivered to him, or if he shall resign or be removed from office, or if his election shall be finally declared void by any competent tribunal, or if he shall be convicted of a felony, or if he shall be adjudged insane, or if he shall cease to discharge the duties of his office (other than that of member of the Council) for two consecutive months, unless prevented by sickness, his office shall become vacant.

Section 6. The improvement, widening and opening of streets, the planting of trees, and the making of any other public improvement may be done and

assessments therefor may be levied in conformity with and under the authority conferred by general laws; provided, however, that the Council may by ordinance adopt a procedure for the improvement of streets, alleys or other public places, the laying of pipes, or conduits or for the removal of dirt, rubbish, weeds and other rank growths and materials which may injure or endanger neighboring property or the health or the welfare of inhabitants of the vicinity, from buildings, lots and grounds and the sidewalks opposite thereto, and for making and enforcing assessments against property benefitted or affected thereby or from which such removal is made, for the cost of such improvements or removal and may make such assessments a lien on such property superior to all other claims or liens thereon, except State, County and Municipal taxes, but no such ordinances shall prevent the Council from proceeding under general laws for said purposes.

Section 7. All officers and boards shall deliver to their successors all papers, books documents, records, archives and other properties pertaining to their respective offices or departments in their possession or under their control.

Section 8. No member of the Council or of any board and no officer or employee of the City shall be or become interested in any contract for which bids are or may be required for the furnishing of labor or materials to or for the City, nor shall either or any of them receive any gratuity or advantage from any contract or from the contractor furnishing any labor or material under any contract, the cost or consideration of which is payable from the City Treasury. Any such contract with the City in which any such officer or employee is or becomes interested shall be declared void by the Council.

Section 9. All officers, clerks and assistants of the City and departments thereof, except such as may be employed for special purposes must be citizens of the United States during their period of employment.

Section 10. No officer or employee of the City shall give or promise to give to any person, any portion of his compensation, or any money or thing of value in consideration of having been or of being nominated, appointed, voted for or elected to any office or employment.

Section 11. No officer or employee shall accept any donation or gratuity in money, or other thing of value, either directly or indirectly from any subordinate or employee, or from anyone under his charge, or from any candidate or applicant for any position as employee or subordinate in any department of the City.

Section 12. No officer or employee of the City shall aid or assist a bidder in securing a contract to furnish labor, or materials or supplies at a higher price or rate than that proposed by any other responsible bidder, or shall favor one bidder over another, giving or withholding information, or shall willfully mislead any bidder in regard to the character of the materials or supplies of a quality inferior to that called for by the contract, or shall knowingly certify to a greater amount of labor performed than has actually been performed or to the receipt of a greater amount of material or supplies than has actually been received.

Section 13. Every officer who shall willfully approve, allow or pay any demand on the Treasury, not authorized by law, shall be liable to the City individually and his official bond for the amount of the demand so approved, allowed or paid, and shall forfeit such office and be forever disbarred and disqualified from holding any position in the service of the City.

Section 14. All books and records of every office and department shall be open to the inspection of any citizen during business hours subject to the proper rules and regulations for the efficient conduct of the business of such department or office; but the records of the Police Department shall not be subject to such inspection except by permission of the proper police authorities.

Section 15. Copies or extracts, duly certified, from said books and records open for inspection, shall be given by the officer having the same in custody to any person demanding the same and paying the costs of reproduction thereof.

Section 16. All officers, assistants and employees in office, when this Charter takes effect, shall continue to hold and exercise their respective offices or employment, under the terms of this Charter, until the election or appointment and qualification of their successors.

Section 17. The present City Council, in accordance with Article V of this Charter shall provide for the holding of the first election of officers under this Charter and declare the results thereof.

Section 18. All vested rights of the City shall continue and shall not in any manner be affected by its adoption of this Charter, nor shall any right, liability, pending suit or prosecution, either in behalf of or against the City, be affected by the adoption of this Charter, unless otherwise herein expressly provided. All contracts entered into by the City or for its benefit prior to the taking effect of this Charter shall be continued and perfected hereunder. Public improvements for which legislative steps shall have been taken under laws in force at the time this Charter takes effect, may be carried to completion in accordance with the provisions of such laws.

Section 19. If any section or part of a section of this Charter proves to be invalid, it shall not be held to invalidate or impair the validity of any other section or part of a section, unless it clearly appears that such other section, or part of a section, is dependent for its operation upon the section or part of a section so held invalid.

Section 20. When making purchases for all departments of the City, local merchants shall be given the preference, quality and prices being equal.

Section 21. (Deleted November 4, 1974)

Section 22. All the powers of the City except as otherwise provided in this Charter, are hereby vested in the Council.

Section 23. The violation of any provisions of this Charter or of any ordinance of the City shall be deemed a misdemeanor, and may be prosecuted by the authorities of the City in the name of the people of the State of California, or may be redressed by civil action, at the option of said authorities. The maximum penalty upon conviction for the violation of any provisions of this Charter, or of

any ordinance of the City, shall be by a fine of not exceeding \$1,000 or by imprisonment for a term of not exceeding one year or by both such fine and imprisonment. Any person sentenced to imprisonment for the violation of a provision of this Charter or of any ordinance may be imprisoned in the City jail, or, if the Council by ordinance shall so prescribe, in the County jail of the county in which the City of Costa Mesa is situated, or any road camp established in Tulare County, in which case the expense of such imprisonment shall be a charge in favor of such county against the City of Costa Mesa.

Section 24. The members of the City Council and Board of Education in office at the time of the approval of this Charter by the Legislature shall continue to hold office and discharge their duties for the balance of the term for which they were elected, or until their successors are elected and qualified. All appointive officials, officers and employees of the City now in office or employed at the time of the approval of this Charter by the Legislature, shall continue to hold their office or employment until they are re-appointed or their successors are appointed in their place in accordance with the provisions of this Charter.

Section 25. For the purpose of electing all elective officers and all other purposes, this Charter shall take effect from the time of its approval by the Legislature.

**CHARTER
OF THE
CITY OF COSTA MESA**

WE THE PEOPLE of the city of Costa Mesa declare our intent to restore to our community the historic principles of self-governance inherent in the doctrine of home-rule. Sincerely committed to the belief that local government has the closest affinity to the people governed and firm in the conviction that the economic and fiscal independence of our local government will better serve and promote the health, safety and welfare of all of the citizens of this City, we do hereby exercise the express right granted by the Constitution of the State of California to enact and adopt this Charter for the city of Costa Mesa.

**Article I
Municipal Affairs**

Section 100. Name of City; Perpetual Succession

The city of Costa Mesa shall continue to be a municipal corporation known as the city of Costa Mesa. The boundaries of the city of Costa Mesa shall continue as now established until changed in the manner authorized by law.

Section 101. Rights and Liabilities of Cities; Prior Contracts, Liabilities, Etc., Continued in Effect

The city of Costa Mesa shall remain vested with and shall continue to own, have, possess, control and enjoy all property rights and rights of action of every nature and description owned, had, possessed, controlled or enjoyed by it at the time this Charter takes effect, and is hereby declared to be the successor of same. It shall be subject to all debts, obligations and liabilities, which exist against the City at the time this Charter takes effect. All lawful ordinances, resolutions, rules and regulations, or portions thereof, in force at the time this Charter takes effect and not in conflict with or inconsistent herewith, are hereby continued in force until the same have been duly repealed, amended, changed or superseded by proper authority.

Section 102. Municipal Affairs

Each of the responsibilities of governance set forth and described in this Charter, and as established by the Constitutional, statutory and judicially defined law of the State of California, is hereby declared to be a municipal affair of concern, the performance of which is unique to the benefit of the citizens of the city of Costa Mesa.

Section 103. General Powers; Seal

The city of Costa Mesa, by and through its legislative body and other officials, shall have and exercise all powers necessary or appropriate to a municipal corporation and the general welfare of its inhabitants, which are not prohibited by the Constitution of the State of California, and which it would be competent for this Charter to set forth particularly or specifically, as fully and completely as though they were specifically enumerated in this Charter. The enumeration in this

Charter of any particular power, duty or procedure shall not be held to be exclusive of, or any limitation or restriction upon, this general grant of power. General powers of the city include, but are not limited to, the powers necessary or appropriate to promote the health, welfare and safety of its inhabitants. The city shall have and use a common seal and the official seal hereinbefore adopted and now in use by said city shall continue to be the official seal of the city.

Article 2 Form of Government

Section 200. Form of Government

The municipal government established by this Charter shall be known as the “Council-Manager” form of government. The City Council will establish the policy of the City and the City Manager will carry out that policy.

Section 201. Legislative Body; Composition

The legislative body of the City shall consist of five (5) council members elected at large. This legislative body shall be known as the City Council, and each of its members shall be known as “Council Members.” The number of terms a member of the city council may serve on the city council shall be limited to two (2) consecutive terms of four (4) years each. The City Council shall choose one of its members as mayor and one of its members as mayor pro tempore at the meeting at which the declaration of the municipal election results. The term of service for both mayor and mayor pro tempore shall be for a period of two (2) years from the date of appointment.

The Council Members shall be elected by the qualified voters of the City at a general municipal election. Their terms shall be staggered in the manner as existing at the time of the adoption of this Charter. They shall hold office for the period of four years from and after the date of certification of election results by the City Council, and until their successors are elected, and qualified.

The members of the City Council shall not be eligible to any other office or employment with the City during the period of their incumbency, and for a period of one year following the termination of their position on the City Council.

Section 202. Time and Place of Meetings; Rules of Conduct of Proceedings

The City Council shall provide by ordinance for the time and place of holding its meetings. Special and emergency meetings shall be called in accordance with the provisions of general law. There shall be at least one regular meeting in each calendar month. Any regular meeting may be adjourned to a date and hour certain, and such adjourned meeting shall be a regular meeting for all purposes.

Meeting locations and rules for notice of, and conduct of, meetings of the City Council and all subordinate legislative bodies in the City shall be conducted in accordance with state laws and such rules for procedure as established by ordinance of the City Council.

Section 203. Administrative Officers; Appointment and Removal; Grounds

The following administrative officers are hereby established, each of whom shall be appointed by the City Council: a City Manager and a City Attorney.

Except as may be otherwise provided in this Charter the affirmative three (3) members of the City Council shall be required for the appointment of or the removal of any administrative officer for cause. "For cause" includes, but is not limited to, refusal to perform the duties of his or her office; being adjudged mentally incompetent; or being convicted of a felony, or crime of moral turpitude. The administrative officer is entitled to a hearing before the City Council on the validity of the grounds providing the basis for removal for cause.

The City Council may remove any of its administrative officers at its pleasure, without cause stated or hearing had, by the affirmative vote of four members in favor of such removal, and the determination of the council in such matters shall be final and conclusive.

Section 204. Administrative Officers; Qualifications and Duties

The City Manager shall be the administrative head of the City government. The duties of the City Manager shall be as prescribed by this Charter or by ordinance of the City Council

The City Attorney shall be the chief legal advisor to the City and the City Council. The City Attorney shall be an attorney-at-law, admitted to practice as such before the supreme court of the state, and who has been in actual practice therein for at least three years next preceding appointment. All other things being equal, an attorney who has had special training or experience in municipal corporation law shall be appointed to the office if practicable. The City Attorney shall, within his or her discretion, prosecute all violations of city ordinances and shall draft or approve all contracts and other legal documents and instruments.

Section 205. Interference With Performance of Duties of City Manager

No member of the City Council shall in any manner attempt to influence or coerce the City Manager in the making of any appointment or the purchase of supplies in accordance with the Charter, City ordinance, or applicable state and federal law.

Except for such direction that it provides to the City Attorney, the City Council shall deal with the administrative functions of the City through the City Manager. The City Council shall only have direct contact with the directors of the City's departments for the purpose of asking questions.

No Council Member, and no officer, board or member of any board or commission, shall recommend the appointment of, appoint, vote for or elect, to any office, position of employment, in any department of the City government, any person related by consanguinity or connected by marriage with such Council Member. A breach of this section shall be cause for removal of any such Council Member, officer, board or member of such board or commission.

**Article 3
Legislative Authority**

Section 300. Ordinances

The City Council shall act by ordinance, resolution, or motion. Except for urgency ordinances, except for ordinances calling for or otherwise relating to an election, and except for other ordinances identified in the general laws of the State that do not require introduction prior to adoption, no ordinance shall be passed by the City Council on the date of its introduction, nor within five (5) days thereafter, nor at any time other than at a regular meeting. Nothing herein shall be construed as prohibiting minor changes, amendments or modifications of a proposed ordinance between the time of its introduction and final passage, providing its general scope and original purpose are retained. The affirmative vote of three (3) members shall be necessary to the passage of any ordinance. All ordinances and resolutions shall be signed by the Mayor and attested by the City Clerk.

The enacting clause of all ordinances shall be, “The City Council of the City of Costa Mesa does ordain as follows”. All ordinances, with the exception of the annual appropriation ordinance, shall contain but one subject, which shall clearly be stated in the title.

Fines and other penalties for the violation of City ordinances shall be in such amounts as established by the City Council in the City’s Municipal Code, but no civil fine or penalty shall exceed \$2,500 for each day of the same violation provided, however, that any civil fines or penalties established by any state or federal agency, which can be imposed on the City for violations of statutes or regulations adopted by that state or federal agency, may be imposed by the City against any person, entity, or organization violating any City ordinance related to such state or federal law or regulation, in like amount. The maximum amount of any civil fines or penalties shall not be limited to those amounts established by State law for criminal fines or penalties.

**Article 4
Fiscal Matters**

Section 400. Economic and Community Development

The City shall encourage, support, and promote economic development and community development in the City.

Section 401. Purchasing and Contracts

“Public Works Contract,” as used in this section, means an agreement for the erection, construction, alteration, repair, or improvement of any public structure, building, road, or other public improvement of any kind, which is paid for in whole with tax revenue paid by residents of the City of Costa Mesa.

“Other Public Contract” as used in this section means any contract, purchase order, or other agreement used to procure services and supplies of any kind, that are paid for in whole with tax revenue paid by the residents of the City of Costa Mesa.

The City is exempt from the provisions of all California statutes regulating public contracting and purchasing, except as provided by this Charter, City ordinance, or by agreement approved by the City Council.

Draft 1

Annually, the City Council shall set a value at which Public Works Contracts shall be exempt from public bidding and shall follow such procedures for open market sale or purchase as set by the City Council.

The City Council shall establish all standards, procedures, rules or regulations to regulate all aspects of the bidding, award and performance of any Public Works Contract greater than the value set by the Council, including but not limited to, the compensation rates to be paid for the performance of such work.

The City may, without exception, enter into Other Public Contracts. Other Public Contracts shall follow such procedures as set by the City Council.

No City Public Works Contract or Other Public Contract shall require payment of the prevailing wage schedule unless: the prevailing wage is legally required and constitutionally permitted to be imposed by the requirements of federal grants, state grants, redevelopment law, or other federal or state law; or the project is considered by the City Council not to be a municipal affair of the City; or payment of the prevailing wage schedule is authorized by resolution of the City Council. Payment of the prevailing wage schedule, if authorized hereunder, shall use the pertinent rates published by the State of California.

The City will promote fair and open competition for all City construction projects so that all contractors and workers, whether union or non-union, are treated equally in the bidding and awarding of City construction contracts.

Section 402. Miscellaneous Provisions Relating to Appropriations

Upon the request of the City Manager the City Council may, by resolution, transfer any part of an unencumbered balance of any appropriation to another purpose or object, or may, by resolution, authorize a transfer to be made between items appropriated to the same office or department. At the close of each fiscal year, the unexpended balance of each appropriation, against which no contracts or works or supplies are outstanding, shall revert to the City's general fund. Any money in the general fund otherwise unappropriated may be appropriated by the City Council at any time by resolution.

Article 5 Revenue Retention

Section 500. Reductions Prohibited

Revenues raised and collected by the City shall not be subject to subtraction, retention, attachment, withdrawal or any other form of involuntary reduction by any other level of government.

Section 501. Mandates Limited

No person whether elected or appointed, acting on behalf of the City, shall be required to perform any function which is mandated by any other level of government, unless and until funds sufficient for the performance of such function are provided by said mandating authority.

**Article 6
General Laws**

Section 600. General Law Powers

The City shall have the power and authority: to adopt and enforce all legislation, laws, and regulations; and to take all actions necessary to exercise any and all rights, powers, and privileges heretofore or hereafter established, granted, or prescribed by any law of the State of California, or by any other lawful authority. In the event of any conflict between the provisions of this Charter and the provisions of the general laws of the State of California, the provisions of this Charter shall control.

Section 601. Council Member Compensation

Notwithstanding the previous paragraph, salary of the Mayor and Council Members will continue to be set by California Government Code §36516, as that statute provides as of the date of the adoption of this Charter, where the formula considers city population and state law.

Section 602. Employee Retirement Benefits

At the time of this Charter's adoption, no ordinance increasing any employee, legislative officer or elected official's existing retirement benefits, other post-employment benefits, or employer contributions, with the exception of Cost of Living Adjustments, shall be adopted without the majority approval of qualified voters of the City at a general municipal election. The City Council may reduce retirement benefits, other post-employment benefits, or employer contributions as provided in state law without an amendment to this section.

Section 603. Voluntary Municipal Employee Political Contributions

Unless otherwise required by law, a city employee labor union, city contractor, or city employer ("Organization") may only make expenditures for political activities if the Organization establishes a separate segregated fund that meets the requirements of this chapter. The Organization shall ensure that: (a) In soliciting contributions for the fund, the Organization discloses, in clear and unambiguous language on the face of the solicitation, that contributions are voluntary and that the fund is a political fund and will be expended for political activities; (b) Union dues are not used for political activities, transferred to the fund, or intermingled in any way with fund moneys; (c) The cost of administering the fund is paid from fund contributions and not from union dues; (d) Each contribution is voluntary and shall be made by the member or employee and may not come from or be remitted by the employer of the member; (e) The solicitations are written and mailed to the residence of the member or employee; (f) The Organization shall not exceed two written solicitations for the fund per calendar year; and, (g) The solicitations are designed such that the Organization cannot determine who makes a contribution of less than \$100 as a result of such solicitation and who does not make such a contribution. The Organization has the burden of proof to establish that the requirements above are met.

**Article 7
Interpretation**

Section 700. Construction and Interpretation

The language contained in this Charter is intended to be permissive rather than exclusive or limiting and shall be liberally and broadly construed in favor of the exercise by the City of its power to govern with respect to any matter which is a municipal affair.

Section 701. Severability

If any provision of this Charter should be held by a court of competent jurisdiction to be invalid, void or otherwise unenforceable, the remaining provisions shall remain enforceable to the fullest extent permitted by law.

**Article 8
Amendment**

Section 800. Amendment to Charter, Revised or Repealed

This Charter, and any of its provisions, may be amended by a majority vote of the electors voting on the question. Amendment or repeal may be proposed by initiative or by the governing body.

**AUTHENTICATION
AND
CERTIFICATION**

Authenticated and certified to be a true copy by Mayor _____ and City Clerk _____.

Date of Municipal Election:

ATTEST:

_____, Mayor

_____, City Clerk

SUMMARY OF GENERAL COMMENTS UPDATED 1/10/12

Slow down - 22

No charter – 13

The draft charter should be written by a citizen commission that is elected by the citizens of Costa Mesa – 8

Yes charter – 4

Don't use other cities' charters-1

This quickly drafted charter does not consider the long-term ramifications of some of the items. For example, the language regarding salary and compensation for employees will negatively impact the city's ability to recruit and hire the best and brightest.

Possible day meetings scheduled for those who do not drive at night-1

Please schedule more town hall meetings at various places and times, so more people can be educated.-1

Public funding of election campaigns should be unlawful. Could not find where that was included-1

There are huge problems allowing Council to establish their own salaries.-1 [Note: The proposed Charter prevents this under Section 601.]

Very concerned about the clause regarding the public financing of election campaigns as being "lawful.-1

Needs more detailed information. Charters from other OC cities: Anaheim, 50 pages; Cypress, 29; Huntington Beach, 20; Irvine, 10; NB (contracts for services only) 6; Placentia, 24; Santa Ana, 5; Seal Beach, 24.

I am deeply concerned that the city charter is suggesting limiting the amount of police officers to 100 and Firefighters to 40. These suggestions appear Draconian without any vision or thought. I've been a resident of this city for many years and have been primarily on the sidelines watching this thing play out; but I'm beginning to get quite sick of the power grab that some members of this council appear to have. I believe in reform, but this appears to have a personal agenda written all over it. I would suggest the council and CM highly consider the boundaries they are rapidly approaching. They too will soon be seen as the "Special Interest" rather than true reformers!

Looking at the draft proposal and suggested amendments, Remove the political party affiliation of the city council candidate(s) from the ballot on election day.-1

I am in favor of a City Charter only if there are measures to ensure proper oversight. A non partisan committee is working in NB and Irvine.-1

It may be a worthwhile goal to become a charter city, but having this particular charter written by one council member without citizen input in a short period of time makes me skeptical that it is the best that we can write.-1

A charter, if approved, should be written and approved by committee of citizens formed by the people of Costa Mesa.