

City of Alameda Charter

Article I - Incorporation and Powers

ARTICLE I Incorporation and Powers

Sec. 1-1. The existing City of Alameda, hereinafter referred to as the "City," shall continue its corporate existence under this Charter with the same property rights and the same boundaries as existing at the time this Charter takes effect, or as such boundaries may be changed thereafter in the manner authorized by law.

Sec. 1-2. The City shall have and exercise the following rights and powers, subject to the express limitations herein expressed:

- A. To have perpetual succession.
- B. To adopt and use a corporate seal.
- C. To sue and be sued.
- D. To make and enforce all laws and regulations in respect to municipal affairs, subject only to the restrictions and limitations provided in this charter.
- E. To exercise all rights, powers and privileges heretofore or hereafter granted by the Constitution and general laws of the State of California.
- F. To act pursuant to procedure established by general law unless a different procedure is established by ordinance.

Article II - Officers

Sec. 2-1. The following elective officers are hereby established: The Mayor and four (4) Councilmembers, who shall constitute the Council; Auditor; Treasurer.

Sec. 2-1.1. Notwithstanding any other provision of this Charter to the contrary, the matters contained in this Section shall be controlling as to the office of the Mayor. Commencing April 20, 1971, and thereafter, the Mayor shall be an elective officer of the City, and shall hold office for a term of four years and until his or her successor is elected or appointed and qualified, unless sooner removed from office pursuant to Article XX of this Charter or otherwise. The method of nomination and election of the Mayor shall be as provided in this Charter for the nomination and election of other elective officers of the City. The office of Mayor shall be a separate office and be arranged on a ballot in a separate column and shall be first in order of arrangement. Eligibility for office of Mayor shall consist of the qualifications set forth in this Charter for other elective officers. The provisions of this Charter which provide for

the manner of selecting a candidate to fill office in the event of a tie vote shall apply to the office of Mayor. A vacancy in the office of Mayor shall be filled in the manner set forth in Section 2-7 of this Charter. The Mayor shall receive a monthly compensation of Two Hundred Dollars (\$200.00), payable at the time and in the manner as fixed by the Council, and shall be in addition to that provided in Sections 2-4 and 6-4. The intent of this section is hereby declared to be only to make the Mayor an elective officer of the City and to provide the compensation therefor, as set forth herein. Except to the extent they are inconsistent with the provisions of this section, other provisions of this Charter relating to the Mayor shall apply to the Mayor provided for by this section.

Sec. 2-2.

- A. The following offices are hereby established and the incumbents thereof shall be appointed or removed by a vote of a majority of the full Council: City Manager, City Attorney, City Clerk.
- B. During a period of ninety days immediately following the date of installation of any person newly elected to the Council at a regular or special municipal election or of any person newly appointed to the Council, the Council shall take no action, whether immediate or prospective, to remove, suspend, request the resignation of, or reduce the salary of, the incumbents in the aforementioned appointive offices.

Sec. 2-3. The City Council shall establish by ordinance offices for the administration of departments of the City and the incumbents thereof shall be appointed by and hold office at the pleasure of the City Manager. Once established those offices may be changed, deleted or new ones added by vote of a majority of the Council.

Sec. 2-4. The salary attached to the following offices shall be fixed by the Council: Auditor, Treasurer, City Manager, City Attorney, City Clerk. Each Councilmember shall receive \$50.00 for each meeting of the Council which he shall attend; provided, that no Councilmember shall receive such fees for more than two meetings in any one calendar month.

Sec. 2-5. Every elected officer of the City shall be a registered voter of the City at the time of filing nomination papers and for a period of thirty days immediately preceding the date of filing. Every elected officer and every officer appointed to a Board or Commission shall be a resident of the City during his or her tenure of office. Employees of the City, other than such officers, shall reside within the City, or within such distance of the City limits thereof as the Council may by ordinance prescribe.

Sec. 2-6. The term of each elective officer shall commence at 8:00 o'clock p.m. on the third Tuesday of the month following the general municipal election at which such officer was elected and continue for four years thereafter and until his or her or her successor is elected and qualified.

Sec. 2-6.1. Two Councilmembers, exclusive of the Mayor, shall be elected at every general municipal election. If for any reason two vacancies do not occur prior to the election, the term of the person receiving the lowest number of votes for Councilmember in the last general municipal election shall expire.

Sec. 2-7. Every vacancy in an elective office, arising otherwise than as provided in Article XX, shall be filled as follows:

- A. Vacancies caused by the election of a Councilmember to the office of Mayor shall be filled by the candidate not elected for a contested Council seat who received the highest number of votes, provided said candidate received votes from at least 10 percent (10%) of the total number of voters.
- B. Vacancies occurring within six (6) months of any election shall be filled in the same manner provided by (A).
- C. All other vacancies shall be filled by the Council within 60 days or the compensation paid Councilmember pursuant to Section 2-4 shall be forfeited until the appointment is made.
- D. In the event that vacancies exist in a majority of the offices of Councilmember, such vacancies shall be filled by the following officers, in the order named, sufficient to constitute a Council quorum of three, to-wit, Auditor, Treasurer, and President of the Planning Board until the successor is selected at a Special Election to be held within 90 days of the date the vacancy is filled pursuant to this section. This successor shall serve the unexpired term.

Sec. 2-8. The term of any person appointed to fill a vacancy in an elective office shall commence upon appointment and qualification and continue until 8:00 o'clock p.m. on the third Tuesday of the month following the next General Municipal Election, at which election a successor shall be elected to serve for the remainder of the unexpired term.

Sec. 2-9. If any elected or Council-appointed officer of the City who shall remove from the City or absent himself or herself therefrom for more than thirty days consecutively without the permission of the Council, or shall fail to qualify by taking the oath of office within fifteen days from the time his or her certificate of election or appointment is mailed or delivered to him or her, or shall resign, or be convicted of a felony, or be adjudged insane, his or her office shall be vacant.

Sec. 2-10. In the event of a vacancy in the office of Auditor, Treasurer, City Attorney, or City Clerk, the Council shall, within twenty-one days thereof, designate someone to perform the duties of the vacant office until such time as a successor may be appointed. Until a successor is appointed, the City Manager shall provide for the performance of the duties of the vacant office and is authorized hereby to execute documents required thereof to continue normal operations.

Sec. 2-11. Any incumbent of any elective Federal, State or County office shall be ineligible to hold any elective office or office of member of any board created by this Charter.

Sec. 2-12. The persons occupying the offices set forth or provided for by Sections 2-1, 2-2 and 2-3, their assistants and deputies and members of all boards provided for in Section 10-1 shall be officers of the City.

Sec. 2-13. All officers, boards and the Certified Public Accountant appointed pursuant to Subsection 3-7(C) shall have power to administer oaths and affirmations, to examine witnesses and compel their attendance by subpoena in all matters affecting their respective offices and positions.

Sec. 2-14. No person shall be eligible for the office held by that person for two complete consecutive terms immediately prior to the term for which the person seeks election or appointment. This section shall not apply to the office of Auditor or Treasurer or prevent persons in office from completing their terms.

Sec. 2-15. All references to Councilman herein shall hereby be changed to Councilmember.

Sec. 2-16. All references to "his" shall be changed to "his or her" and all references to "him" shall be changed to "him or her" and all references to "himself" shall be changed to "himself or herself".

Article III - City Council

Sec. 3-1. All powers of the City and all powers vested in city councils (except the powers reserved to the People or delegated to other officers or boards by this Charter) shall be vested in a Council consisting of five Councilmembers.

Sec. 3-1.1. Notwithstanding any other provision of this Charter to the contrary, this section shall control as to the matters herein contained. The Council shall consist of the Mayor and four Councilmembers, elected in the manner set forth in Section 2-1.1 and elsewhere in this Charter. All provisions of this Charter which are inconsistent with the provisions of this section shall be deemed, amended or repealed whichever is appropriate.

Sec. 3-2. The Council may confer upon any board or officer powers and duties additional to those set forth in this Charter.

Sec. 3-3. The Council may, on its own motion, submit to the electorate by initiative or referendum any proposed resolution or ordinance which could be enacted by the Council.

Sec. 3-4. The vote of three members of the Council, except as otherwise provided, shall be necessary for any act of or by the Council.

Sec. 3-5. The Councilmembers present at any meeting regularly held may compel the attendance of absent members in such manner and subject to such penalties as the Council may have prescribed by ordinance.

Sec. 3-6. In the event that any Councilmember shall, without being excused by the Council, absent himself or herself from four or more consecutive regular meetings of the Council extending over a period of not less than thirty days, his or her office shall be vacant.

Sec. 3-7. The Council shall:

- A. Meet in the month next succeeding the month in which the General Municipal Election is held, and organize by selecting from its membership, a Vice Mayor of the Council, whose term shall commence upon selection and continue until the selection and qualification of the successor following the next General Municipal Election.
- B. Hold regular meetings in the calendar year as fixed by resolution in December of the preceding year. Its meetings shall be public and held in the Council Chamber of the City Hall. Special meetings may be called pursuant to general law.
- C. Contract and fix the compensation for the services of a Certified Public Accountant, who shall at least annually investigate the transactions and audit the accounts of all officers having the collection, custody or disbursement of public money, or having the power to approve, allow or audit demands on the treasury. Said Auditor shall have free access to all records, books and papers in all departments of the City. Said Auditor may at any time visit any of the public offices and make examinations and investigations therein without hindrance. At the close of the investigation said Auditor shall file with the Council a written report containing recommendations. If during said Auditor's examination and audit it shall appear that a public offense has been committed, or that any officer or employee is in default, said Auditor shall immediately report to the Council, which shall take proceedings as are authorized by law.
- D. Provide for annual vacations with pay for all City employees.
- E. Repealed.
- F. Prescribe the form of oath of office and require that every elected and Council-appointed officer shall, before entering upon the duties of his or her office, take and file such oaths with the City Clerk.
- G. Establish and abolish offices and positions of employment and fix the compensation and duties thereof, except as herein otherwise provided.
- H. Designate the person to perform the duties of City Manager in the event of his or her absence or disability.
- I. Establish on or before July 1, 1938, a retirement, pension and insurance system for City officers and employees based on sound actuarial principles, which system once adopted

shall not be amended except by majority vote of the full Council and shall not be repealed except by the People. Such system shall provide for the support thereof by deductions from the compensation of officers and employees of the City and contributions from City funds and funds under the control of the respective boards.

Sec. 3-8. The Council shall act by ordinance, resolution or motion, and the vote of each member of the Council on ordinances and resolutions shall be entered in the journal.

Sec. 3-9. No member of the Council shall, during his or her term of office, be eligible to appointment to any board created by this Charter.

Sec. 3-10. All acts of the Council imposing penalties, prescribing public regulations, granting franchises, or providing for the acquisition, transfer or lease for a period longer than one year, of real property, shall be by ordinance; provided, however, that the acquisition of real property, or any interest therein, may be authorized by resolution when the purchase price to be paid, together with any obligation imposed on the City in connection with any such acquisition, does not exceed the sum provided by the general law for cities requiring competitive bidding for the purchase of supplies and materials, or when such acquisition is to be accomplished by condemnation in eminent domain proceedings, or in connection with public improvements proceedings taken under some law.

No real property of the City shall be leased for a period in excess of one year or sold, except upon the affirmative vote of four members of the Council.

The provisions of this section shall not apply to the acquisition or transfer of real property when, pursuant to procedure established by ordinance or by any code or general law of the State of California, such property has been acquired, or is transferred or acquired in satisfaction, foreclosure or enforcement of a lien for taxes or special assessments of any character.

Sec. 3-11. The enacting clause of every ordinance passed by the Council shall be, "Be it Ordained by the Council of the City of Alameda." Every amendment of an ordinance shall be germane to the original purpose of such ordinance. Every ordinance shall be signed by the officer presiding at the time of its adoption and attested by the City Clerk. No ordinance shall be passed by the Council within five days after its introduction, except as provided in the following section.

Sec. 3-12. No ordinance shall become effective until thirty days from and after the date of its final passage, except an ordinance calling or otherwise relating to an election, or an ordinance determining the amount of money necessary to be raised by taxation, or fixing the rate of taxes to be levied, or an ordinance relating to a street improvement proceeding taken under some law, or an ordinance relating to public improvements or work the cost of which, or any

portion of which, is to be borne by special assessment against property benefitted thereby, or an ordinance for the immediate preservation of the public peace, health or safety, which contains a declaration of the facts constituting its urgency, and is passed by a four-fifths vote of the Council, or an ordinance enacted in the event of great emergency or necessity passed by four votes of the Council and containing a statement of the emergency or necessity. Ordinances for the immediate preservation of the public peace, health or safety and ordinances enacted in the event of great emergency or necessity, when passed as aforesaid, may be introduced and passed at one and the same meeting and at either a regular or special meeting. No grant of any franchise, however, shall ever be construed as an urgency or emergency measure.

Sec. 3-13. No ordinance shall be re-enacted or amended by reference to its title only, or without setting forth the amended or re-enacted sections or sub-sections thereof in full.

Sec. 3-14. Before final adoption of an ordinance, its title, a digest thereof, a notice showing the date, time and place of hearing on its final adoption, and notice that three full copies thereof are available for use and examination by the public in the office of the City Clerk, shall be published once in the Official Newspaper of the City at least three days before said hearing date. Notice of the adoption of an emergency ordinance, its title, and a digest thereof shall be similarly published once within three days after its adoption.

Sec. 3-15. When the expenditure required for the purchase of materials or supplies, or for the making of public work or improvements exceeds the sum provided by general law, the same shall be done by written contract and let to the responsible bidder who submits the lowest and best bid, after advertising in the Official Newspaper by at least one insertion for sealed proposals, which advertising shall be made at least five days prior to the time for receipt of bids. Advertisements for bids may set forth the general character of the work, materials or supplies and refer for details to specifications on file in the office of the City Clerk. The Council may reject all bids. In case no bids are received, the Council may make such public work or improvements without contract or purchase such materials or supplies in the open market. The Council may, by four votes, either with or without prior advertising, as hereinabove set forth, determine that in its opinion the public work or improvements in question will be performed more economically by the City without contract, or that the materials or supplies can be purchased at a lower price in the open market, or that great necessity or emergency requires immediate action, and thereupon proceed to make such public work or improvements without contract and to purchase such materials or supplies in the open market.

Sec. 3-15.1. Repealed.

Sec. 3-15.2. In the event of a sudden, unexpected occurrence that poses a clear and imminent danger, requiring immediate action to prevent or mitigate the loss or impairment of life, health, property, or essential public services, the City Manager or designee may exceed the

sum provided by general law and forego competitive bid, subject to ratification by Council as soon as practicable.

Sec. 3-16. A preference of not to exceed five percent of the lowest bid may be allowed by the Council on all bids for materials and supplies made by a person who, for more than one year continuously preceding the making of such bid, had an established place of business in the City manufacturing, processing, wholesaling or retailing such materials and supplies.

Sec. 3-17. When entering into any contract for labor or hiring any labor for public contract work, preference may be given to contractors, mechanics, artisans or other laborers of any class, who shall have actually resided in the City for a period of six months preceding the date of their engagement to perform labor, quality and price of work being equal.

Sec. 3-18. The Council shall annually, after advertising in the manner provided for the purchase of supplies, award a contract to the responsible bidder who submits the lowest and best bid for publication of all legal advertising of the City in a newspaper adjudicated to be a newspaper of general circulation within the City of Alameda. The newspaper published by the successful bidder shall be the Official newspaper of the City. The Council may reject all bids. In lieu of newspaper advertising the Council may issue and publish a bulletin containing such matter as it is required by law to publish, sending the same by mail to the registered voters of the City, to their addresses as the same shall appear on the registration records of Alameda County, and shall also post printed copies of such advertisement in three public places in the City of Alameda.

Sec. 3-19. Repealed.

Article IV - Auditor

Sec. 4-1. The Auditor shall have, at the time of his/her election, a degree in accounting or business administration or be licensed as a Certified Public Accountant and five years of accounting experience.

Sec. 4-2. The Auditor shall provide for at least annual audits of the City's financial operations, books and records to assure that the City's financial transactions, accounts and records are maintained in accordance with the requirements of the City Charter, state and federal laws and generally accepted accounting principles.

Article V - Treasurer

Sec. 5-1. The Treasurer shall have had, at the time of his/her election, five years experience in

administering investment programs and be licensed as a Chartered Financial Analyst or Certified Financial Planner.

Sec. 5-2. The Treasurer shall annually recommend to Council an investment policy for City monies and monitor and report results of the City investment portfolio.

Article VI - Mayor

Sec. 6-1. The Mayor shall be the official and ceremonial head of the City and shall preside at all meetings of the Council. He may take command of the Police and Fire Departments and govern the City by proclamation whenever the Council determines that public danger or emergency requires such action.

Sec. 6-2. During the absence or disability of the Mayor, the Vice Mayor of the Council shall perform the official duties of the Mayor, and during the absence or disability of both such officers, the remaining members of the Council shall select a Mayor Pro-tempore.

Sec. 6-3. Vacancies of the office of Mayor shall be filled by the Council.

Sec. 6-4. There is hereby appropriated to the use of the Mayor in the discharge of his or her office the sum of fifty dollars each month for which he need furnish no vouchers.

Article VII - City Manager

Sec. 7-1. The City Manager shall be the Chief Administrative Officer of the City and shall be chosen by the Council on the basis of his or her executive and administrative qualifications, with special reference to his or her actual experience in or his or her knowledge of, accepted practice in respect to the duties of his or her office as hereinafter outlined.

Sec. 7-2. The City Manager shall have the power and it shall be his or her duty:

- A. To administer and execute policies and undertakings formulated by the Council.
- B. To enforce all laws and ordinances, except as provided by Section 6-1, and he is hereby declared to be beneficially interested in their enforcement and to have power to sue in proper courts to enforce them.
- C. To appoint, discipline and remove all officers and employees of the City under his or her jurisdiction, subject to Civil Service requirements.
- D. Repealed.
- E. To attend all meetings of the Council unless excused by the Council or the Mayor.
- F. To keep the Council at all times fully advised as to the needs of the City and to

recommend such measures and policies as he may deem expedient.

- G. To conduct such investigations and prepare such plans, specifications or reports as may be specified by the Council.
- H. To see that all contracts and franchises made under his or her jurisdiction or that of the Council are faithfully performed, and to report all violations thereof to the Council.
- I. To supervise and administer all public parks, golf courses, recreation areas, wharves, docks and other public properties, utilities and facilities belonging to the City except as in this Charter otherwise provided.
- J. To appoint technical advisory experts or boards with the consent of and at such compensation as may be provided by the Council.
- K. Repealed.
- L. To prepare and submit a budget as required by this Charter.
- M. To investigate the conduct and proceedings of any officer or board of the City when he shall deem the same necessary, or when so directed by the Council.
- N. To devote his or her entire time to the duties of his or her office.
- O. To formulate rules and regulations for officers and employees under his or her jurisdiction.

Sec. 7-3. Neither the Council nor any of the members thereof shall interfere with the execution by the City Manager of his or her powers and duties. Except for purposes of inquiry, the Council and its members shall deal with that portion of the administrative service for which the City Manager is responsible solely through him or her. An attempt by a Councilmember to influence the City Manager in the making of any appointment or the purchase of any materials or supplies shall subject such Councilmember to removal from office for malfeasance.

Sec. 7-4. Those Department Heads holding office pursuant to Section 2-3 of the Charter shall each have power to discipline any employee under his or her control by the imposition of a fine not to exceed one month's salary, or by suspension without pay for not to exceed thirty days, or other penalty less than dismissal, subject to appeal to the City Manager who shall have final authority to affirm, modify or revoke such penalty without appeal therefrom.

Sections 7-5 through 7-12. Repealed.

Article VIII - City Attorney

Sec. 8-1. The City Attorney shall have been, at the time of his or her appointment, regularly admitted to practice and engaged in the practice of law in the State of California for a period of at least five years next preceding such appointment.

Sec. 8-2. The City Attorney shall prosecute all violations of the ordinances of the City. He shall, subject to the general direction of the Council, board or elective officer having jurisdiction of the matter, prosecute and defend for the City, and all boards, officers and employees in their

official capacity all proceedings before judicial and quasi-judicial tribunals. He shall not compromise, settle or dismiss any action for or against the City without permission of the Council. He shall not commence any action without permission of the Council or written instruction of the City Manager. He shall be the legal advisor of and attorney and counsel for the City and for all officers and boards thereof, in all matters relating to their official duties, and whenever requested in writing by any of them, he shall give his or her legal advice in writing.

Sec. 8-3. He shall approve the form of all bonds given to the City, prepare all contracts or legal instruments in which the City is interested, and shall endorse on each his or her approval of the form thereof. He shall, when required by the Council, or any members thereof, draft proposed City ordinances and amendments thereto. He shall deliver all books, papers, documents and property of every description belonging to his or her office or to the City, to his or her successor in office.

Sec. 8-4. The City Attorney shall appoint, discipline and remove, subject to Civil Service requirements, all assistants, deputies and employees under his or her authority. All assistants and deputies must be duly admitted to practice law in the State of California.

Sec. 8-5. The Council, or any board with the consent of the Council, may empower the City Attorney, at his or her request, to employ special legal counsel.

Article IX - City Clerk

Sec. 9-1. It shall be the duty of the City Clerk:

- A. To perform all duties imposed upon him or her by general law where not inconsistent with this Charter or the ordinances of the City and to devote his or her entire time to the duties of his or her office.
- B. To act as Clerk of the City Council and keep an accurate public record of the proceedings thereof, and also separate, properly indexed books in which, respectively, he shall record all ordinances and resolutions.
- C. To have custody of the Official Seal, deeds, leases, contracts and all records of the Council and such other official records as may be committed to his or her care.
- D. To take affidavits and administer oaths, without charge, in all matters affecting the business of the City.
- E. To appoint, discipline and remove, subject to Civil Service requirements, all employees and deputies in his or her office.

Article X - Boards

Sec. 10-1. The following Boards are hereby established:

Public Utilities Board; Civil Service Board; City Planning Board; Social Service Human Relations Board; Library Board; Historical Advisory Board.

Sec. 10-2. Each of said Boards, except the Public Utilities Board, Social Service Human Relations Board and the City Planning Board, shall consist of five members. Upon nomination of the Mayor, the Council shall appoint, between May 1 and July 1 of each year, one member of each such Board for a term commencing on the first day of July following such appointment and continuing for four years, and thereafter until the successor of such member is appointed and qualified.

Sec. 10-3. The Public Utilities Board shall consist of five members, one of whom shall be the City Manager, who shall have full power of participating and voting. Upon nomination of the Mayor, the Council shall appoint, between May 1 and July 1 of each year, one member of said Board for a term commencing on the first day of July following such appointment and continuing for four years and thereafter until the successor of such member is appointed and qualified.

Sec. 10-4. The Social Service Human Relations Board shall consist of seven members. Upon nomination of the Mayor, the Council shall appoint, between May 1 and July 1 of each year, at least two members of such Board for terms commencing on the first day of July following such appointment and continuing for four years and thereafter until the successor of such member is appointed and qualified.

Sec. 10-4.1. The City Planning Board shall consist of seven members. Upon nomination of the Mayor, the Council shall appoint, between May 1 and July 1 of each year, such members as are necessary to maintain a full board, for terms commencing on the first day of July following such appointment and continuing for four years and thereafter until the successor of such member is appointed and qualified; provided, however, that no more than two terms shall expire in any year other than by resignation of a member.

Sec. 10-5. A vacancy in the office of a member of any board shall be filled for the unexpired term by a nomination and appointment in the manner hereinabove set forth.

Sec. 10-6. All members of such boards shall, at the time of their appointment and continuously during their incumbency, be electors of the City.

Sec. 10-7. Each person appointed to membership of any of said boards shall be particularly qualified to discharge the functions of his or her office and, to that end:

One member of the Public Utilities Board shall be an electrical, civil, mining or mechanical engineer.

Sec. 10-8. The members of such boards shall receive no compensation.

Sec. 10-9. A member of any such board may be removed by the vote of a majority of the Council.

Sec. 10-10. At its first meeting after July 1 of each year, each such board shall elect a President, a Vice President, and such other officers as it may desire.

Sec. 10-11. Each of said boards shall have the power to establish rules for its proceedings.

Sec. 10-12. No position of employment with any right of compensation attached thereto shall be established under the jurisdiction of any said boards, except the Public Utilities Board and the Library Board, except by action of the Council.

Sec. 10-13. The votes of a majority of the entire membership of a board shall be necessary for action thereof.

Article XI

Repealed.

Article XII - Public Utilities Board

Sec. 12-1. The Public Utilities Board shall have the power:

- A. To control and manage all public utilities owned by the City established for the purpose of generating, distributing or selling electricity or for the purpose of furnishing communications.
- B. To control and manage any other City-owned public utilities and/or communications business enterprises, the control and management of which shall have been delegated to the Board by the Council or the People pursuant to section 12-5 or by law.
- C. To contract for the sale, lease and/or purchase of services, materials, and supplies, subject to the provisions of Section 3-15 and 3-16 of this Charter except as otherwise in this article expressly provided. In connection with such contracts, the Board may exercise the powers conferred upon the Council by said sections.

Sec. 12-2. The Board shall also have the power, without reference to advertising or

competitive bidding:

- A. To contract for the sale, lease and/or purchase, for not to exceed fifteen years of electrical energy or such other public utility service or commodity necessary for the operation of a public utility or business enterprise under the control and management of the Board.
- B. To advertise and publicize the business of any public utility or business enterprise under its control and management.
- C. To acquire full or joint use of poles, pipes, conduits, conductors, rights-of-way and other personal property; and to acquire by lease or purchase in the name of the City real property necessary for its purposes.
- D. Repealed.

Sec. 12-3. The Board shall also have the power:

- A. To sell obsolete or unnecessary personal property, subject to consent of the Council on all sales exceeding the sum of ten thousand dollars.
- B. To make any original construction of and any improvement to any utility under the control and management of the Board, and to do and perform any work for the City or any board thereof at cost; provided, however, if the Board shall elect to make any such original construction of or improvement to any such utility by contract, then the same shall be done subject to the provisions of Sections 3-15 and 3-16, the Board exercising the powers conferred upon the Council in said sections.
- C. To fix rates for the services of all utilities and business enterprises under its control and management.
- D. No employee of the Board receiving compensation from it shall be, or within one year preceding his or her employment have been, a member of the Board.
- E. To borrow, with the approval of the Council and not otherwise, monies for capital investment. Money borrowed pursuant to this subsection shall provide that the same may be repaid at any time and shall be repaid within thirty years from the date thereof.
- F. To invest reserves as mandated by State Law.

Sec. 12-4: The Board shall:

- A. Keep books and records for each utility under its control and management in the manner prescribed by the California Railroad Commission or its successor in authority, and all other fiscal records in the manner prescribed by the Auditor.
- B. File with the Auditor and Council monthly fiscal reports from the Board, and an annual audit prepared by a Certified Public Accountant selected by the City Auditor.
- C. Maintain a storeroom and storeroom system, wherein a detailed record shall be kept of all materials received and issued in a manner satisfactory to and subject to the audit of the Accountant referred to in the next preceding subsection.

D. Prepare and adopt an annual budget.

Sec. 12-5. Neither the City nor the Board shall engage in any public utility business which does not involve the provision of electricity or communications services, except with the consent of the People as expressed by a majority vote of those voting in any regular or special election.

Sec. 12-6. The Board may retain from earnings of public utilities under its management and control in each fiscal year after payment of bond interest and sinking fund requirements and operating expenses exclusive of depreciation, a sum equal to ten percent of the investment in Fixed Capital in Service of such utilities at the beginning of such fiscal year, as a reserve for contingencies, replacements, renewals, additions and improvements; provided, however, that when the amount of Working Capital (Current Accrued Assets less Current Accrued Liabilities) at the end of such fiscal year shall be equivalent to or in excess of twenty-five percent of the Fixed Capital in Service as of the same date if an amount equal to five percent of Fixed Capital in Service at the beginning of the fiscal year were retained, then and in such event the sum retained for the fiscal year shall be reduced to five percent of the Fixed Capital in Service at the beginning of the fiscal year.

All earnings of such utilities for the fiscal year in excess of said payments and retainments shall be transferred by the Board to the General Fund of the City, unless the Council prior to the end of the fiscal year shall authorize the Board to retain for said reserves a larger percentage than above set forth. For the purpose of carrying out the provisions of this section the Board prior to the first day of each fiscal year shall make an estimate of the amount to be earned in the fiscal year in excess of said payments and retainments and said excess amount as estimated shall be transferred to the General Fund of the City quarterly or as mutually agreed upon between the Board and the Council. Any balance of such excess amount for the fiscal year shall be transferred by the Board to the General Fund of the City within thirty days of receipt of the annual audit.

Article XIII - Civil Service Board

Sec. 13-1. The Civil Service Board is responsible to the City Council for establishing and reviewing the policies of the Civil Service System and for making recommendations thereon.

Sec. 13-2. A Civil Service System shall be established by ordinance and shall not be amended, except by vote of five (5) members of the Council and shall not be repealed, except by the People. No position of employment once placed under the Civil Service System, shall be removed therefrom, except pursuant to such Civil Service Ordinance.

Sec. 13-3. The Civil Service Board will have the authority and power to conduct hearings and hear appeals on matters affecting the Civil Service System as set forth herein or by ordinance.

Article XIV - City Planning Board

Sec. 14-1. The City Planning Board shall have such powers and duties as may be delegated by City ordinance. It shall have power to investigate and recommend plans for the future development, improvement and beautification of the City, including landscaping, planting and care of trees on public streets, parks and playgrounds, the improvement and development of harbor facilities, the location and improvement of public buildings and works and the subdivision and zoning of land.

Article XV - Social Service Human Relations Board

Sec. 15-1. The Social Service Human Relations Board shall have the power:

- A. To assess the social service needs of the community and to facilitate provision therefor.
- B. Such other duties and powers as may be delegated by ordinance.

Article XVI - Library Board

Sec. 16-1. The Library Board shall have the power:

- A. To control and manage the Public Library system of the City.
- B. To expend for library purposes all monies in the Library Fund, which fund is hereby created.
- C. To make and enforce rules and regulations necessary for the administration, government and protection of the Library System and all property thereof.
- D. To purchase necessary books, journals, publications and other personal property.
- E. To borrow books from, rent books to and exchange the same with other libraries, and to extend library privileges to non-residents upon such condition as the Board may prescribe.

Sec. 16-2. On or before the second Monday in May of each year, the Library Board shall submit to the Council an itemized budget of the amount of money necessary for the administration of the Library System of the City during the next ensuing fiscal year. To the extent of seven cents on each one hundred dollars of assessed valuation, the Council shall, and as to any excess thereover set forth in such estimate the Council may, include in the next succeeding tax levy and apportion to the Library Fund as received monies for the purposes set forth in such budget.

Sec. 16-3. All fines and other money arising out of the administration of the Public Library System of the City or gifts or trusts therefor shall be deposited in the Library Fund.

Article XVII - Finance and Taxation

Sec. 17-1. The fiscal year of the City shall commence on the first day of July of each year and shall end on the next succeeding thirtieth day of June.

Sec. 17-2. Repealed.

Sec. 17-3. The City Manager shall transmit to the Council a detailed budget showing the estimated revenues and expenditures of the City and all departments thereof for the ensuing fiscal year at such times as the Council shall require.

Sec. 17-4. All property shall be assessed and taxes thereon collected as provided for by general law.

Sec. 17-5. Repealed.

Sec. 17-6. Repealed.

Sec. 17-7. Repealed.

Sec. 17-8. All monies received by any officer or employee of the City in his or her official capacity or belonging to the City, and all monies directed by general law or by this Charter to be paid or deposited in the City Treasury shall be paid into the treasury daily by the officer or employee receiving the same.

Sec. 17-9. All charges, fees, commissions and percentages collected or received by any officer or employee of the City in the performance of any official duty as such officer or employee, or in the performance of the duties of any office held ex-officio, shall be the property of the City.

Sec. 17-10. The City Manager shall present to the Mayor and City Council a quarterly report on the revenues and expenditures as compared to the adopted budget of all funds of the City. The form of such report shall be both narrative and budgetary in order to inform the Mayor and City Council of the financial status of the City. The Auditor will review each report with the Mayor and City Manager.

Sec. 17-11. Repealed.

Sec. 17-12. Repealed.

Sec. 17-13. Repealed.

Sec. 17-14. No contract required to be in writing and imposing any financial obligation upon the City shall be binding or of any force unless there remains an unexpected and unapplied balance of the appropriation or fund applicable thereto sufficient to pay and fully discharge the City's obligation under such contract as certified by the Board or Officer making the same. Said unexpended and unapplied balance shall be used for no other purpose except the payment and discharge of the respective contracts.

Sec. 17-15. No demand shall be approved unless it is made upon appropriations authorized therefor and there are sufficient monies otherwise unappropriated in the fund against which the payment of the demand is made.

Sec. 17-16. All monies received shall be posted to the fund for which their appropriation has been authorized.

Sec. 17-17. No additional financial burdens may be imposed on the taxpayers of the City as a result of binding fact finding, arbitration or parity without approval of the voters as set forth in this section. Any other provision of this Charter notwithstanding, no wages, benefits or employee related expenses shall be paid by the City that have not been approved by a resolution of the City Council until additional revenues and appropriations therefor have been approved by a vote of the People pursuant to Proposition 13 (Cal. Const. Art. XIII B, Sec. 4). The City Council shall not be required to call such an election more than once a year and may consolidate said elections with elections held for other purposes.

Article XVIII - Franchises

Sec. 18-1. Franchises may be granted for the use of any public utility of the streets, public places or property of the City upon such terms, conditions, restrictions and limitations as may be prescribed by ordinance, but no franchise shall be granted without reserving to the City adequate compensation for the privilege conferred; nor for a longer period than twenty years unless there be reserved to the City the right to take over at any time the portion of such utility located within the City without compensation for the value of the franchise granted.

Article XIX - Municipal Elections

Sec. 19-1. Municipal Elections held in the City of Alameda shall be classified as of two kinds: (A) General Municipal Elections; (B) Special Municipal Elections.

Sec. 19-2. A general municipal election shall be held biennially on the date of and consolidated with the other statewide general election in each even-numbered year. All other municipal elections shall be special municipal elections. A special municipal election may be called by ordinance or by resolution of the Council.

Sec. 19-3. The provisions of the Elections Code and the Constitution of the State of California relating to the qualifications of electors and voters shall govern in all municipal elections. Except as otherwise provided in this Charter or in any ordinance enacted by the affirmative vote of four members of the Council, the provisions and procedure provided in the Elections Code and general law of the State of California, now in effect and as hereafter amended or codified, for elections in chartered cities and municipalities generally, and in all respects not so provided, then the present and future provisions of said code or laws governing County elections generally, insofar as they may be applicable, shall govern all elections in this City. The Council and the City Clerk, respectively, shall exercise the powers and perform the duties conferred or imposed by law on Boards of Supervisors and County Clerks, respectively, concerning elections.

For the purpose of this article, all seats or positions on the Council shall be considered as a single office for which as many persons are to be selected as there are full and unexpired terms to be filled.

No election, either general or special, shall be set aside for any error, irregularity or defect in the proceedings leading up to said election or in said election when the provisions of law governing the same are substantially complied with and where a fair expression of the will of the electorate is secured.

Sections 19-4 through 19-11. Repealed.

Sec. 19-12. In case there is but one person to be elected to an office, the candidate receiving the highest number of votes cast for that office shall be declared elected.

In case there are two or more persons to be elected to the same office, then those candidates, equal in number to the number to be elected, who receive the highest number of votes cast for such office, shall be declared elected. Where full and one or more unexpired terms to the same office are to be filled, the candidates, equal in number to the number of officers to be elected for unexpired terms who receive the next highest number of votes, shall be declared elected for the unexpired term or terms. If unexpired terms be of different duration, the candidate who receives the highest number of votes shall be declared elected for the longer term.

Sec. 19-13. In case of a tie vote, the City Council shall forthwith summon the candidates who have received such tie votes to appear before the Council at a time and place to be

designated, and the Council shall at such time and place determine the tie vote by lot. Such summons shall, in every case, be mailed to the address of the candidate as it appears in his or her Nominating Petition, or delivered to him or her personally, at least five days before the date fixed for the determination of such tie votes.

Article XX - Recall

Sec. 20-1. The holder of any elective office of this City may be recalled from office at any time by the qualified electors thereof, provided he has held his or her office for a least six months. The provisions of this article are intended to apply to officials now in office, as well as to those hereafter elected.

Sec. 20-2. The provisions of the Elections Code and the Constitution of the State of California relating to the recall of elected officials shall govern the recall of all officials elected pursuant to this Charter. Except as otherwise provided in this Charter or in any ordinance enacted by the affirmative vote of four members of the Council, the provisions and procedures provided in the elections Code and the general law of the State of California, now in effect and as hereafter amended or codified, for recall elections in chartered cities and municipalities generally, and in all respects not so provided, then the present and future provisions of said codes or laws governing County recall elections generally, insofar as they may be applicable, shall govern all recall elections in this City, The Council and the City Clerk, respectively, shall exercise the powers and perform the duties conferred or imposed by law on Boards of Supervisors and County Clerks, respectively, concerning recall elections.

Article XXI - Initiative and Referendum

Sec. 21-1. The Initiative and Referendum may be exercised by the qualified electors of the City in the manner provided by general law.

Article XXII - Miscellaneous

Sec. 22-1. No officer or employee of the City shall:

- A. Become financially interested, except by testate or intestate succession, either directly or indirectly, in any contract or sale, purchase, lease or transfer of real or personal property to which the City is a party, or be employed by any public service corporation regulated by or holding franchises in the City. No officer or employee shall be deemed to be financially interested by the ownership of less than five percent of the outstanding capital stock of a corporation.
- B. Give, accept or promise anything of value for the purpose of procuring a nomination,

appointment, election or employment.

C. Knowingly mislead any bidder by giving or withholding information.

A willful violation of any of the foregoing provisions shall constitute misconduct.

Sec. 22-2. Any contract or sale, purchase, lease or transfer of real or personal property to which the City is a party and in which any officer or employee of the City is financially interested, directly or indirectly, except as provided in Section 22-1 (A), shall be voidable at the election of the Council.

Sec. 22-3. Every officer or employee who shall approve, allow or pay any demand on the treasury, knowing that the same is not authorized and legally due, shall be liable to the City individually, and on his or her official bond for the amount of the demand so illegally approved, allowed or paid.

Sec. 22-4. Any person convicted of a felony or misconduct in office shall forfeit his or her office or position of employment. No person who shall have been convicted of a felony or misconduct in office shall ever hold any office or position of employment in the service of the City, consistent with State law.

Sec. 22-5. All books, files and records of the City and of all boards and officers thereof shall be open to public inspection during usual business hours, unless secrecy of the contents of such books, files and records is necessary in the public interest.

Sec. 22-6. Repealed.

Sec. 22-7. Traveling expenses shall not exceed actual cost of transportation, plus a reasonable per diem allowance, the latter to be fixed annually by the Council uniformly for all officers and employees. Traveling expenses, except for routine duties, shall be allowed only if authorized by the Council.

Sec. 22-8. All public offices, except where otherwise provided by law, shall be open for business every day, except holidays, from 9:00 A.M. to 5:00 P.M., subject to modification by Council.

Sec. 22-9. The compensation of elective officers of the City shall not be increased or decreased during their respective terms of office. This section shall not prohibit the increase or decrease of compensation of assistants or deputies.

Sec. 22-10. The Council and all Boards of the City shall have power to accept gifts and trusts and control, manage, dispose of and otherwise administer the same in accordance with the terms thereof.

Sec. 22-11. All real property acquired by the City shall be held in the name of "City of Alameda."

Sec. 22-12. Notwithstanding any other provisions of this Charter to the contrary, the public parks of the City shall not be sold or otherwise alienated except pursuant to the affirmative votes of the majority of the electors voting on such a proposition; except that the City Council may (a) lease or grant concessions or privileges in public parks or any portion thereof or building or structure situated therein, or (b) grant permits, licenses or easements for street, utility or any other purposes in public parks or any portion thereof or building or structure situated therein or (c) sell or dispose of public parks or any portion thereof if, after a public hearing or hearings in each case, the City Council determines that another new public park has been or will be designated by the City Council for public park purposes and opened to the public for public park purposes. The City Council shall determine that said "new public park" is of comparable size and utility and serves the same service area with substantially the same amenities and improvements. As used herein "public parks" means any and all lands of the City which have been or will be designated by City Council for public park purposes and/or recreational uses and opened to the public for public park purposes and/or recreational uses. "Public parks" also includes the Alameda Golf Complex.

Sec. 22-13. Every contract involving consideration reasonably valued at more than an amount specified by ordinance shall, except in cases provided by ordinance, be made in writing. The contract shall be signed on behalf of the City by a person authorized by the Council. The City shall not be, and is not, bound by any contract unless it complies with the requirements of this section and all other applicable requirements of the Charter.

Article XXIII - Schedule

Sec. 23-1. This Charter shall take effect on July 1, 1937.

Sec. 23-2. All ordinances, resolutions and orders in force at the time this Charter takes effect shall so remain in full force and effect unless contrary to the provisions hereof, subject to repeal and amendment.

Sec. 23-3. All officers and employees of the City at the time this Charter takes effect shall continue in office for the remainder of their respective terms (if fixed) or until removed as herein provided (if for an indefinite term), subject to all the provisions of this Charter.

Sec. 23-4. Repealed.

Sec. 23-5. Repealed.

Sec. 23-6. The adoption of this Charter shall not affect the Courts established by law and now existing in the City.

Article XXIV

Repealed.

Article XXV

Repealed.

Article XXVI - Multiple Dwelling Units

Sec. 26-1. There shall be no multiple dwelling units built in the City of Alameda.

Sec. 26-2. Exception being the Alameda Housing Authority replacement of existing low cost housing units and the proposed Senior Citizens low cost housing complex, pursuant to Article XXV of the Charter of the City of Alameda.

Sec. 26-3. The maximum density for any residential development within the City of Alameda shall be one housing unit per 2,000 square feet of land. This limitation shall not apply to the repair or replacement of existing residential units, whether single-family or multiple-unit, which are damaged or destroyed by fire or other disaster; provided that the total number of residential units on any lot may not be increased. This limitation also shall not apply to replacement units under Section 26-2.

Article XXVII - Compulsory Arbitration for Fire Department Employee Disputes

Sec. 27-1. Declaration of Policy. It is hereby declared to be the policy of the City of Alameda that strikes by fire fighters are not in the public interest and are prohibited, and that a method should be adopted for peacefully and equitably resolving disputes that might otherwise lead to such strike.

Sec. 27-2. Prohibition Against Strikes. If any fire fighter employed by the City of Alameda willfully engages in a strike against the City, said employee shall be dismissed from his or her or her employment and may not be reinstated or returned to City employment. No officer,

board, council or commission shall have the power to grant amnesty to any employee charged with engaging in a strike against the City.

Sec. 27-3. Definitions:

- A. "Financial benefits" shall mean monthly base salaries; all supplementary cash entitlements paid directly to employees; and health insurance, retirement, vacation, holiday and sick leave benefits.
- B. "Employee Organizations" shall mean any employee organization representing employees below the rank of Assistant Chief.

Sec. 27-4. Obligation to Negotiate in Good Faith. The City, through its duly authorized representatives, shall negotiate in good faith with the recognized fire department employee organization on all matters related to financial benefits.

Sec. 27-5. Impasse Resolution Procedures. All disputes or controversies pertaining to financial benefits only, which remain unresolved after good faith negotiations between the City and the fire department employee organization shall be submitted to an arbitration upon the declaration of an impasse by the City or by the recognized fire department employee organization.

Sec. 27-6. Procedure. Any arbitration convened pursuant to this article shall be conducted in conformance with, subject, and governed by Title 9 of Part 3 of the California Code of Civil Procedure except that either party may elect to use three (3) arbitrators, one picked by each party and one neutral arbitrator.

Sec. 27-7. Costs. The costs of the neutral arbitrator and court reporter shall be borne equally by the parties. All other expenses which the parties incur individually, including but not limited to witnesses, subpoenas, attorney's fees and travel expenses therefor, shall be borne by the party incurring such expenses.

Sec. 27-8. Enforcement. Enforcement of arbitration awards hereunder shall be consistent with Section 17-17 of this Charter.

Article XXVIII - Historical Advisory Board

Sec. 28-1. BOARD CREATED -- PURPOSE: In Order to encourage broad community participation in the history of Alameda, and preserve and protect structures, sites and areas of historical significance in the City, there is hereby created the Alameda Historical Advisory Board, hereinafter referred to as the Board, which shall be appointed and organized, and shall have responsibilities, as hereinafter set forth.

Sec. 28-2. POWERS AND DUTIES: The purposes, powers, procedures and duties of the Board shall be those set forth in Chapter 9 of Title X of the Alameda Municipal Code.

Sec. 28-3. ESTABLISHMENT AND COMPOSITION: There is hereby established an Historical Advisory Board composed of five (5) members, appointed by the Alameda City Council and serving without pay. The members shall have demonstrated an interest in the history, heritage and architecture of the City of Alameda and shall be residents of the City.

Sec. 28-4. TERMS OF OFFICE: Members shall serve for a term of four (4) years and may be reappointed for a second term of office. Terms shall be staggered so that the number of terms expiring any year shall not differ more than one from the number of terms expiring in any other year. Members shall serve until their successors are appointed. Current members of the Commission shall have their terms decided by lot and their present terms shall not be considered.

Sec. 28-5. VACANCY AND REMOVALS: Vacancies which may occur on the Board shall be filled by appointment of a new member by the City Council for the duration of an unexpired term of office. A person may be removed by the City Council.

Sec. 28-6. ORGANIZATION: The Board shall hold regular meetings on the first Thursday each month in the City Council Chambers, unless proper notification is given for a change of location or time.

- A. The Board shall elect a Chairperson and a Vice-Chairperson from their membership. Each office shall be for one (1) year. However, an office holder may be returned to office.
- B. Repealed.
- C. A public record shall be kept by the Board of its resolutions, motions and actions. The City Manager shall provide such technical, administrative and clerical assistance as may be required.

Sec. 28-7. FEES: All fines, fees and other monies arising out of the administration of the Historical Advisory Board of the City, or gifts or trusts therefor shall be deposited in the Historical Advisory Board Fund. The schedule of fines and fees shall be adopted by the City Council. Expenditures from the fund shall be approved by the Council.