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Eureka, California Code of Ordinances

CHARTER OF THE CITY OF EUREKA

CHARTER OF THE CITY OF EUREKA

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Eureka, California Code of Ordinances

CHARTER OF THE CITY OF EUREKA

ARTICLE I. NAME AND SEAL; FORM OF GOVERNMENT; BOUNDARIES; MUNICIPAL AFFAIRS

ARTICLE I. NAME AND SEAL; FORM OF GOVERNMENT; BOUNDARIES; MUNICIPAL AFFAIRS

SECTION 100. NAME AND SEAL.

The municipal corporation now existing, known as the City of Eureka, shall remain and continue a body politic and corporate under the name of the City of Eureka, and by that name shall have perpetual succession, and may have and use a common seal alterable at the pleasure of the City Council.

SECTION 101. FORM OF GOVERNMENT.

The government provided by this Charter shall be known as the “Council-Manager” form of government.

SECTION 102. BOUNDARIES.

The boundaries of the City of Eureka now existing shall continue until changed in the manner authorized by law.

SECTION 103. MUNICIPAL AFFAIRS.

The City of Eureka may make and enforce all ordinances and regulations in respect to municipal affairs, subject only to restrictions and limitations provided in the Constitution of the State of California and in this Charter and in respect to other matters shall be subject to general laws. With respect to municipal affairs this Charter shall supersede all laws inconsistent herewith.

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ARTICLE II. ELECTIONS

SECTION 200. KINDS OF ELECTIONS.

Elections to be held in the City for the purpose of electing officers of said City and for all other purposes are of two (2) kinds:

General Municipal Elections

Special Municipal Elections

(Amended by election November 8, 1994)

SECTION 201. WARDS.

The City is hereby divided into five (5) wards, numbered consecutively from one (1) to five (5), inclusive, the respective boundaries of which shall be as established on the effective date of this section; provided, that the Council shall by ordinance change such boundaries from time to time to provide equal representation among the five (5) wards in compliance with the one person - one vote principle. The qualified electors of the City voting as a whole shall elect one member of the Council from each of the five (5) wards of the City.

SECTION 202. DATES OF PRIMARY AND GENERAL MUNICIPAL ELECTIONS.

For filling the elective offices of Mayor, five (5) Council Members and five (5) Directors of the Board of Education, commencing with the year 1996, a general municipal election shall be held on the same date as the State of California general election and consolidated therewith. Municipal measures may also be submitted to the electorate at said general municipal election, as well as at special elections called for the purpose. The officers elected shall be those receiving the highest number of votes given

for each office at said general municipal election.

(Amended by election on November 8, 1994)

SECTION 203. OFFICERS TO BE ELECTED AT ELECTIONS AFTER ADOPTION OF REVISED CHARTER.

After the adoption of this revised Charter, at the election(s) to be held in 1980 two (2) Council Members and three (3) Directors of the Board of Education shall be elected to replace those Council Members and Directors of the Board of Education whose terms were scheduled to expire prior to this revision on the fourth Tuesday in April, 1981. At the election(s) to be held in 1982, a Mayor, three (3) Council Members and two (2) Directors of the Board of Education shall be elected to replace the Mayor, those Council Members and Directors of the Board of Education whose terms were scheduled to expire prior to this revision on the fourth Tuesday in April, 1983. At each subsequent municipal election(s) the number of Council Members and Directors of the Board of Education to be elected shall be equal to the number of terms to expire at the ensuing first regular meeting of the Council or the Board of Education, as the case may be, following the general municipal election date.

SECTION 204. CANVASS OF RETURNS.

On the first regular meeting date of the City Council after any municipal election has been canvassed and certified, the Council shall meet at its regular meeting place to declare the results thereof. Newly elected officers shall be installed in their respective offices as provided in Section 205 of this Charter.

(Amended by election on November 5, 2002)

SECTION 205. TIME OF TAKING OFFICE; TERM.

All elected officers, after they have qualified as provided in this Charter, shall take office at the first regular meeting of the body to which they have been elected after the general municipal election has been canvassed and certified and shall hold their office for the term of four years or until their successors are elected and qualified.

(Amended by election on November 5, 2002)

SECTION 206. SPECIAL MUNICIPAL ELECTIONS.

Special municipal elections shall be held on such dates as fixed by the Council therefor except as otherwise provided in this Charter.

SECTION 207. PROCEDURE FOR HOLDING ELECTIONS.

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

SECTION 208. TERM LIMITS - OFFICE OF THE MAYOR.

No person may serve more than two consecutive full terms as Mayor. If a person serves a partial term in excess of two years, it shall be considered a full term for the purpose of this provision. Any term of office commenced prior to June, 1994, shall not be counted for purpose of applying this provision.

Nothing in this section shall act as a bar to service as Mayor a previously elected or appointed Mayor after at least four years absence from office.

(Amended by election on June 7, 1994)

SECTION 209. TERM LIMITS - COUNCIL MEMBERS.

No person may serve more than two consecutive full terms as a Council Member. If a person serves a partial term in excess of two years, it shall be considered a full term for the purpose of this provision. Any term of office commenced prior to June, 1994 shall not be counted for purpose of applying this provision.

Nothing in this section shall act as a bar to service as Council Member a previously elected or appointed Council Member after at least four years absence from office.

(Amended by election on June 7, 1994)

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ARTICLE III. CITY COUNCIL

SECTION 300. LEGISLATIVE AUTHORITY.

The legislative powers of the City of Eureka shall be vested in a Council of five (5) members.

SECTION 301. QUALIFICATIONS OF COUNCIL MEMBERS.

No person shall be eligible for the office of Council Member unless such person is at the time of assuming such office an elector of the City and was a registered voter and a resident of the City and of the ward from which such person is seeking election at the time nomination papers are issued to such person as provided for in Section 22842 of the Elections Code of the State of California as the same now exists or may hereafter be amended or superseded. The Council shall be the judge of the election and qualifications of its members. If a Council Member fails to continue to be a resident of the ward from which such member was elected, the office shall, by reason thereof, become vacant; provided, that in case of redistricting or redivision of wards is made whereby the lines or boundaries thereof are changed, this provision with regard to residence shall not apply to the current term of any Council Member whose residence has been changed thereby from the ward from which the member was elected and in which the member resided.

Editor's note:

Section 22842 of the Elections Code is repealed. The correct citation is now Cal. Elections Code, § 10227.

SECTION 302. FILLING VACANCIES IN OFFICE OF COUNCIL MEMBER.

If for any reason there occurs a vacancy in the office of Council Member, the Mayor and Council shall, within thirty (30) days from the commencement of the vacancy either fill the vacancy by

appointment by the Mayor with the approval of a majority of the Council Members or the Council shall call a special municipal election to fill the vacancy; provided, that no such special municipal election shall be called if a general municipal election is to be held within ninety (90) days from the commencement of the vacancy. Such a special municipal election shall be held not less than eighty-eight (88) days from the call of the special municipal election. The person so appointed or elected shall possess the qualifications hereinbefore prescribed for Council Members, and shall hold office for the unexpired term of the former incumbent.

(Amended by election on November 8, 1994)

SECTION 303. COUNCIL MEETINGS.

All meetings of the Council shall be public and shall be held in the City Hall of the City or at such other place or places as may be designated by the Council by resolution. Regular meetings of the Council shall be held at such times as may be established by the Council by resolution. Special meetings of the Council may be called by the Mayor or three members of the Council, and the only business that may be transacted at special meetings is that which is enumerated or set forth in the call for the special meeting.

SECTION 304. QUORUM.

Three (3) members of the Council shall constitute a quorum, and the affirmative vote of three members shall be necessary for the passage of an ordinance or the final transaction of any business.

Less than a quorum may adjourn from time to time, and compel the attendance of absent members in the manner and under the penalties prescribed by ordinance.

SECTION 305. ACTIONS BY COUNCIL.

The Council may act by ordinance, resolution or motion.

SECTION 306. MAYOR PRO TEM.

The Council shall elect one of its members as Mayor Pro Tem who shall preside at all meetings of the Council during the absence of the Mayor, and shall, in case of sickness or inability of the Mayor, or his absence from the City, act as Mayor of the City.

SECTION 307. RULES; CENSURE AND EXPULSION OF COUNCIL MEMBERS;

SUBPOENAS.

The Council shall establish rules for its proceedings. It shall have power to censure its members for disorderly conduct, committed in its presence, and may expel any member upon conviction of a felony by an affirmative vote of three (3) of its members. It shall have the power to issue subpoenas to compel the attendance of witnesses, and production of all papers relating to any business before the Council, and disobedience of such subpoena or the refusal to testify before the Council shall constitute a misdemeanor and shall be punishable in the same manner as violations of this Charter are punishable.

(Amended by election on November, 1991)

SECTION 308. ADMINISTRATION OF OATHS AND AFFIRMATIONS.

All Council members shall have the power to administer oaths and affirmations relative to any business brought before or under consideration of the Council.

SECTION 309. MINUTES OF COUNCIL MEETINGS.

Minutes of all Council Meetings shall be kept by the City Clerk or a Deputy City Clerk under the direction of the City Council, and the ayes and noes on each action taken by the Council shall be entered in the minutes.

SECTION 310. SALARIES AND EXPENSES OF COUNCIL MEMBERS.

The monthly salary of each Council Member shall be \$500.00 per month and each Council Member may be reimbursed for actual and necessary expenses incurred by such member in the performance of official duties.

(Ratified June 7, 1988)

SECTION 311. ESTABLISHMENT OF BOARDS, COMMISSIONS AND COMMITTEES.

The Council may create advisory or appellate boards, commissions and committees, prescribe their duties and fix their compensation, if any. The members thereof shall be appointed by the Mayor with the approval of the Council, subject to the following requirements:

(a) On or before December 31 of each year, the City Council shall cause to have prepared an appointments list of all regular and ongoing boards, commissions and committees the members of

which are appointed as herein provided. The appointees' list shall contain the following information:

(1) A list of all appointive terms which will expire during the next calendar year, with the name of the incumbent appointee, the date of appointment, the date the term expires, and the necessary qualifications for the position.

(2) A list of all boards, commissions and committees whose members serve at the pleasure of the Mayor and City Council, and the necessary qualifications for each position.

(b) The appointments list shall be made available to members of the public for a reasonable fee which shall not exceed actual cost.

(c) Whenever an unscheduled vacancy occurs in any board, commission or committee for which the Mayor and City Council have the appointing power, whether due to resignation, death, termination or other causes, a special vacancy notice shall be posted in the office of the City Clerk, and in other places as directed by the Mayor and City Council, within twenty (20) days after the vacancy occurs. Final appointment to the board, commission or committee shall not be made for at least ten (10) working days after the posting of the notice in the City Clerk's office. Notwithstanding the provisions of this subsection (c), the Mayor and City Council may, if they find that an emergency exists, fill the unscheduled vacancy immediately. Persons appointed to fill such a vacancy shall only serve on an acting basis until the final appointment is made pursuant to this subsection (c).

The chairman of each board, commission and committee shall have the power to administer oaths and affirmations relative to any business brought before or under consideration by the respective board, commission or committee of which he is the chairman.

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ARTICLE IV. MAYOR

SECTION 400. QUALIFICATIONS OF MAYOR.

The Mayor of the City of Eureka shall be elected as an officer of the City separate and apart from the Council. No person shall be eligible for the office of Mayor unless he is at the time of assuming such office at least twenty-six (26) years of age and an elector of the City. In addition he shall be a registered voter and a resident of the City at the time nomination papers are issued to him as provided for in Section 22842 of the Elections Code of the State of California as the same now exists or may hereafter be amended or superseded.

Editor's note:

Section 22842 of the Elections Code is repealed. The correct citation is now Cal. Elections Code, § 10227.

SECTION 401. DUTIES OF MAYOR.

The Mayor shall preside at all meetings of the Council; shall decide by his vote all tie votes of the Council; shall approve or disapprove all ordinances as herein provided; shall make the appointments authorized by this Charter with approval of the Council; shall be recognized as the head of the city government for all ceremonial purposes, and by the Governor for the purposes of military law and during periods of state or local emergency or disaster; but shall have no regular administrative duties.

SECTION 402. NOTIFICATION OF SPECIAL MEETINGS OF THE CITY COUNCIL AND NOTIFICATION OF AND ATTENDANCE AT OTHER MEETINGS.

The Mayor shall be duly notified by the City Clerk of all special meetings of the Council when called by its members. He shall also be notified by the City Clerk of the time and place of all regular or

special meetings of boards, commissions, and committees, and shall have the right and privilege of being present at all such meetings.

SECTION 403. VACANCY IN OFFICE OF MAYOR.

When a vacancy occurs in the office of Mayor, the Council shall within thirty (30) days from the commencement of the vacancy, either fill the vacancy by appointment or call a special municipal election to fill the vacancy; provided, that no such special municipal election shall be called if a general municipal election is to be held within ninety (90) days from the commencement of the vacancy. Such a special municipal election shall be held on the next regularly established election date not less than eighty-eight (88) days from the call of the special municipal election. The person so appointed or elected shall possess the qualifications hereinbefore prescribed for Mayor and shall hold office for the unexpired term of the former incumbent. No member of the Council during the term for which he shall have been elected or appointed shall be eligible to fill such vacancy.

(Amended by election on November 8, 1994)

SECTION 404. OTHER OFFICES PROHIBITED.

The Mayor shall not, during the term for which the Mayor has been elected or appointed, hold any other elected salaried public civil office.

SECTION 405. SALARY AND EXPENSES OF MAYOR.

The monthly salary of the Mayor shall be \$625.00 per month, and the Mayor may be reimbursed for actual and necessary expenses incurred by the Mayor in the performance of official duties.

(Ratified June 7, 1988)

SECTION 406. ADMINISTRATION OF OATHS AND AFFIRMATIONS.

The Mayor shall have the power to administer oaths and affirmations relative to any business or affairs of the City.

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Eureka, California Code of Ordinances

CHARTER OF THE CITY OF EUREKA
ARTICLE V. ORDINANCES

ARTICLE V. ORDINANCES

SECTION 500. ENACTING CLAUSE.

The enacting clause of all ordinances shall be in these words: “Be it Ordained by the Council of the City of Eureka as follows:”.

SECTION 501. AMENDMENT OF ORDINANCES.

No ordinance shall be amended by reference to its title only, but the section or subsection thereof to be amended shall be re-enacted at length, as amended.

SECTION 502. ONE SUBJECT.

Every ordinance shall embrace but one subject which shall be clearly indicated in the title. In all cases where the subject is not so expressed in the title, the ordinance shall be void as to the matter not expressed in the title.

SECTION 503. RECONSIDERATION.

When any bill is put upon its final passage and fails to pass, if a motion is made to reconsider, the vote upon such motion shall not be taken until the next regular meeting of the Council.

SECTION 504. ADOPTION OF ORDINANCES.

The procedure for the adoption of ordinances shall be as follows:

When an ordinance is first introduced it shall be known as a bill. If such bill receives the three (3) affirmative votes required for its introduction, it shall be put upon its final passage no sooner than three (3) days after its introduction; provided, that no bill for the grant of any franchise shall be put upon its final passage within thirty (30) days after its introduction; and provided further that an urgency ordinance may be passed by a four-fifths vote of the City Council. Every bill after it has finally passed the Council shall be signed by the Mayor Pro Tem and then presented forthwith to the Mayor. The Mayor shall return the bill to the Council within ten (10) days (Sundays excepted) after receiving it. If the Mayor approves it, the Mayor must sign it, and the same shall then become an ordinance; but if the Mayor shall disapprove it, it shall be returned, with the Mayor's objections in writing, to the Council. If the bill is not returned with such approval or disapproval within the time specified herein, it shall take effect as an ordinance as if the Mayor had approved the same.

SECTION 505. ACTION BY COUNCIL AFTER MAYOR DISAPPROVAL.

When a bill is returned to the Council with the Mayor's disapproval, the Council shall cause the objections of the Mayor to be entered in its minutes and proceed to consider and vote on the bill. If, after such consideration, the bill is passed by an affirmative vote of not less than four (4) members of the Council, it shall take effect as an ordinance as if the Mayor had approved the same. If the bill shall fail, on being so considered, to receive four (4) affirmative votes of the Council it shall then be finally lost.

SECTION 506. PUBLICATION OR POSTING.

All ordinances shall be published or posted in the manner prescribed by the Council.

SECTION 507. EFFECTIVE DATE.

No ordinance passed by the Council shall take effect until thirty (30) days after its passage and approval as an ordinance, except the following ordinances:

- (a) Relating to an election.
- (b) For the immediate preservation of the public peace, health or safety, containing a declaration of the facts constituting the urgency, and is passed by a four-fifths vote of the City Council.
- (c) Relating to street improvement proceedings.
- (d) Relating to taxes for the usual and current expenses of the city.
- (e) Covered by particular provisions of law prescribing the manner of its passage and adoption.

SECTION 508. CODIFICATION OR COMPILATION IN BOOK FORM.

The Council shall either cause to have the ordinances of the City of Eureka codified in accordance with the provisions of state law for codification of city ordinances and provide for keeping such city code current and updated, or it shall, every three (3) years, cause all the ordinances of the City of Eureka to be reviewed, compiled and published in book form.

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CHARTER OF THE CITY OF EUREKA
ARTICLE VI. ADMINISTRATION

ARTICLE VI. ADMINISTRATION

SECTION 600. CITY MANAGER.

There shall be a City Manager appointed by the Council, who shall be the administrative coordinator of the city government and shall serve at the pleasure of the City Council. The City Manager shall be chosen solely on the basis of executive and administrative qualifications, with special reference to actual experience in, or knowledge of, accepted practice in respect to the duties of the office as hereinafter set forth.

SECTION 601. COUNCIL MEMBERS INELIGIBLE.

No member of the City Council shall, during the time for which such member was elected or appointed, or for one year thereafter, be eligible to hold the position of City Manager or City Manager pro tem.

SECTION 602. DUTIES OF THE CITY MANAGER.

Subject to policy prescribed by the Council, the City Manager shall have the power and duty to:

- (a) Supervise the administrative affairs of the city except as otherwise specifically provided in this Charter.
- (b) Provide the Council with such information as may be requested or needed for the Council to perform its duties.
- (c) Make such recommendations to the Council concerning the affairs of the city as the City Manager may deem desirable, including the proposal of ordinances and resolutions the City Manager finds necessary for effective management or in the public interest.

- (d) Keep the Council advised of the financial condition and future needs of the city.
- (e) See that the ordinances of the city and the applicable laws of the State are enforced.
- (f) Appoint, discipline and remove all department heads of the city under the jurisdiction of the City Manager provided that the appointment or dismissal of department heads shall be subject to approval of the Council.
- (g) Act as purchasing agent for the city and all offices, boards, commissions and committees.
- (h) Investigate the operations of departments and other agencies of the city, and of all contracts to which the city is a party, and assure proper performance.
- (i) Investigate complaints concerning utility operations and see that all permits, privileges and franchises granted by the city are faithfully performed.
- (j) When directed by the City Council, represent the City in its inter-governmental relations, and negotiate contracts for joint governmental actions subject to Council approval.
- (k) If so authorized by ordinance, perform the duties imposed by law on a City Clerk, Auditor, Assessor, Tax Collector or Treasurer and deputize others to act for the City Manager in such matters to the extent permitted by law.
- (l) Exercise general supervision over all public property under control of the city.
- (m) Attend all meetings of the City Council unless excused, and such meetings of the boards, commissions and committees as the City Manager chooses, or which the City Manager is directed to attend by the Council, and participate in discussions at such meetings.
- (n) Perform such other duties as may be prescribed by this Charter or required of the City Manager by ordinance or resolution of the Council.
- (o) Recommend to the City Council such general rules and regulations as the City Manager may deem necessary or expedient in the general conduct of the administrative departments under the jurisdiction of the City Manager.
- (p) Devote full-time to the duties of the office and to the interests of the city.

SECTION 603. DEPARTMENT HEADS RESPONSIBLE TO CITY MANAGER.

The heads of the administrative departments under the City Manager shall be directly responsible to

the City Manager for the efficient administration of their respective departments. The City Manager may designate acting department heads, subject to the approval of the Council, when necessary to assure the continuity of the City's business. The City Manager shall have the power, with the approval of the Council, to employ expert consultants to perform work or give advice connected with the departments of the city when the City Manager finds such work or advice necessary.

SECTION 604. EMERGENCY POWERS.

In the case of general conflagration, rioting, floods or other emergency menacing life or property, the City Manager shall at the direction of the Mayor, marshal all of the forces of the different departments of the city for the maintenance of the general security.

SECTION 605. INTERFERENCE WITH CITY MANAGER.

No member of the Council shall by suggestion or otherwise attempt to influence or coerce the City Manager for personal gain, nor shall any member of the Council discuss directly or indirectly or attempt to exact any promise from any candidate for City Manager concerning appointments to City offices or employment. Council Members may make inquiry of City staff and may conduct discussions with staff, but shall not direct the staff's allocation of time or resources nor dictate the results of their work product. Neither the Council nor any member thereof shall give orders to any subordinate of the City Manager, either publicly or privately. A violation of the provisions of this section by any member of the Council shall constitute a misdemeanor for which the offending member may be charged in any court of competent jurisdiction, and if found guilty the sentence imposed shall include removal from office. No prohibition herein contained shall be construed to mean that any member of Council shall in any respect be prohibited from informing the City Manager as to any fact within the Council Member's knowledge which might be of value in assisting the City Manager to appoint or employ qualified persons, or to discharge any unqualified person.

(Amended by election on June 7, 1994)

SECTION 606. CITY MANAGER PRO TEM.

The City Council shall appoint one of the officers of the City to serve as Manager pro tem during any absence or disability of the City Manager.

SECTION 607. ADMINISTRATIVE ORGANIZATION AUTHORIZED.

The Council shall by ordinance provide the form of organization through which the functions of the city are to be administered. Any combination of duly authorized duties, powers and functions which in

the judgment of the Council will provide the most efficient and economical service possible consistent with the public interest and in keeping with accepted principles of municipal administration may be authorized by such ordinance. All departments or other administrative sub-divisions so created shall be administered by the City Manager or by a department head, unless otherwise authorized by this Charter.

The functions and services which shall be included in the administrative organization herein authorized may include but are not necessarily limited to the following:

- (a) The planning, and regulation of land use.
- (b) The regulation of building and housing standards and regulations governing occupancy.
- (c) Cultural and recreational programs.
- (d) The protection and improvement of the public health.
- (e) The protection of persons and property and the preservation of the peace.
- (f) The prevention and extinguishing of fires.
- (g) The development, maintenance and operation of parks and recreation areas.
- (h) The acquisition, construction and maintenance of public works.
- (i) The acquisition, construction, maintenance and operation of public utilities and enterprises, including but not limited to power and light, fuel and heat, water, harbors, airports, vehicular parking and transportation.
- (j) All necessary administrative and fiscal services.
- (k) Any other function or service specifically authorized by Charter or authorized or permitted by State Law.

SECTION 608. CITY ATTORNEY.

There is hereby created the office of City Attorney, who shall be the chief legal advisor and prosecutor of the city. The City Attorney shall be appointed by and serve at the pleasure of the Council and shall have been at the time of appointment admitted to practice and engage in the practice of law in the State of California and must be a citizen of the United States. The City Attorney shall advise all officers and agencies of the city on legal matters referred to the City Attorney, shall draft such ordinances, resolutions, contracts and other legal documents as directed by the City Council or

requested by the City Manager, shall prosecute violations of city ordinances and shall act as counsel in behalf of the city or any of its officers or agencies in litigation involving any of them in their official capacity. The City Attorney shall administer the office of City Attorney subject to policies prescribed by the Council. The Council may empower the City Attorney, at the request of the City Attorney, to employ special legal counsel, appraisers, engineers and other technical and expert services necessary for the handling of any pending or proposed litigation, proceeding or other legal matter. The City Attorney shall approve, as to form, all official and other bonds given to or for the benefit of said City, and no contract shall become enforceable as against said City without the endorsement thereon of the City Attorney's approval thereof.

When the City Council determines that City Attorney is unable or unwilling to perform the duties of his office the City Council shall appoint some other qualified attorney to temporarily act in his place when in the judgment of the Council, the interest of the city require it.

(Amended by election November 5, 1991)

SECTION 609. CITY CLERK.

The Council shall appoint or provide for the appointment of a City Clerk who shall serve at the pleasure of the Council. The City Clerk will perform all duties as prescribed in this Charter or by Ordinance.

SECTION 610. CREATION AND ABOLITION OF OFFICES AND EMPLOYMENTS; SALARIES.

The City Council may create offices and employments in addition to those provided by this Charter. Whenever in the judgment of the Council no necessity exists for the continuation of any appointed office or employment created or provided by this Charter, except that of City Manager, the Council shall discontinue such office or employment.

The Council shall by ordinance or resolution determine the salaries of all officers and employees of the City except as otherwise provided in this Charter.

SECTION 611. CONTRACTS WITH TEMPORARY HELP FIRMS.

The City Council may contract with temporary help firms for temporary help to assist city agencies, departments or offices during any peak load, temporary absence, or emergency, provided the Council determines that it is in the economic interest of the city to provide such temporary help by contract, rather than employing persons for such purposes. Use of temporary help under this section shall be limited to a period of not to exceed ninety (90) days for any single peak load, temporary absence, or

emergency situation. Temporary help furnished by temporary help firms pursuant to contract as authorized by this section shall not be deemed to be officers or employees of the city and Article VIII of this Charter shall have no application to such temporary help.

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ARTICLE VII. FISCAL ADMINISTRATION

SECTION 700. PROPERTY TAXATION.

The Council of the City of Eureka shall annually fix the rate of taxation to be levied, and levy the taxes upon all property, both real and personal, in the city, necessary to raise sufficient revenue to carry on the various departments of the Municipal Government for the current fiscal year; provided, that the rate of taxation so levied shall not exceed in any year One and 50/100 Dollar for each One Hundred Dollars upon the assessed value thereof, except for the payments of principal and interest of the bonded debt of the city, if any; and provided further, that in addition to said One and 50/100 Dollar rate, the Council may levy a tax of not more than Ten Cents for each One Hundred Dollars upon the assessed value thereof, to be used for recreational purposes only.

SECTION 701. FUNDS TO BE ESTABLISHED.

The Council shall, before fixing the rate of annual city tax, establish by ordinance separate funds representing the several funded obligations of the city, if any, and of the several departments requiring municipal expenditures, including a General Fund, and the percentage of said levy shall be named for each fund, and the whole amount of taxes and revenue of the city apportioned accordingly; and no transfers shall be made except of balances in excess, or from the General Fund to meet deficiencies, or to provide for the redemption of city bonds, if any.

SECTION 702. FISCAL YEAR.

The fiscal year of the city shall commence on the first day of July of each year.

SECTION 703. BUDGET PREPARATION.

At least 45 days prior to the beginning of each fiscal year, the City Manager shall submit to the

Council a budget of proposed expenditures and estimated revenues, accompanied by an explanatory budget message. For such purpose, the City Manager, on such schedule and under such terms as may be prescribed by the City Manager, shall obtain from the head of each department or other agency of the city their estimates of revenue and expenditure in such detail and with such supporting plans and data as the City Manager may require. The City Manager may revise such estimates in any manner the City Manager deems advisable. The explanatory budget message of the City Manager to the Council shall explain the budget, shall outline the proposed financial policies of the city for the ensuing fiscal year, shall propose priorities for capital expenditures, and shall describe the important features of the budget plan. It shall state the reasons for salient changes from the previous year in cost and revenue items, and shall explain any major changes in financial policy. The budget shall be submitted in such form as to enable the Council to compare the prior and current years' revenue and expenditures to which such proposed revenues and expenditures relate. Estimates of revenue shall include surpluses to be carried over from the current year, plus miscellaneous revenues from all sources other than the tax on property, the balance to be raised by the general property tax, and an estimate of the tax rate required for the purposes.

SECTION 704. BUDGET HEARING AND APPROVAL.

After submission of the budget by the City Manager, the Council shall review it in such detail as it deems necessary, and after a public hearing held not less than 10 days after public notice thereof, may revise the budget in any manner it finds necessary. Not later than the last day of the fiscal year the Council shall adopt a budget for the ensuing fiscal year, failing which the last fiscal year allotments shall be effective until the budget is adopted. From the effective date of the budget, the several amounts stated therein as proposed expenditures shall be and become appropriated to the several objects and purposes therein named.

SECTION 705. BUDGET TRANSFERS.

At any meeting after the adoption of the budget, the Council may amend or supplement the budget by motion so as to authorize the transfer of unused balances appropriated for one department to another department, or to appropriate available funds not included in the budget; and may authorize the City Manager to transfer funds between purposes within departments.

SECTION 706. ASSESSMENT.

The Council shall provide by ordinance for the assessment of property for the purpose of taxation, either under the direction of the City Manager or by agreement with the County of Humboldt in the manner provided by law.

SECTION 707. TAX COLLECTION.

The Council shall provide by ordinance or resolution for the collection of all taxes and other revenues due the City, either under the direction of the City Manager or City Clerk or by agreement with the County of Humboldt, the State of California, or any other agency regularly engaged in the collection of a given tax or other revenue.

SECTION 708. GENERAL REVENUES.

The Council may, by ordinance or resolution, provide for any tax, license or permit fee, service charge or other kind of revenue authorized by this Charter or by the Constitution or general laws of the State, and not prohibited by the Charter or by the Constitution.

SECTION 709. PURCHASING.

The City Manager shall purchase or contract for the equipment, materials, supplies and services required by the city, for which expenditures have been authorized in the budget or by other action of the Council. The Council shall establish by ordinance or resolution the conditions under which purchases shall be made only after competitive bidding, shall specify these amounts and conditions under which Council approval is required for specific items of purchase, and shall prescribe conditions under which all bids may be rejected and new bids invited. In the case of materials, supplies and equipment, a preference of not to exceed five percent may be allowed to firms or individuals who regularly maintain a place of business and transact business in, or maintain an inventory of merchandise for sale in the city.

SECTION 710. PUBLIC WORKS.

Any city improvement estimated to cost more than \$15,000 shall be performed under contract with sealed bid and accompanying performance bond, except where such improvement is authorized by the Council to be made directly by a city department in conformity with detailed plans, specifications and estimates. All such contracts for more than \$15,000 shall be awarded to the lowest responsible bidder after such public notice and competition as may be prescribed by ordinance or resolution provided that all bids may be rejected for cause, and new bids may be sought in accordance with the original procedure. Alterations in contracts affecting the scope of work, time requirements, cost or any other substantive provisions affecting cost or the city's interests, shall be approved by the Council after considering the recommendations of the City Manager.

SECTION 711. TERMS OF CONTRACTS.

No contract for equipment, materials or supplies shall be made by the city for a longer term than one year; provided that contracts with other governmental agencies for utility services the rates for which are regulated by the state or national government, for public works improvements for which funds have been provided or for services, may be for a longer term in the discretion of the City Council.

SECTION 712. ACCOUNTING SYSTEM.

The City Manager shall direct the establishment and supervise the maintenance of a uniform system of accounting applicable for all departments and other agencies of the city, conforming to modern accepted practices of municipal accounting, which shall be adequate to account for all monies on hand and for all income and expenditures in such detail as will provide complete and informative data concerning the financial affairs of the city and in such manner as will be readily acceptable to audit and review.

SECTION 713. AUTHORIZATION AND CONTROL OF EXPENDITURE.

No expenditure of city funds shall be made except for the purpose and in the manner specified in an appropriation by the Council. The City Manager shall establish and direct such systems of internal control and audit as the City Manager may find necessary to insure the fulfillment of the purpose of this Section.

SECTION 714. ALL MONEY TO TREASURY.

All public monies collected by any officer, or employee, of the city shall be paid into the City Treasury, without any deduction on account of any claim for fees, commissions, or any other cause or pretense; and the compensation of any officer, employee, or other person so collecting money, shall be paid by demands upon the Treasury, duly audited as other demands are audited and paid.

SECTION 715. SUITS MUST BE PRECEDED BY DEMAND.

No suit shall be brought upon any claim for money or damages against the City of Eureka until a demand for the same has been presented as herein provided, and rejected in whole or in part. If rejected in part, suit may be brought to recover the whole. Nor shall suit be brought against said city upon any such claim or demand, if the same shall be in whole approved and audited as provided herein; provided, that nothing herein contained shall be construed so as to deprive the holder of any demand of his right to resort to a writ of mandate, or other proceedings against the said Council, or any Board, Commission or Committee or officer of said city, to compel it, or him, to act upon such demand or claim, or to pay the same when so audited.

SECTION 716. INDEPENDENT AUDIT.

The Council shall employ at the beginning of each fiscal year a certified public accountant who shall, at such time or times as may be specified by the Council and at such other times as the certified public accountant shall determine, examine the books, records, inventories and reports of all officers and employees who receive, handle or disburse public funds, and of such other officers, employees or department as the Council may direct. The Council may direct that such certified public accountant may conduct the independent audit throughout the fiscal year and make reports at intervals required by the Council, but a report for the entire fiscal year shall be filed within 30 days after the closing of the books for said fiscal year, and copies of such reports shall be filed with a Council and with the City Manager, and shall be available for public inspection and review.

SECTION 717. GENERAL BONDED INDEBTEDNESS.

Whenever the Council determines that the public interest requires the construction, acquisition, completion, initial equipping, remodeling or repair of any improvement, the cost of which, in addition to the other expenditures of the city, will exceed the income and revenue provided for it in any one year, it may by ordinance submit a proposition to incur an indebtedness evidenced by general obligation bonds for such purpose and proceed therein as provided in the Constitution and general laws of the State.

SECTION 718. UTILITY BONDED INDEBTEDNESS.

Whenever the electorate, by majority vote of those voting on a proposition submitted at any regular or special municipal election, authorize the acquisition of a public utility by the city, the Council is empowered to finance the acquisition of privately owned utility properties and/or the purchase of land pertinent thereto, vehicles, machinery, materials and the cost of all construction and property installations for utility purposes by borrowing. Bonds issued for such purposes shall not be general obligation bonds of the city, and shall be secured by the assets and revenues of such utilities only. The Council is also hereby empowered to finance the improvement or extension of any public utility now owned by the city by means of such bonds secured by the assets of the utility. Resolutions authorizing the issuance of such bonds for acquisition or extension of utilities shall require the affirmative vote of a majority of the City Council.

SECTION 719. REVENUE BONDS.

Whenever the Council determines that it is in the public interest to acquire, construct, or improve or finance any enterprise when it is feasible to finance exclusively from the revenues of said enterprise, it may by resolution submit a proposition to the voters to incur a bonded indebtedness for such purpose to

be secured by revenue bonds subject to all of the terms and procedures provided by State law. Such resolution shall state clearly the revenues which may be obligated, which may be all those permitted by general law.

SECTION 720. OFF-STREET VEHICULAR PARKING.

The Council is hereby expressly authorized to exercise the powers vested by law in any city to provide off-street vehicular parking facilities and to provide for the financing thereof in whole or in part from revenues derived therefrom.

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ARTICLE VIII. OFFICERS AND EMPLOYEES

SECTION 800. PERSONNEL MERIT SYSTEM.

There shall be a personnel merit system in the City of Eureka which shall include all offices and employees in the city government except:

- (a) offices required by this Charter to be filled by election or appointment by the Mayor and/or City Council.
- (b) one assistant and one secretary to the City Manager, one secretary to the Mayor, and one secretary to the Council;
- (c) part-time or temporary employees who are regularly employed for less than one-half time throughout the year, or who are employed in seasonal employment for not more than 120 days in any consecutive 12 months; and
- (d) those engaged by contract for special services of a professional, scientific or technical nature, or where the service is essentially non-personal in character.

All appointments and promotions in the personnel merit system of the city shall be based on merit as determined by tests and by records of achievement.

SECTION 801. PROVISIONAL APPOINTMENTS.

Provisional appointments to positions in the personnel merit system may be made pending the creation of eligible lists, but such provisional appointments may not exceed four (4) months and may not be renewed or extended.

SECTION 802. PERSONNEL ORDINANCE.

The City Council shall by ordinance provide a modern system of personnel administration based on the personnel merit principle required by this Article, consistent with modern accepted practices in public personnel administration, and giving due consideration to the relative interests of the city as an employer and of its employees.

SECTION 803. REMOVAL OR SUSPENSION.

Any officer or employee of the city subject to the personnel merit system who shall be removed or suspended by proper authority having charge of his appointment, shall have a written notice of the cause of his removal or suspension from duty, and he shall have an opportunity to be heard on the cause of his removal or suspension at a public hearing of the City Council or personnel board.

SECTION 804. OATH OF OFFICE.

Every officer and employee shall, before entering upon the duties of their respective offices or employments, take and subscribe the oath or affirmation required by the Constitution of the State of California.

SECTION 805. OFFICIAL BONDS.

Officers or employees receiving and disbursing or accounting for public funds are to provide an official bond. The City Council shall determine by ordinance which other officers and employees are to provide such bond, and shall determine the amount and terms thereof. All bonds shall be executed by a 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 806. OFFICERS HOLDING OTHER OFFICE.

Any elective officer of the City who shall during his term of office hold or retain any other elective public office to which compensation is attached, or who shall hold any other position, office or employment the compensation of which is paid by the City, except as otherwise provided in this Charter or by law, shall be deemed thereby to have vacated the office held by him under the city government.

SECTION 807. PROHIBITED INTEREST IN CONTRACTS, WORK OR BUSINESS OF THE CITY.

No member of the Council, and no officer or employee of the city, shall be or become directly or indirectly financially interested in, or with the performance of, any contract, work, or business, or in the sale of any article, the expense, price or consideration of which is payable from the City Treasury, or in the purchase or lease of any real estate or property belonging to or taken by the city, or which shall be sold for taxes or assessments or by virtue of legal process at the suit of the city; provided, however, that any member of a board, commission or committee serving without compensation may contract to sell personal or real property to the city to be used by a department of the city, board, commission or committee other than the board, commission, or committee on which he serves; and provided further, that no officer or employee shall be deemed to be financially interested, within the meaning of the foregoing provisions, if such interest is not a prohibited interest under, and disclosure is made in accordance with the provisions of Article 4, Chapter 1, Division 4, Title 1 of the Government Code of the State of California as the same now exists or may hereafter be amended, or under the provisions of the Political Reform Act of 1974 as the same now exists or may hereafter be amended or an applicable local conflict of interest code adopted pursuant to said Political Reform Act of 1974.

Any member of the Council, or any officer or employee of this city, violating the provisions of this section, or who shall be directly or indirectly interested in any franchise, right, or privilege granted by the city while he is such officer, member, or employee, unless the same shall devolve upon him by law, shall forfeit his office or employment, and be forever disqualified from holding any position in the service of the city; and all contracts made, or rights or franchises granted, in violation of this section shall be absolutely void.

SECTION 808. PROHIBITED ACTS OF OFFICERS AND EMPLOYEES.

No officer or employee of the city shall be or become a surety on any bond given to the city, or to any person for the benefit of the city; nor shall any officer or employee of the city give or promise to give any person any portion of such officer's or employee's compensation, or any money, or thing of value, or any position, in consideration of having been or being nominated, appointed, voted for, or elected to any office or employment under the city. No officer or employee of the city shall, while in office, accept any donations or gratuity in money or anything of value, either directly or indirectly from any subordinate employee, or from any candidate or applicant for any position under such officer or employee, or from any person seeking special favors or considerations. Any person violating the provisions of this Section shall forfeit his office and employment with the city.

SECTION 809. ABSENCE FROM CITY; OR CONVICTION OF FELONY.

If any non-elected officer, of the city shall absent himself therefrom for more than thirty days,

consecutively, without the permission of the Council, or be convicted of a felony his office shall be and become vacant, and such vacancy shall be filed, as in this Charter provided.

(Amended by election on November 5, 1991)

SECTION 810. NON-DISCRIMINATION.

No officer or employee in any department of the city government shall ever be appointed or removed for or on account of partisanship, political opinions, race, color, ethnic origin, religious beliefs, sex or marital status.

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