

## THE CHARTER

Editor's Note: The Charter of the City of Glendale consists of Stats. 1921, p. 2204, as amended by Stats. 1923, p. 1646; Stats. 1931, p. 2693; Stats. 1933, p. 2728; Stats. 1937, p. 2865; Stats. 1941, p. 3365; Stats. 1943, p. 3284; Stats. 1945, p. 3026; Stats. 1947, pp. 344, 3372; Stats. 1949, pp. 2859, 3119; Stats. 1950, p. 98; Stats. 1953, p. 4024; Stats. 1955, p. 3763; Concurrent and Joint Resolutions, ch. 177, 1957; ch. 137, 1959; the amendments approved at a municipal election held on April 9, 1963; amendments adopted by Assembly Concurrent Resolution No. 95, adopted May 5, 1965; an amendment approved at a municipal election held on April 4, 1967; amendments approved at a municipal election held on April 1, 1969; a resolution adopted by the council on February 22, 1972; a resolution adopted February 29, 1972; and amendments approved at a municipal election held on April 5, 2005.

The Charter was adopted pursuant to section 8 of article XI of the state constitution, ratified by the qualified electors of the city at a special election held on March 29, 1921, and approved by the state legislature and filed in the office of the secretary of state on May 11, 1921.

Catchlines have been supplied by the editor where particular sections of the original had no catchline, as indicated by editor's notes. Where a catchline appearing in the original has been revised, the original catchline has been set out in an editor's note. In some instances, as indicated by editor's notes, subcatchlines have been added. In two instances, article headings have been supplied and in several instances they have been revised. This has been indicated by editor's notes.

Except where otherwise indicated by editor's notes, a uniform system of capitalization has been employed throughout the Charter.

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#### Article I. Territory of City.

Editor's Note: The title of this article is unofficial.

##### Sec. 1. Generally.

The territory of the City of Glendale shall be that contained within its present boundaries as now established with the power and authority to change the same in the manner provided by law.

##### Sec. 2. Rules of construction.

For the purposes of this Charter, the masculine gender shall include the feminine and the neuter. The singular number includes the plural and the plural includes the singular. "Shall" is mandatory and "may" is permissive.

#### Article II. City as Successor Corporation.

Editor's Note: The title of this article is unofficial.

##### Sec. 1. Generally.

The City of Glendale, as successor in interest of the municipal corporation of the same name, heretofore created and existing shall own, hold, possess, use, lease, control, and in every way

succeed to and become the power of all rights and all property of every kind and nature by said existing municipal corporation owned, controlled, possessed, or claimed, and shall be subject to all the debts, obligations, liabilities, dues and duties of said existing corporation.

### Article III. Powers of City.

#### Sec. 1. Powers as municipal corporation generally.

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

\* In the case of *Smith v. City of Glendale et al.*, 1 Cal. App. (2d) 463, 36 P. (2d) 1083, which cited the first thirty-four words of the second sentence of this section together with subdivisions 5, 6 and 8 of section 2 of article III and section 4 of article VI of this Charter, it was held that the charter of a city giving it the right to control its municipal affairs is the supreme law of the city and that the powers are derived from the state constitution and not from the legislature. It was also held that the city has the power to purchase stock in a private water company to furnish a water supply to its citizens.

#### Sec. 2. Enumeration of particular powers.

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

1. Corporate Seal. To have and use a corporate seal;
2. Actions and Proceedings in Court. To sue or be sued in all courts in all actions and proceedings;
3. Taxes and License Taxes. To levy and collect taxes, and to levy and collect license taxes for both regulation and revenue;
4. Borrowing Money, Issuing Bonds, etc. To borrow money, incur municipal indebtedness, and issue bonds or other evidence of such indebtedness;
5. Acquisition of Property Generally.\* To acquire by purchase, bequest, devise, gift, condemnation or other manner sanctioned by law, within and without the limits of said city, property of every kind and nature for all purposes;
6. Telephone or Telegraph Systems, Street Railways, etc., Warehouses, Markets, Waterworks, etc.\* To acquire by said means, and to establish, maintain, equip, own and operate, either within or outside of the city, telephone and telegraph systems, street railways, or other means of transportation, warehouses, free markets, waterworks, filtration plants, gas works, electric light, heat and power works, underground or overhead conduit systems or any other works necessary to a public utility; and to join with any other city or cities or county in the acquisition, construction and maintenance of same;
7. Streams and Channels. To improve the streams and channels flowing through the city or adjoining the same, to widen, straighten and deepen the channels thereof, and remove obstructions therefrom, to construct and maintain embankments and other works to protect the city from overflow and storm waters;

8. Furnishing Public Utility Service, etc.\* To furnish the city or its inhabitants or persons without the city, any public utility service or commodity whatsoever;
9. Lease, Sale, etc., of Certain Property. To lease, sell, convey and dispose of any and all property herein mentioned for the common benefit;
10. Parks, Playgrounds, Auditoriums, Museums, Gymnasiums, etc. To acquire, construct, operate and maintain parks, playgrounds, markets, baths, public halls, auditoriums, libraries, museums, art galleries, gymnasiums and any and all buildings, establishments, institutions and places whether situated inside or outside of the city limits, which are necessary or convenient for the transaction of public business or for promoting the health, morals, education, care of the indigent or welfare of the inhabitants of the city or for their amusement, recreation, entertainment, or benefit;
11. Plants for Disposition of Sewage, Garbage and Waste. To acquire, construct and maintain all works necessary for the disposition of sewage, garbage and waste, to construct, own, maintain and operate incinerating or garbage reduction plants, and to join with any other city or cities or county in the acquisition, construction and maintenance of any such works or plant;
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15. Fire Department; Fire Prevention. To equip and maintain a fire department and to make all necessary regulations for the prevention of fires;
16. Permits for Use of Streets, etc. To grant permits to use the streets or public property revocable at any time without notice;
17. Rates for Services Rendered Under Franchises, etc. To regulate and establish rates and charges to be imposed and collected by any person or corporation for commodities or services rendered under or in connection with any franchise, permit, or license heretofore or hereafter granted by the city, or other authority; provided, that the same is not inconsistent with the Constitution of the State of California;
18. Devises, Bequests, Gifts and Donations. To receive devises, bequests, gifts and donations of all kinds of property, in fee simple, or in trust, for charitable or other purposes and to do all acts necessary to carry out the purposes of such devises, bequests, gifts and donations with power to manage, sell, lease, or otherwise dispose of the same in accordance with the terms of the devise, bequest, gift or donation or absolutely in case such devise, bequest or trust be unconditional;
19. Regulation of Buildings and Lot Area.\*\* To regulate and limit the height and bulk of buildings hereafter erected, and to regulate and determine the area of yards, courts and other open spaces and for said purposes to divide the city into districts. Such regulations shall be uniform for each class of buildings throughout any district, but the regulations in one (1) or more districts may differ from those in other districts. Such regulations shall be designed to secure safety from fire and other dangers, and to promote the public health and welfare, including, so far as conditions may permit, provisions for adequate light, air and convenience of access, and shall be made with reasonable regard to the character of the buildings erected in each district, the value of land and the use to which it may be put, to the end that such regulations may promote the public health, safety and welfare;
20. Regulation of Location of Trades, Industries, etc.\*\* To regulate and restrict the location of trades and industries and the location of buildings designed for specified uses, and for said purposes to divide the city into districts and to specify for each such district the trades and industries which shall be excluded or subjected to special regulations and the uses for which buildings may not be erected or altered. Such regulations shall be designed to promote the public health, safety and welfare and shall be made with reasonable consideration; among other things, to the character of the district and to its peculiar suitability for particular uses.

\* Attention is called to the footnote on page C-5.

\*\* For Charter provision as to amendment, etc., of regulations adopted pursuant to this subdivision, see Charter, Art. XV, § 2.

Editor's Note: The subcatchlines given to the numbered subdivisions of this section are unofficial.

## Article IV. Officers and Employees Generally.

Editor's Note: This article head originally read as follows: "Officers, Deputies and Employees and Their Compensation."

### Sec. 1. Generally.

The officers of the City of Glendale shall be five (5) members of the council, a city assessor, a city tax collector, a city manager, a director of administrative services, a city clerk, a city treasurer, a city attorney, a director of public works, a city engineer, a maintenance services administrator, a building official, a chief of police and a fire chief. The council may also provide by ordinance for additional offices and for the duties thereof, and for additional duties of offices herein provided for, but in no such manner as to encroach upon the duties of any officer as provided for by this Charter. The council may also provide by ordinance for such subordinate officers, assistants, deputies, clerks, and employees in the several offices and departments as they deem necessary. The members of the council, the members of the board of education, the city treasurer and the city clerk shall be elected from the city at large, as provided in this Charter; provided, however, that all qualified electors of the Glendale City School District shall also have the right to vote for members of the board of education. All other officers, assistants, deputies, clerks and employees shall be appointed as provided in this Charter, or as the council may provide by ordinance in case no provision for their appointment is herein made, and shall hold their respective offices or positions at the pleasure of the appointing power. Where the appointment of any of said officers, assistants, deputies, clerks or employees is vested in the council or any commission, such appointment and any removal must be made by a three-fifths (3/5) vote of the members of the appointing power. (1921; 1947; 1953; 1957.)

### Sec. 2. Elective officers to be subject to recall. \*

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

\* For Charter provision as to adoption of state law relative to recall, see Charter, Art. XVIII, § 1.

### Sec. 3. Compensation.

(a) Compensation and increase in compensation of council members. Compensation for council members is hereby set, and from time to time shall be changed, in accordance with the schedule and procedure for adjustment applicable to the City of Glendale set forth in the provisions of the Government Code relating to salaries of council members in general law cities. The compensation of council members may also be increased during the terms of their respective offices by vote of the electors.

(b) Compensation and increase in compensation of city clerk and city treasurer. When percentage increases are granted to other officers and employees generally, the council may grant comparable percentage increases to the city clerk and the city treasurer. The compensation of the city clerk and city treasurer may also be increased during the terms of their respective offices by vote of the electors. (1921; 1947; 1957; 1982.)

### Sec. 4. Appointment and removal of department heads, subordinate officers, etc., generally.

The city manager shall appoint and remove, subject to the civil service provisions of this Charter, all department heads of the city, except as otherwise provided by this Charter, such appointments and removals to be subject to the approval of the council. Department heads shall appoint and remove, subject to the civil service provisions of this Charter, all of their subordinate officers, assistants, deputies, clerks, and employees, except as otherwise provided by this Charter, such appointments and removals to be subject to the approval of the city manager. (1953.)

#### Sec. 5. Delegation of ministerial duties.

Whenever a ministerial power is granted or a ministerial duty is imposed upon a city officer by this Charter, such power may be exercised or such duty performed by an assistant, deputy or other authorized person unless this Charter expressly provides otherwise.

Delegation of a power or duty may be by expressed grant, written or oral; it may be implied by custom, practice, or when it is ordinary or necessary in the performance of another duty or responsibility so delegated. An officer may ratify any act which he has the power to delegate. The council shall have the power to limit by ordinance the delegation of any power or responsibility under this section. (Charter Amendment No. 3, 1977.)

### Article V. Elections.

#### Sec. 1. General municipal elections.

General municipal elections of officers and for such other purposes as the council may prescribe shall be held in the city on the first Tuesday in April in each oddnumbered year. (1963; 1982.)

Editor's Note: The catchline of this section originally read as follows: "When general municipal elections held; special municipal elections."

#### Sec. 2. Procedures for conducting elections.

Elections shall be called by the council by ordinance or resolution. Unless otherwise provided by ordinance, all elections shall be held in accordance with the provisions of the Election Code of the State of California, as it exists or is amended, for the holding of municipal elections, so far as the same are not in conflict with this Charter. No primary elections shall be held. (1982.)

Editor's Note: The catchline of this section originally read as follows: "Ordinance ordering holding of elections; election officers at precincts; publication of ordinance."

#### Sec. 3. Canvass of elections.

The council shall canvass the returns of an election at its second regular meeting following the election, unless otherwise provided in the ordinance or resolution calling the election. (1982.)

Editor's Note: The catchline of this section originally read as follows: "Filing the returns."

#### Sec. 4. Notifying the successful candidates.

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

#### Sec. 5. (Repealed).

Editor's Note: This section was repealed in 1982. It formerly dealt with election regulations and prohibited primary elections.

#### Sec. 6. Terms of elective officers.

From and after the general municipal election to be held on the first Tuesday in April of 1965, the clerk and treasurer elected and the three (3) members of the council and the three (3) members of the board of education receiving the highest number of votes for said offices respectively shall hold office for terms of four (4) years commencing at eight p.m. (8:00 P.M.) of the second Monday following the day of election and until their successors are elected and qualified. From and after the general municipal election of 1967 the two (2) members of the council and the two (2) members of

the board of education then elected shall hold office for terms of four (4) years commencing at eight p.m. (8:00 P.M.) of the second Monday following the day of said general municipal election of 1967 and until their successors are elected and qualified. Any person elected to fill a vacancy shall serve for the remainder of the unexpired term. In the election of councilmen and members of the board of education, where full terms and one (1) or more unexpired terms are to be filled, no distinction shall be made in nominating or voting between the full terms and the unexpired terms, but the person or persons elected by the highest number of votes shall be elected for the full term or terms and the person or persons receiving the next highest vote shall be elected for the unexpired term or terms, as the case may be. (1963.)

#### Article VI. The Council Generally.

Editor's Note: This article head originally read as follows: "Legislative. The Council: Powers and Duties."

##### Sec. 1. Vesting of legislative power; qualifications of candidates.

The legislative power of the City of Glendale shall be vested in the people through the initiative and referendum, and in a body to be designated "The Council." Each candidate for member of the council shall be a qualified elector pursuant to state law.

Editor's Note: The words "The Council" were not set off in quotation marks in the original.

##### Sec. 2. Council meetings.

The council shall hold regular meetings at such times as it shall fix by ordinance or resolution. If a regular meeting falls on a holiday such meeting shall be held on the next business day.

Special council meetings may be called at any time by the mayor, or by three (3) members of the council, acting in accordance with State law.

Any regular, adjourned regular, special, or adjourned special meeting may be adjourned to a time and place specified in the order of adjournment. Any adjourned regular meeting is a regular meeting for all purposes.

All council meetings shall be held in the council chamber of the City Hall, or in a place to which any meeting may be adjourned for the purpose of taking evidence or holding hearings. Final deliberation and actual voting by the council shall take place in the City Hall council chamber. Provided, however, if by reason of fire, flood, reconstruction, or other emergency it shall be unsafe to meet in the council chamber, the meetings shall be held for the duration of the reconstruction or emergency at a place designated by the mayor or by three (3) members of the council. (1982.)

Editor's Note: The catchline of this section originally read as follows: "Meetings."

##### Sec. 3. Quorum: Action franchises, etc.

Three (3) members of the council shall constitute a quorum, but a less number may adjourn from time to time. No franchise shall be granted, ordinance passed, budget adopted, supplemented or amended, appropriation made, or payment of money ordered unless three (3) members of the council concur in such action. Any tie vote constitutes no action, and the matter shall be carried from agenda to agenda until the tie is broken, or the council determines to remove item from agenda. (1982.)

Editor's Note: The catchline of this section originally read as follows: "Quorum."

##### Sec. 4. General powers of the council.\*

Subject to the provisions and restrictions in this Charter contained, and the valid delegation by this

Charter of any powers to any person, officer, board or committee, which delegation of power, if any, shall control, the council shall have the power, in the name of the city, to do and perform all acts and things appropriate to a municipal corporation and the general welfare of its inhabitants and which are not specifically forbidden by the Constitution of the state or which now or hereafter it would be competent for this Charter specifically to enumerate. No enumeration or specific statement herein of any particular powers shall be held to be exclusive of, or a limitation of, the foregoing general grant of powers.

\* Attention is called to the footnote on page C5.

#### Sec. 5. Certain powers and duties enumerated.

The council shall:

1. Qualifications of Members and Election Returns. Judge the qualifications of its members and all election returns;
2. Rules of Proceedings. Establish rules for its proceedings;
3. Record of Proceedings. Cause a correct record of its proceedings to be kept. The ayes and noes shall on demand of any member, be taken and entered therein, and they shall be recorded on all votes passing any ordinance or appointing or dismissing or confirming the appointment or dismissal of any officer, or authorizing the execution of contracts, or the appropriation or payment of money;
4. Mayor Generally. Choose one (1) of its members as presiding officer, to be called mayor. The mayor shall preside over the sessions of the council, shall sign official documents when the signature of the council or mayor is required by law, and he shall act as the official head of the city on public and ceremonial occasions. He shall have power to administer oaths and affirmations. When the mayor is absent from any meeting of the council, the mayor pro tem shall be selected monthly by alphabetical rotation. The mayor pro tem shall act as mayor if the mayor is absent or unavailable;
5. Appointment of Certain Officers. Appoint a city assessor, which office may be combined with that of the city clerk, a city tax collector, a city attorney, and city manager;
6. Supervision of Public Utilities. Exercise general supervision and direction over all persons, firms, companies and corporations owning, controlling or operating public utilities, in so far as any of them are subject to municipal control. This provision is subject to other Charter provisions relative to such public utilities as now are or may hereafter be owned by the city. (1921; 1947; 1953.)

Editor's Note: The subcatchlines given to the numbered subdivisions of this section are unofficial.

#### Sec. 6. Ordinances generally.

The enacting clause of every ordinance passed by the council shall be: "Be it ordained by the council of the City of Glendale." The enacting clause of every ordinance initiated by the people shall be: "Be it ordained by the people of the City of Glendale." At least five (5) days must elapse between the introduction and the final passage of any ordinance; provided, that amendment germane to the subject of any proposed ordinance may be made when it is brought up for final passage; and provided further, that in case of an extraordinary epidemic or any disaster, such as flood, fire or earthquake, requiring immediate action on the part of any public authorities, an emergency ordinance may be introduced and passed at either a regular or special meeting without any intervention of time between introduction and final passage. A final vote on any ordinance or any vote on any appropriation must be taken only at a regular or adjourned regular meeting. Every ordinance must be signed by the mayor and attested by the clerk. Notice thereof shall be published once in a newspaper of general circulation. Any ordinance granting any franchise or privilege shall be published at the expense of the applicant therefor.

In the publication of every ordinance the advertisement shall contain a statement of the title, number and date of the ordinance, a brief statement of the nature of the ordinance, and a reference to a copy of the ordinance which shall be on file and available for public inspection at all reasonable times in the office of the city clerk. (1969.)

Editor's Note: The catchline of this section originally read as follows: "Ordinances."

Sec. 7. When ordinances go into effect.

Except as herein provided, no penal ordinance, or measure passed by the council granting any franchise or privilege, shall go into effect in less than thirty (30) days after its final passage. But ordinances declared by the council to be necessary as emergency measures for the immediate preservation of the public peace, health or safety, containing a statement of the reasons for their urgency and passed by a four-fifths (4/5) vote of the whole council, ordinances ordering or otherwise relating to elections, and ordinances relating to public improvements, the cost of which is to be borne wholly or in part by special assessments, may go into effect at the will of the council.

Sec. 8. Amending ordinances.

No ordinance shall be amended by reference to its title, but the sections thereof to be amended shall be reenacted at length as amended; and any amendment passed contrary to the provisions of this section shall be void.

Sec. 9. Contracts requiring competitive bids.

The council shall provide by ordinance a complete procedure to ensure the integrity of awarding all contracts. Except as otherwise required in this Charter, no contract for supplies, material, labor, or other valuable consideration, or for the construction, improvement, repair, or maintenance of public works shall be authorized by the council except to the lowest responsible bidder after competitive bidding. The council may reject any and all bids. Competitive bidding shall not be required for:

- (a) Labor or services rendered by any city officer or employee;
- (b) Labor, material, supplies, or services furnished by one (1) city department to another city department;
- (c) Contracts for labor, material, supplies or services which are available from only one vendor;
- (d) Contracts for labor, material, supplies or services or for the construction, improvement, repair, or maintenance of public works involving the expenditure of an amount not exceeding the limit established by ordinance of the city council;
- (e) Contracts relating to the acquisition of real property;
- (f) Contracts for professional or unique services;
- (g) Contracts for labor, material, supplies and services for actual emergency work;
- (h) Contracts with other governmental entities, or their contractors, for labor, materials, supplies or services.

The council, after rejecting bids, or if no bids are received, may readvertise for bids, or may have the work done by city forces if it determines that city forces can economically do the work, or it may have the contract negotiated without further bidding.

Upon recommendation of the city manager, the council may dispense with competitive bidding for any contract when it determines that it is in the best interests of the city so to do and acts by resolution setting forth the reason for such action. (1921; 1941; 1957; 1965; 1982.)

Editor's Note: The catchline of this section originally read as follows: "Contracts."

Sec. 10. Authority of the council to provide procedure by which city may bid on certain public works. The council shall have power to provide by ordinance a complete procedure whereby the city may bid on all public work done under the provisions of any local improvement ordinance or resolution. Said ordinance shall provide the procedure whereby the city shall perform such public work for which the city may be the lowest bidder. A revolving fund may be created by bond issue for the purpose of financing the cost of such public work.

Editor's Note: The catchline of this section originally read as follows: "Power to do public work direct."

Sec. 11. Official advertising.

All official advertising of the city shall be done in one (1) or more newspapers of general circulation, as defined by the laws of the State of California, which shall be published in the City of Glendale. The council shall annually call for bids for such advertising pursuant to specifications which shall first be approved by the council, and shall award any and all such contracts to the lowest responsible bidder; provided, that the council may reject all bids and may again call for bids; and provided further, that no defect or irregularity in proceedings taken under this section shall invalidate any publication when the same is otherwise in conformity to law or this Charter. (1969.)

Editor's Note: The catchline of this section originally read as follows: "Advertising."

Sec. 12. Councilmembers holding other city offices.

A councilmember shall not hold any other city office or city employment except as authorized by State law or ordinarily necessary in the performance of the duties as a councilmember. No former councilmember shall hold any compensated city office or city employment until two (2) years after leaving the office of councilmember. (1982.)

Editor's Note: The catchline of this section originally read as follows: "Councilmen ineligible to other city positions."

Sec. 13. Vacancies in elective offices.

(a) Vacancy-Unexcused Absence. Any member of the council who is absent from all meetings thereof for two (2) consecutive months, unless excused by the council shall forfeit his seat.

(b) Filling Vacancies: Generally. Any vacancy occurring in the council shall be filled by a majority vote of the remaining members of the council. Any vacancy occurring in the board of education shall be filled by a majority vote of the remaining members of the board of education. Any vacancy occurring in any other elective office shall be filled by a majority vote of the whole council. If any appointment to the council, city clerk or city treasurer is not made within thirty (30) working days of the vacancy, then council shall immediately call for a special election to be held within one hundred twenty (120) days for the purpose of filling such vacancy, unless the earliest next general municipal election or next county or statewide election with which a city election may be consolidated is no more than one hundred eighty (180) days from the call for special election. A person appointed to fill a vacancy shall serve until such time as a successor may be elected at the earliest of the next general municipal election, or the next county or statewide election, with which a city election may be consolidated. The elected successor shall hold office for the remainder of the unexpired term. (1921; 1923.)

Sec. 14. Committees of council.

The council shall appoint such standing and other committees as it deems necessary.

Sec. 15. Required vote on sale of real estate; limitation on term of lease.

With the exception of city owned SR zoned property or property dedicated as park land of five (5) or more acres, no sale of real estate shall be authorized by the council except by ordinance passed by the affirmative vote of four-fifths (4/5) of all the members and no lease shall be made for a period of longer than five (5) years, except by ordinance adopted by the council. City owned SR zoned property or property dedicated as park land which property is either an individual parcel of five (5) acres or more, or parcels which are adjoining and collectively equal or exceed five (5) or more acres shall not be sold or transferred except upon approval of a majority of the voters at an election held for such purpose. For purposes of this Charter, "dedicated park land" means property now owned or hereafter acquired by the city which has been either dedicated by ordinance, zoned SR, or where the documents executed for the acquisition thereof provide that the acquisition is in whole or in part for preservation or use as open space or recreational purposes of any type. For purposes of this Charter

"sold or transferred" does not mean or include an easement, or an acquisition of property either jointly with another public agency or with grant funds provided by another public agency where the property is required to be conveyed to the other public agency for the purpose of preserving the property as open space or recreational purposes.

Editor's Note: The catchline of this section originally read as follows: "Sale or lease of city property."

Sec. 16. Certified public accountant to be employed annually.

At least once a year the council shall employ a certified public accountant who shall investigate the transactions and accounts of all officers having the collections, custody or disbursement of public money, or having the power to approve, allow or audit demands on the treasury, and render a report of his investigation to the council. (1982.)

Editor's Note: The catchline of this section originally read as follows: "Expert accountant."

Sec. 17. Official bonds.

The council shall, by ordinance, determine what officers and other persons in the service of the city shall give bonds for the faithful performance of their duties, and shall fix the amounts of such bonds and each of such officers and other persons shall, before entering upon the duties of his office or employment, execute a bond to the city in the penal sum provided by such ordinance, including in the same bond the duties of all offices of which he is made by this Charter, or otherwise, ex officio incumbent. Such bonds must be examined and approved by the council. All bonds when approved shall be filed with the city clerk, except the city clerk's bond, if any, which shall be filed with the treasurer. All the provisions of any law of this state relating to the official bonds of officers as then existing shall apply to such bond, except as herein otherwise provided. In all cases where surety company bonds are approved by the council, the premium therefor shall be paid by the city.

Sec. 18. Official oaths.

Every officer of the city, before entering upon duties of his office, shall take and file with the city clerk the constitutional oath of office, except that the oath of the city clerk shall be filed with the city treasurer.

Sec. 19. Duties of city clerk.

The city clerk shall:

- (a) Attend all meetings of the council.
- (b) Be responsible for recording and maintaining a full and true record of all the proceedings of the council.
- (c) Maintain a permanent record of all ordinances and resolutions adopted by the council, including the certificate of the clerk stating that such document was duly adopted by the council with the date of adoption and, with respect to an ordinance, that it has been published in accordance with this Charter; all said records shall be properly indexed and open to public inspection when not in actual use.
- (d) Maintain a permanent record of all written contracts and official bonds.
- (e) Be custodian of the seal of the city.
- (f) Administer oaths or affirmations, take affidavits and depositions pertaining to the affairs and business of the city, and certify copies of official records.
- (g) Conduct all city elections.
- (h) Perform such other duties connected with the office as may be prescribed by the council. (1982.)

Editor's Note: The catchline of this section originally read as follows: "City clerk."

## Article VII. Police Court (Repealed).

Editor's Note: The sections comprising this article were repealed in 1953. They formerly dealt with the police court and the police judge.

## Article VIII. City Attorney.

### Sec. 1. Qualifications; appointment and removal of deputies and assistants.

The city attorney shall, at the time of his appointment, be an attorney duly admitted to practice law in the State of California, and shall have been actually engaged in the practice of law in this state for a period of at least four (4) years next before his appointment. He shall appoint and remove all such deputies and assistants as the council may authorize, subject to the approval of the council. (1921; 1923; Charter Amendment No. 2, 1977.)

### Sec. 2. Duties.

It shall be his duty when directed by the council to prosecute on behalf of the people, all criminal cases for violations of this Charter and of city ordinances, and to attend to all suits and other matters to which the city is a party or in which the city may be legally interested. He shall be in attendance at every meeting of the council, unless excused therefrom, by the mayor or the council. He shall give his advice or opinion in writing whenever required by the council or other officers. He shall be under the administrative direction of the city manager and shall be the legal advisor of all city officers; he shall approve the forms of all bonds given to and all contracts made with the city; he shall, when required by the council, or any member thereof, draft all proposed ordinances for the city, and amendments thereto; and shall do and perform all such things touching his office as the council may require of him, and at the expiration of his term shall surrender to his successor all books, papers and documents pertaining to the city's business. (Charter Amendment No. 2, 1977.)

### Sec. 3. Compensation.

He [the city attorney] shall receive as compensation a salary to be taxed by ordinance and unless the council shall require him to devote all his time to the duties of his office, he shall receive in addition thereto, such reasonable fees as the council may allow for suits or proceedings before any court or commission in which he has been directed by the council to act or appear.

Editor's Note: The words enclosed in brackets in this section were added by the editor for the purpose of clarification.

### Sec. 4. Authority of council to control prosecution and defense and to employ additional counsel.\*

The council shall have power to direct and control the prosecution and defense of all suits and proceedings to which the city is a party or in which it is interested, and may employ counsel to assist the city attorney therein.

\* It was held in the case of *Marr v. Southern California Gas Co. et al.*, 198 Cal. 278, 245 P. 179, that the council has the power to engage and pay an attorney to assist the city attorney in connection with proceedings in which the city is interested.

## Article IX. City Manager.

### Sec. 1. City manager selection, compensation and qualifications.

The council shall appoint a city manager who:

- (a) Shall serve at the pleasure of the council;
- (b) Shall be the chief administrative officer of the city;

- (c) Shall be chosen on the basis of administrative qualifications;
- (d) Shall be compensated as directed by the council commensurate with the responsibilities of the office;
- (e) Shall not have served on the council within a period of two (2) years immediately preceding the date of appointment;
- (f) Shall establish, within ninety (90) days of the effective date of appointment, and maintain a residence within the city;
- (g) Shall engage in no other business or occupation, except as may be permitted by the council;
- (h) Appoint and remove at his pleasure, a secretary.

The appointment of the city manager requires the affirmative vote of three (3) members of the council. An action to remove, suspend, or request the resignation of the city manager, requires the affirmative votes of three (3) members of the council, provided, however, that during a period of one hundred thirty-five (135) days after a councilmanic election the council shall take no action to remove, suspend or request the resignation of the city manager, except by a unanimous vote of the entire council. (1921; 1947; 1953; 1982.)

Editor's Note: The catchline of this section originally read as follows: "Need not be resident of state when appointed; powers and duties generally."

#### Sec. 2. Procedure in case of disability of city manager.

In the event the city manager is incapacitated from performing the essential functions of his duties for a period of up to thirty (30) days, the assistant city manager shall perform the duties of the city manager during such time. On or after the thirtieth (30th) day of incapacity, the city council may appoint an interim city manager.

Editor's Note: The catchline of this section was supplied by the editor.

#### Sec. 3. Purchases.

All purchases of material and supplies made by any department or officer of the City of Glendale shall be by requisition signed by the city manager. (1921; 1947.)

#### Sec. 4. Assistant city manager.

The city manager, with the approval of the council, may appoint and remove an assistant city manager and may delegate to him any of the city manager's powers and duties. (1947.)

### Article X. Departments of Government Generally.

Editor's Note: This article head originally read as follows: "Departments of Government."

#### Sec. 1. Creation.

For the purpose of organization and administration of the business of the City of Glendale, there are hereby created the following departments, administrative services, city clerk, city treasurer, fire, Glendale Water and Power, legal, library, management services, parks, police, and public works.

#### Sec. 2. Police department.\*

The police department shall have charge of police protection.

\* For similar Charter provision, see Charter, Art. XX, § 1.

#### Sec. 3. Fire department.\*

The fire department shall have charge of fire protection and emergency medical services.

\* For similar Charter provision, see Charter, Art. XX, § 2.

Sec. 4. Public works department.\*

The public works department shall have charge of: general engineering, traffic engineering, flood control, street and sewer construction and maintenance, assessments, building inspection, care of public buildings, collection and disposal of refuse, and installation, maintenance and removal of parkway trees and parkways. (1957.)

\* For similar Charter provision, see Charter, Art. XXI, § 1.

Sec. 5. Department of Glendale Water and Power.\*

The department of Glendale Water and Power shall have charge of the construction, maintenance and operation of all public utilities owned or operated by the city.

\* For similar Charter provisions, see Charter, Art. XXII, § 1.

Sec. 6. City manager as executive head of certain departments, etc.

Except as otherwise provided in this Charter, or by authority thereof, the city manager shall be executive head of the department of management services and of the various departments of the city.

Sec. 7. Care of parks.

The council shall provide for the general care and supervision of parks.

Article XI. Fiscal Administration\*

\* It was held in the case of Logan et ux., v. City of Glendale et al., 132 Cal. App. 169, 22 P. (2d) 552, that providing an ornamental street lighting system of the city is a governmental function falling within police power and that it is not part of a public utility and may be financed by assessment. See also, Logan v. City of Glendale et al., 102 Cal. App. (2d) 864, 229 P. (2d) 128. As to control of Charter provisions by bond ordinance, see Charter, Art. XXVI, § 5.

Sec. 1. Powers and duties of director of administrative services generally.

The director of administrative services shall be the general accountant of the city. He shall receive and preserve in his office all accounts, books, vouchers, documents and papers relating to accounts and contracts of the city, its disbursements, revenues and other financial affairs. He shall keep an account of all moneys paid into and out of the treasury, and shall draw and sign all warrants on the treasurer for payment of money out of the treasury, except as otherwise provided in this Charter or by general law. The city clerk shall furnish the director of administrative services with copies of all ordinances, resolutions and orders of the council making appropriations or authorizing expenditures of money for any purpose. All orders for the purchase of goods, materials or supplies, and all orders or contracts proposed to be entered into by the city by virtue of which any money shall or may become payable by the city, except contracts, the expense of which is to be paid by assessments upon properties benefited or affected thereby, shall before becoming effective, on behalf of the city, be presented to the director of administrative services and have indorsed thereon his certificate that there remains unexpended and unapplied in the city treasury as provided by this Charter, a balance of the appropriation or fund applicable thereto sufficient to pay the estimated expense to be incurred during the then current fiscal year under said order or contract as estimated by the board or officer making the same, or that adequate provision therefor has been made in the tax levy, or by other

revenues to be received by the city as estimated in the budgets. It shall be the duty of the director of administrative services to make such endorsement upon every such contract or order so presented to him if there remains unexpended and unapplied the said estimated amount in any appropriation fund or tax levy, or other estimated revenue applicable thereto, and thereafter he shall hold and retain the said amount to pay the expense to be incurred under said order or contract until the same is fully performed and expense paid.

Editor's Note: The catchline of this section originally read as follows: "Controller."

#### Sec. 2. Duties of city treasurer generally.

The city treasurer shall receive and safely keep and pay out as directed in this Charter all moneys belonging to the city and all moneys received by or coming into the hands of any officer, board, department or employee of the city and shall keep an exact account of receipts and disbursements.

Editor's Note: The catchline of this section originally read as follows: "Treasurer."

#### Sec. 3. Presentation of demands; petty cash funds.

All demands against the city shall, before being paid, be presented to and approved by the proper commission or officer, as herein provided. Demands for which no appropriation has been made shall be presented to the council; and all other demands shall be presented to the city manager; provided that any person dissatisfied with the refusal of the city manager to approve any demand, in whole or in part, may present the same to the council, and the approval of such demand by the council shall have the same effect as its approval by the city manager; and provided further, that if the council shall provide for a park, playground and recreation center commission, a social service commission, or a city planning commission, it may make provision for the presentation to and approval by any such commission of demands for liabilities incurred by it. The council by ordinance may provide for petty cash funds for payment in cash, of expenditures provided for in the budgets that cannot conveniently and economically be paid otherwise. When making demands for the replenishment of the same, the persons entrusted with the funds shall account for all disbursements, and the amounts so expended shall thereupon be charged against the proper appropriations. (1921; 1953; 1959.)

Editor's Note: The catchline of this section originally read as follows: "Presentation of demands."

#### Sec. 4. Procedure as to warrants on treasurer; authority of council as to presentation, approval and payment of demands against city.

All demands approved by the proper board, commission or officer shall be presented to the director of administrative services, who shall examine the same; and if the amount thereof is legally due and there remains on his books an unexhausted balance or an appropriation against which the same may be charged, he shall approve such demand and draw and sign his warrant on the treasurer therefor, payable out of the proper fund. Objections of the director of administrative services to any demand may be overruled by the council, and the director of administrative services shall thereupon draw his warrant as directed by the council. Such warrants when presented to the treasurer, shall be paid by him out of the fund therein designated, if there be sufficient money in such fund for that purpose. A warrant not paid for lack of funds shall be registered, and all registered warrants shall be paid in the order of registration when funds are available therefor. The director of administrative services shall draw his warrants for payment of municipal or other bonds payable out of funds in the treasury upon presentation and surrender of the proper bonds or coupons, without approval of any body or officer. The council may make further regulations by ordinance regarding the presentation, approval and payment of demands against the city.

Editor's Note: The catchline of this section originally read as follows: "Warrants on treasury."

Sec. 5. Payments from treasury generally; demand as prerequisite to action against city.\*

No payment shall be made from the treasury of the city, except as otherwise provided by law or this Charter, except on demands presented and approved and warrants drawn as herein or by ordinance provided. No action shall be brought on any claim or demand for money or damages against the city or any board, commission or officer thereof, until a demand for the same has been presented as provided in this Charter or by ordinance and rejected in whole or in part. If rejected in part, action may be brought to recover the whole. Nor shall any action be brought upon any such demand that has been approved in whole, as herein or by ordinance provided, but nothing herein contained shall prevent the holder of any demand for resorting to proceedings to compel any officer, board, or commission to act upon a demand or to pay a demand that has been properly allowed.

\* It was held in the case of *Kelso v. Board of Education of City of Glendale et al.*, 42 Cal. App. (2d) 418, 109 P. (2d) 30, that the provisions of this section are not applicable to claims against the school district.

In the case of *Slavin v. City of Glendale et al.*, 97 Cal. App. (2d) 408, 217 P. (2d) 984, which was an action against the City of Glendale and others for assault and battery committed by police officers of the city, it was held that such action was barred by plaintiff's failure to file a claim at any time and that the city was not stopped from raising this defense.

In the case of *Klimper v. City of Glendale et al.*, 99 Cal App. (2d) 451, 222 P. (2d) 49, it was held that presentation of a written verified claim, as required by Charter and ordinance, was a condition precedent to maintaining an action against the defendant city or an officer thereof upon a claim for damages founded in tort, and that the defendant city and its officers were not estopped from relying on plaintiff's failure to present any claim.

As to state claims law, see Gov. C., § 710 et seq.

Editor's Note: The catchline of this section originally read as follows: "Actions against city."

Sec. 6. Fiscal year; proposed budgets and estimates of revenues and expenditures generally.

The fiscal year of the city shall begin on the first day of July. On or before the first day of June of each year, the city manager shall submit to the council a proposed budget for the department of Glendale Water and Power and a proposed budget for all other departments to be known as the general budget. Said budgets shall include estimates of the revenues and expenditures of the city departments for the ensuing year. These estimates shall be compiled from detailed information obtained from the several departments on blanks to be furnished by the city manager. The classification of the estimates of expenditures shall be as nearly uniform as possible for all departments, and shall give the following information:

1. A detailed estimate of the expenses of each department;
2. Expenditures for corresponding items for the last and for the current fiscal years, including adjustments due to transfers between appropriations plus an estimate of expenditures necessary to complete the current fiscal year;
3. Such information as may be required by the council or as the manager may deem advisable to submit;
4. The recommendation of the manager as to the amounts to be appropriated, with reasons therefor, in such detail as the council may direct. Sufficient copies of such proposed budgets shall be prepared and submitted, that there may be copies on file in the office of the clerk for the inspection by the public and one (1) copy of each budget furnished each member of the council. The council shall have power to revise, correct or modify proposed budgets in any particular.

Editor's Note: The catchline of this section originally read as follows: "Estimate and budgets."

Sec. 7. Hearing on proposed budgets; modification and adoption of budgets.

After considering said proposed budgets, the council shall fix a time for holding a public hearing upon the same and shall publish a notice of the time fixed for said hearing once in a newspaper of

general circulation at least ten (10) days before the time for the hearing. After said hearing the council may further correct or modify said proposed budget and shall by resolution, adopt a Glendale Water and Power budget and a general budget. Such resolution shall operate as an appropriation of funds to the amounts and for the purposes set forth in the budgets so adopted.

Editor's Note: The catchline of this section originally read as follows: "Appropriations."

Sec. 8. Transfer of unused balances; appropriation of available revenues not included in annual budget.

At any meeting after the adoption of the budget or budgets, the council, by a vote of three (3) members may amend or supplement such budget or budgets, so as to authorize the transfer of unused balances appropriated for one purpose to another purpose, or to appropriate available revenues not included in the annual budget.

Editor's Note: The catchline of this section originally read as follows: "Transfer of appropriations."

Sec. 9. Authority of council to provide for system of taxation; tax liens; authority of council to designate assessor and tax collector.

The council shall have power by ordinance, to provide a system for the assessment, levy, and collection of all city taxes, which system shall conform as nearly as may be to the general laws of this state, provided for the assessment, levy and collection of county taxes. All taxes levied, together with any penalties imposed for delinquency and the cost of collection, shall constitute liens on the property assessed and every tax upon personal property shall be a lien upon the real property of the owner thereof. The said liens shall attach as of the first Monday of March of each year. The council may provide that the city clerk shall be ex officio assessor and that the city treasurer or other officer selected by them, shall be ex officio tax collector.

Editor's Note: The catchline of this section originally read as follows: "Taxation."

Sec. 10. Assessment, collection, etc., of taxes by officers of County of Los Angeles.

The council shall have power by ordinance to authorize the transfer to and the assumption and discharge by officers of the County of Los Angeles, of any function of the city relating to the assessment of property for taxation, the equalization of such assessment, the collection of taxes levied for municipal purposes, the collection of assessments levied for local improvements, the sale of property for nonpayment of assessments levied for local improvements, and the redemption of property from sales for either of said purposes, and may repeal any such ordinances. Until the council shall otherwise provide, the ordinance of said City of Glendale now in effect providing that the duties of assessing property and collecting taxes provided by law to be performed by the assessor and the tax collector of the City of Glendale, shall be performed by the county assessor and the county tax collector of the County of Los Angeles, shall remain in full force and effect. During the time that said present ordinance, or any other ordinance passed by the council in pursuance of this section for the same purpose, shall be in effect, the mode and manner of assessing property for purposes of municipal taxation, the equalization of such assessments, the levying and collecting of taxes for municipal purposes, the nature of the lien therefor and the manner and method of enforcing the same and of the redemption of property sold for nonpayment of taxes, and all proceedings relating to said matters, shall be substantially the same as may be provided by law for such matters in relation to county taxes of the County of Los Angeles, so far as applicable, unless the council shall provide otherwise by ordinance. During the time that the functions of the city, relating to the assessment and collection of city taxes, are being discharged by the officers of the County of Los Angeles, the offices of city assessor and city tax collector shall be deemed suspended and no person shall fill the same, nor shall any salary attach thereto, and all duties of said offices other than the assessment and collection of taxes shall

be transferred to and performed by such officers as the council shall by ordinance determine.

Sec. 11. Tax rate; special taxes generally; additional annual taxes.\*

The total tax rate for any one (1) year shall not exceed one (1) percent of the assessed valuation, unless a special tax be authorized, as provided in this Charter; and the proceeds of any such special tax shall be used for no other purpose than that specified for which it was voted; provided, however, that in addition to said one (1) percent, there shall be included in every annual levy, a sufficient amount to cover all liabilities of the city for principal and interest of all bonds or judgments due and unpaid or to become due during the ensuing fiscal year and not otherwise provided for; provided, further, that in addition to the taxes above mentioned there shall be levied a tax not exceeding fifteen cents (\$0.15) on each one hundred dollars (\$100.00) of the assessed valuation for the library fund; provided, further, that in addition to the taxes above mentioned, the council may levy a tax not exceeding fifteen cents (\$0.15) on each one hundred dollars (\$100.00) of assessed valuation for parks, playgrounds and recreation centers; provided, further, that in addition to the taxes above mentioned, there shall be levied a tax not exceeding fifteen cents (\$0.15) on each one hundred dollars (\$100.00) of the assessed valuation for the fire and police retirement system. If the council shall fail to fix the tax rate at the proper time, the rate for the preceding fiscal year shall be adopted and used. (1921; 1931; 1937.)

\* This section of the Charter was construed in the case of *City of Glendale v. Haak, City Controller*, 62 Cal. App. (2d) 426, 144 P. (2d) 866, in which case it was held that appropriations from the general reserve fund may be made for parks and libraries in excess of the amount of the special tax that may be levied for such parks and libraries.

Editor's Note: The catchline of this section originally read as follows: "Tax rate."

The provision relative to the fire and police retirement system has been superseded by the city's participation in the state employees' retirement system. See Charter, Art. XXV, § 1.

Sec. 12. Special taxes and bonds.\*

Whenever the council shall determine that the public interest demands an expenditure for municipal purposes, which cannot be provided for out of the ordinary revenue of the city, it may submit to the qualified voters at a regular or special election, a proposition to provide for such expenditure, either by levying a special tax, or by issuing bonds, but no such special tax shall be levied nor any such bonds issued, unless authorized by the affirmative votes of two-thirds (2/3) of the electors voting on the proposition at such election. No bonds shall be issued to meet current expenses.

The proceedings for the voting and issuing of bonds of the city shall be had in such a manner and form and under such conditions as shall be provided from time to time by general law. (1959.)

\* It was held in the cases of *City of Glendale v. Crescenta Mutual Water Co.*, 135 Cal. App. (2d) 784, 288 P. (2d) 105, and *City of Glendale v. Trondsen, et al.*, 48 A. C. 91, 308 P. (2d) 1, that the term "special tax" refers only to property taxes.

Sec. 13. Limit on bonded indebtedness.

The total bonded debt of the city shall at no time exceed a total of fifteen (15) percent of the assessed valuation of all property taxable for city purposes.

Sec. 14. General budget fund.\*

A fund to be known as the general budget fund is hereby created. All receipts from the general tax levy, licenses, fines, permits, and interest on bank deposits, and all other receipts except those from the department of Glendale Water and Power, and those which are collected for a specific purpose, or are herein ordered to be credited to some other fund, shall be credited to said fund, and all disbursements, on account of general budget appropriations, excepting such appropriations as are

payable out of special funds, shall be charged to said general budget fund. The credit balance, if any, in said general budget fund, at the end of any fiscal year, the amount of which is in excess of the amount of all outstanding demands and liabilities unpaid on account of general budget appropriations for said fiscal year, shall be transferred to the general reserve fund.

\* It was held in the case of *Marr v. Southern California Gas Co., et al.*, 198 Cal. 278, 245 P. 179, that interest received on money from the sale of assessment bonds pending action to test validity of assessment may be paid into the general fund of the city. In the case of *City of Glendale v. Crescenta Mutual Water Co.*, 135 Cal. App. (2d) 784, 288 P. (2d) 105, it was held that receipts from an excise tax on use of water need not be credited to the general budget fund, since the collection was for a specific purpose, i.e., payments to the Metropolitan Water District in lieu of the ad valorem taxation.

#### Sec. 15. General reserve fund.

The council shall maintain the permanent revolving fund now established and known as the general reserve fund, for the purpose of keeping the payment of the running expenses of the city on a cash basis. Said fund shall be maintained in an amount sufficient to meet all legal demands against the treasury for the period of each fiscal year prior to the collection of ad valorem taxes. The council shall have power to transfer from the general reserve fund to any fund or funds, such sum or sums as may be required for the purpose of placing such fund or funds, as nearly as possible, on a cash basis. It shall be the duty of the council to provide that all money so transferred from the general reserve fund be returned thereto on or before the end of the fiscal year in which said transfers are made; provided, that in any fiscal year in which the total balance in said general reserve fund exceeds fifty (50) percent of the total amount of the anticipated ad valorem tax receipts for that year, the council may appropriate such excess for any city purpose without returning the same. (1921; 1949.)

#### Sec. 16. Appropriations and expenditures for entertaining, advertising, etc.

The council may appropriate and spend money from the funds of the city for any or all of the following purposes: Reception and entertainment of public guests, assistance of public celebrations, fairs and exhibitions, to aid or carry on the work of inducing immigration to the city, to exhibit manufactured and other products of the city; and generally, for the purpose of advertising the city; provided, however, that the aggregate expenditures for all of said purposes shall not exceed in one (1) fiscal year the sum of two cents (\$0.02) on each one hundred dollars (\$100.00) of the assessed value of property within the city.

Editor's Note: The catchline of this section originally read as follows: "Entertainments."

#### Sec. 17. Waterworks depreciation fund; electric works depreciation fund.\*

The council shall annually set aside from the income of the department of Glendale Water and Power derived from the waterworks of the city and paid into the waterworks revenue fund, a fund which, according to the estimates of the city manager, shall be sufficient to meet the normal depreciation of such waterworks. It shall also annually set aside from the income of the department of Glendale Water and Power derived from the electric works of the city and paid into the electric works revenue fund, a fund which, according to the estimates of the city manager, shall be sufficient to meet the normal depreciation of such electric works. Each of such funds shall be used only for the repair, replacement, betterment and extensions of the plants and equipment of the waterworks or electric works, as the case may be, from which said revenue is derived. Nothing herein contained shall limit the right to vote and issue bonds of the city for said purposes or any thereof or to issue revenue bonds of said city for said purposes or any thereof. (1921; 1931; 1941; 1949.)

\* In connection with this section, see Charter, Art. XXVI, § 5.

Editor's Note: The catchline of this section originally read as follows: "Depreciation funds."

Sec. 18. Special deposit fund.

There is hereby created a fund to be known as the special deposit fund, wherein shall be deposited all moneys received by the city, or any department, officer or board thereof, for the purpose of guaranteeing the payment of any costs, charges, or damages accruing or liable to accrue, to the city from the depositor and all moneys deposited as bail to secure the liberation of a person accused of a public offense, and all moneys required to be deposited for the purpose of indemnifying persons whose property is in danger of being damaged or destroyed by the operation of the depositor. The money so deposited may be returned to the depositor, should he become entitled to the return thereof, in such manner as the council may, by ordinance, prescribe, or upon default being made in the payment of such costs, charges, or damages, or in the performance of any of such conditions, acts or things, may be declared forfeited in whole or in part and be disposed of as the council may direct.

Sec. 19. General service fund.

The council shall maintain the permanent revolving fund now established and known as the general service fund. All expenditures for lot cleaning, for engineering, and other incidental expenses in connection with street opening and improvement proceedings and all other expenditures which are in the nature of advancements by the city and are to be repaid to the city, shall be charged to said fund. All receipts on account of the matters above mentioned shall be credited to said general service fund from the special fund created for such proceedings, if any, when available therein. All amounts expended for purchase of general supplies, which for any reason cannot be charged directly to the account or accounts for which such supplies are purchased, shall be charged against said general service fund, and when said supplies are used by the various departments, the cost thereof shall be charged against the proper fund and credited to said general service fund.

Sec. 20. Waterworks revenue fund; electric works revenue fund.

All receipts by the department of Glendale Water and Power from the sale of water or otherwise derived from the waterworks of the city shall be credited to a fund hereby created to be known as the waterworks revenue fund. All receipts by the department of Glendale Water and Power from the sale of electric energy or otherwise derived from the electric works of the city shall be credited to a fund hereby created to be known as the electric works revenue fund. All disbursements (except those payable from the waterworks depreciation fund) provided in the Glendale Water and Power budget on account of said waterworks shall be charged to said waterworks revenue fund and all disbursements (except those payable from the electric works depreciation fund) provided in said budget on account of the electric works shall be charged to said electric works revenue fund. The credit balance, if any, or any part thereof, in each of said funds at the end of any fiscal year, the amount of which is in excess of the amount of all outstanding demands and liabilities unpaid from said fund on account of budget appropriations therefrom, shall be transferred to the Glendale Water and Power surplus fund.

Editor's Note: The catchline of this section originally read as follows: "Revenue funds."

Sec. 21. Glendale Water and Power sinking fund.\*

For the payment of principal and interest of all Glendale city or municipal improvement district bonds heretofore issued for the acquisition, improvement or extension of waterworks or electric works operated by the city, the council shall transfer from time to time from the waterworks revenue fund or the electric works revenue fund, or both thereof, to the Glendale Water and Power sinking fund a sufficient amount each year to cover the total amount of payments falling due that year for principal and interest of said bonds. Nothing in this section shall impair the power of the council to levy such taxes as may be necessary to provide for the payment of interest and principal of such bonds, or the power of the council to pay from the waterworks revenue fund the principal and interest of any

general obligation bonds of the city hereafter issued for waterworks purposes or to pay from the electric works revenue fund the principal and interest of any general obligation bonds of the city hereafter issued for electric works purposes.

\* In connection with this section, see Charter, Art. XXVI, § 5.

Sec. 22. Glendale Water and Power surplus fund--Generally.\*

A fund to be known as the Glendale Water and Power surplus fund is hereby created, to which fund shall be credited from the receipts of the department of Glendale Water and Power in the waterworks revenue fund and the electric works revenue fund, any amounts in excess of the requirements of the several funds as hereinbefore set forth. Except as otherwise provided in this section, disbursements from said Glendale Water and Power surplus fund may be made by the council by special appropriation for waterworks or electric works purposes only, which shall include payment of all or any portion of the tax of the Metropolitan Water District of Southern California, or its successors in interest, which the council may elect to pay out of the funds of the City of Glendale. At the end of each fiscal year an amount equal to twenty-five (25) percentum of the operating revenues of the department of Glendale Water and Power for such year, excluding receipts from water or power supplied to other cities or utilities at wholesale rates, shall be transferred from said Glendale Water and Power surplus fund to the general reserve fund; provided, that the council may annually, at or before the time for adopting the general budget for the ensuing fiscal year, reduce said amount or wholly waive such transfer if, in its opinion, such reduction or waiver is necessary to insure the sound financial position of said department of Glendale Water and Power and it shall so declare by resolution. (1921; 1931; 1941; 1946; 1949.)

\* In connection with this section, see Charter, Art. XXVI, § 5.

It was held in the case of City of Glendale v. Crescenta Mutual Water Co., 135 Cal App. (2d) 784, 288 P. (2d) 105, that the council has discretion to pay all or a portion of the payments to the Metropolitan Water District from the public service surplus fund in lieu of the ad valorem tax of the district.

Article XII. Department of Education.

Sec. 1. Board of education generally.

The control of the public school department of the City of Glendale, including the whole of the Glendale City School District, shall be vested in a board of education, which shall consist of five (5) members elected from the district at large.

Editor's Note: The catchline of this section originally read as follows: "Board of education."

Sec. 2. Powers and duties of board of education.

The powers and duties of the board of education shall be such as are prescribed by the Constitution and laws of the State of California.

Article XIII. Libraries.

Editor's Note: This article head originally read as follows: "Library."

Sec. 1. To be free to inhabitants, etc.; rules and regulations.

All libraries shall be forever free to the inhabitants and nonresident taxpayers of the City of Glendale, subject to such rules and regulations as may be deemed necessary for the administration, government, and protection of the library; provided, however, that for violation of any of said rules

and regulations, the city manager may impose fines or may exclude the violator from the privileges of the library. All such fines shall be paid into the general fund. (1921; 1947.)

Sec. 2. Payment of library bills; library fund.

All library bills shall be paid out of the library fund, which fund is hereby established. (1921; 1931; 1947.)

Article XIV. Boards and Commissions.

Sec. 1. Creation of commission.

The city council, by ordinance, may create such permanent or temporary boards or commissions as it finds, in its judgment, are required to assist in the performance of any municipal function.

Sec. 2. Ordinance to include specifics.

In accordance with those powers granted by this Charter to the members of council to establish boards or commissions, an ordinance establishing such boards or commissions shall specify the following:

- (a) The number of members comprising such board or commission;
- (b) Their term of office;
- (c) The powers and duties assigned to the board or commission;
- (d) The conditions under which vacancies in membership shall occur automatically;
- (e) The qualifications for appointment to such board or commission; and
- (f) Such other matters as may be necessary, in the judgment of the council, to enable the board or commission to perform its assigned functions.

Sec. 3. Appointment and removal of members.

The selection, appointment, removal, and terms of office of board or commission members shall be as prescribed by ordinance or resolution of the city council.

Sec. 4. Meetings.

The meetings and acts of all boards and commissions shall be called, noticed, held and conducted in accordance with State law. Each board or commission shall adopt rules for the conduct of its meetings, a copy of which shall be filed with the city clerk.

Article XV. City Planning.

Sec. 1. (Repealed).

Editor's Note: This section was repealed by amendments approved at a municipal election held on April 5, 2005. It formerly dealt with authority of council to appoint, etc., commission.

Sec. 2. Amendment, etc., of regulations adopted pursuant to Charter, Article III, Section 2, subdivisions 19 and 20.

The council may, from time to time, on its own motion, or on petition after hearing and public notice of such hearing given by one (1) publication in a newspaper of general circulation at least ten (10) days before the time of hearing, amend, supplement or change the regulations and districts established by any ordinance adopted pursuant to subdivisions 19 and 20 of Section 2, Article III, of this Charter. Whenever the owners of fifty (50) percent or more of the frontage of any district or part thereof, shall present to the council a petition duly signed and acknowledged by them, requesting any such amendment, supplement, change or repeal of the regulations prescribed for

such district, or part thereof, the council shall act upon such petition within ninety (90) days after the filing thereof. No amendment, change, supplement or repeal of the regulations or of the boundaries of districts established by any ordinance passed under the above-mentioned provisions of the Charter shall be made except by a four-fifths (4/5) vote of the council, and if at the time of the hearing thereon a protest against such amendment, supplement, change or repeal is presented, duly signed and acknowledged by the owners of twenty (20) percent or more of the frontage of property which will be directly affected by the proposed amendment, supplement, change or repeal, or by the owners of twenty (20) percent of the frontage of property which is immediately adjacent thereto, either in the rear, or the sides, or across the street, no such amendment, change, supplement or repeal shall be adopted except by unanimous vote of the council. When a petition has been denied in whole or in part, no petition for the amendment, change, supplement or repeal so denied may be filed within six (6) months after such denial.

#### Article XVI. Social Service Commission (Repealed).

Editor's Note: This article was repealed by amendments approved at a municipal election held on April 5, 2005.

#### Article XVII. Franchises.

Editor's Note: The catchlines of all the sections contained in this article were supplied by the editor.

##### Sec. 1. General provisions as to granting.

In granting franchises the council shall be governed by the general laws of the state in force at the time, and franchises shall be granted only upon further conditions hereinafter provided.

##### Sec. 2. Payment of cost of advertising, etc.

Every application for a franchise shall be accompanied by a cash deposit or certified check in amount to pay in full all costs of advertising and other preliminary expenses connected with the offering for sale of such franchises and the granting of same, which deposit shall not be less than one hundred dollars (\$100.00). Said deposit shall be returned in case the council shall determine that neither the public necessity nor the public interest required the granting of the franchise, or in case the franchise be granted to a person other than said applicant. The cost of advertising and other costs hereinabove referred to connected with the offering for sale and granting of said franchise shall be paid by the successful bidder for said franchise, and such payment shall be a condition precedent to the vesting of the franchise.

##### Sec. 3. Limitation on period for which grant may be made.

Franchises shall not be granted for a longer period than twenty-five (25) years.

##### Sec. 4. Special election may be called.

Whenever an applicant for a franchise or other person shall pay in advance to the city the expenses of a special election, the council may, in its discretion, call such election, at which the proposed ordinance shall be submitted to a vote of the electors of the city.

#### Article XVIII. Initiative, Referendum and Recall.

Editor's Note: The catchlines of all the sections contained in this article were supplied by the editor.

##### Sec. 1. Adoption of state law.

The laws of the State of California providing for the initiative, referendum and recall\* in cities as they now exist or hereafter may be amended, are hereby made a part of this Charter and all action

under the initiative, referendum and recall in the City of Glendale shall be taken in accordance with said laws.

\* For Charter provision as to recall of elective officers, see Charter, Art. IV, § 2.

Sec. 2. When certain initiative ordinances to take effect.

No initiative ordinance providing for the expenditure of public money or for an increase in salaries of any city officer or employee shall take effect until the beginning of the fiscal year next following the date of its adoption.

Article XIX. Public Welfare Department (Repealed).

Editor's Note: This article was repealed by amendments approved at a municipal election held on April 5, 2005.

Article XX. Police and Fire Departments.

Sec. 1. Powers and duties of chief of police.

The chief of police shall have command and control over the police department. He shall enforce all laws and ordinances for the peace and safety of the city, and shall see that all orders and provisions of the council for these purposes are properly executed. He shall have power to appoint such police officers as are authorized by ordinance, subject to the approval of the city manager. He shall devote his entire time to the discharge of his official duties and shall not be absent from the city except under urgent need or in the performance of his official duties, unless granted permission by the city manager. His office shall be kept open at all hours of the day and night, and either he or a subordinate shall be in constant attendance.

Editor's Note: The catchline of this section originally read as follows: "Chief of police."

Sec. 2. Powers and duties of fire chief.

The fire chief shall have control of the fire department, and it shall be his duty to superintend the extinguishing of fires and to take measures for the protection of property imperiled thereby. He shall appoint, subject to the approval of the city manager, such firemen and other subordinates as may be authorized by ordinance.

Editor's Note: The catchline to this section originally read as follows: "Fire chief."

Article XXI. Public Works Department.

Sec. 1. Generally.\*

The public works department shall have charge of general engineering, traffic engineering, flood control, street and sewer construction and maintenance, assessments, building inspection, care of public buildings, collection and disposal of refuse, and installation, maintenance and removal of parkway trees and parkways. (1957.)

\* For similar Charter provision, see Charter, Art. X, § 5.

Sec. 2. City engineer generally.

The city engineer must be a civil engineer, who has practiced his profession not less than five (5)

years next before his appointment. He shall possess the same power in making surveys, plats and certificates, as is given by law to city engineers and to county surveyors. He shall be the custodian of and shall be responsible for all maps, plans, profiles, field notes and other records and memoranda belonging to the city, and pertaining to his office and to the work thereof, all of which he shall keep in proper order and condition, with full indexes thereof, and shall turn over the same to his successor, taking from him duplicate receipts therefor, one (1) of which he shall file with the clerk. All maps, plans, profiles, field notes, estimates and other memoranda of surveys and other professional work made or done by him or under his direction or control, during his term of office, or that he may have received from his predecessor, shall remain the property of the city.

Editor's Note: The catchline of this section originally read as follows: "City engineer."

#### Sec. 3. Duties of maintenance services administrator.

The maintenance services administrator shall have the general care and supervision of streets and of the maintenance and repair thereof and the care of and custody of tools and implements belonging to the City of Glendale and used for street construction and repair. (1953; 1957.)

#### Sec. 4. Building official.

The building official shall have charge of the issuing of building permits and shall see that no permit is issued unless the building plans show conformity to all state laws and all ordinances of the city applicable thereto. He shall see that the laws and ordinances regulating the construction of buildings are enforced. He shall perform all duties that are imposed by existing ordinances of the city on the building inspector, the plumbing inspector and the inspector of electric wiring.

### Article XXII. Department of Glendale Water and Power.

Editor's Note: The catchlines of all the sections contained in this article were supplied by the editor.

#### Sec. 1. Generally.\*

The department of Glendale Water and Power shall have charge of the construction, maintenance and operation of all public utilities owned or operated by the city.

\* For similar Charter provisions, see Charter, Art. X, § 5.

#### Sec. 2. (Repealed).

Editor's Note: This section was repealed by amendments approved at a municipal election held on April 5, 2005. It formerly dealt with subordinate officers, clerks, etc.

### Article XXIII. Miscellaneous Provisions.

Editor's Note: The catchlines of all the sections contained in this article were supplied by the editor.

#### Sec. 1. Authority of city manager to assign clerks, etc., to work in any department, etc.

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

Sec. 2. Application to city of general laws of state.\*

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

\* It was held, under this section and section 6 of this article, in the case of Logan et ux. v. City of Glendale et al., 132 Cal. App. 169, 22 P. (2d) 552, that the city has power to avail itself of the provisions of the Vrooman Act relating to street assessments.

See also, Logan v. City of Glendale et al., 102 Cal. App. (2d) 864, 229 P. (2d) 128.

Sec. 3. Definition of "city," etc.

Whenever in this Charter the word "city" occurs, it means the City of Glendale, and every department, board or officer, whenever either is mentioned, means a department, board or officer, as the case may be, of the City of Glendale.

Sec. 4. (Repealed).

Editor's Note: This section was repealed by amendments approved at a municipal election held on April 5, 2005. It formerly dealt with increase of compensation of elective officers.

Sec. 5. Vacancy in city offices.

If any officer of the city shall die or remove from the city, or absent himself therefrom for more than thirty days consecutively, without the permission of the council, or if he shall fail to qualify by taking the oath of office and filing his official bonds, whenever such bond is required, within fifteen days from the time his certificate of election or appointment is mailed or delivered to him, or if he shall resign or be removed from office, or if his election shall be finally declared void by any competent tribunal, or if he shall be convicted of a felony, or if he shall be adjudged insane, or if he shall cease to discharge the duties of his office (other than that of member of the council) for two (2) consecutive months, unless prevented by sickness, his office shall become vacant.

Sec. 6. Opening, etc., of streets; planting of trees; public improvement not elsewhere provided for in Charter; removal of dirt, rubbish, weeds, etc.\*

The improvement, widening and opening of streets, the planting of trees, and all public improvements not specified in this Charter may be done, and assessments therefor may be levied in conformity with and under the authority conferred by general laws; provided, however, that the council may by ordinance adopt a procedure for the improvements of streets, alleys or other public places, or for the removal of dirt, rubbish, weeds and other rank growths and materials which may injure or endanger neighboring property or the health or the welfare of inhabitants of the vicinity, from buildings, lots and grounds and the sidewalks opposite thereto, and for making and enforcing assessments against property benefited or affected thereby or from which such removal is made, for the cost of such improvement or removal, and may make such assessments a lien on such property superior to all other claims or liens thereon, except state, county and municipal taxes, but no such ordinance shall prevent the council from proceeding under general laws for said purposes.

\* It was held, under this section and section 2 of this article, in the case of Logan et ux. v. City of Glendale et al., 132 Cal. App. 169, 22 P. (2d) 552, that the city has power to avail itself of the provisions of the Vrooman Act relating to street assessments.

See also, Logan v. City of Glendale, 102 Cal. App. (2d) 864, 229 P. (2d) 128.

In the case of City of Glendale v. Trondsen, 48 A. C. 91, 308 P. (2d) 1, it was held that the property assessment was nothing more than a permissive method and not a limitation on other methods.

Sec. 7. Delivery of papers, etc., to successors in office.

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

Sec. 8. Prohibitions applicable to specified officers; Government Code sections adopted.

Wherever applicable to city officers article 4 of chapter 1 of division 4 of title 1 of the Government Code of the State of California entitled "Prohibitions Applicable to Specified Officers," as it now exists or hereafter may be amended, is hereby made a part of this Charter. In addition, no officer or employee of the city shall receive any gratuity or advantage from any contractor or person furnishing labor or material to the city under a contract which is made or administered by such officer or employee or by any body or board of which he is a member.

Sec. 9. Officers, etc., to be United States citizens.

All officers, and such other persons as specified by local, state or federal law, must be citizens of the United States during their period of employment.

Sec. 10. Payment for nomination, etc., to office.

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

Sec. 11. Acceptance by officers, etc., of donation or gratuity from applicant, subordinate, etc., for position with city.

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

Sec. 12. Conduct prohibited to city officers and employees with reference to contracts; connivance with contractors.

No officer or employee of the city shall aid or assist a bidder in securing a contract to furnish labor, or material or supplies at a higher price or rate than that proposed by any other responsible bidder, or shall favor one (1) bidder over another, giving or withholding information, or shall willfully mislead any bidder in regard to the character of the material or supplies called for, or shall knowingly accept materials or supplies of a quality inferior to those called for by the contract, or shall knowingly certify to a greater amount of labor performed than has actually been performed, or to the receipt of a greater amount of material or supplies than has actually been received.

Sec. 13. Approval, etc., by officer of unauthorized demand on treasury.

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

Sec. 14. Payment into city treasury of moneys received from taxes, licenses, fees, etc.\*

All moneys received from taxes, licenses, fees, fines, penalties and forfeitures, and all moneys which may be collected or received by any officer of the city in his official capacity, or by any department of the city, for the performance of any official duty, and all moneys accruing to the city from any source, and all moneys directed by law, or by this Charter, to be paid or deposited in the treasury, shall be paid into the treasury daily.

The treasurer shall receipt for each such deposit in triplicate, giving the original and duplicate to the

depositor, who must file the duplicate with the director of administrative services.

\* In connection with this section, see Charter, Art. XXIII, § 22.

Sec. 15. Inspection of books and records.

All books and records of every office and department shall be open to the inspection of any citizens during business hours, subject to the proper rules and regulations for the efficient conduct of the business of such department or office; but the records of the police department shall not be subject to such inspection except by permission of the proper police authorities. The council may, by ordinance, prohibit the inspection of tax returns and tax investigation records which disclose the amount or source of income, profits, losses or expenditures of any taxpayer or person required to file a return. (1953.)

Sec. 16. Copies or extracts from books and records.

Copies or extracts from said books and records open for inspection shall be given by the officer having the same in custody to any person demanding the same and paying such fees for the copies or extracts and for certifying, if certification is also required, as the council may from time to time establish by ordinance. (1967.)

Sec. 17. Office hours for city officers.

Unless otherwise provided for by law, all city officers shall keep such office hours as may be established by ordinance.

Sec. 18. Continuation of ordinances and resolutions in force at effective date of Charter.\*

All ordinances and resolutions in force at the time this Charter takes effect, and not inconsistent therewith, shall continue in full force until amended or repealed.

\* As to when Charter takes effect, see Charter, Art. XXIII, § 28.

Sec. 19. Officers, etc., in office at effective date of Charter.\*

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

\* As to when Charter takes effect, see Charter, Art. XXIII, § 28.

Sec. 20. First election under Charter.

The present board of trustees shall provide for the holding of the first election of officers under this Charter and shall canvass the votes and declare the result thereof.

Sec. 21. Effect of adoption of Charter on vested rights, etc., of city.

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

Sec. 22. Officers to report fees, etc., monthly.\*

On the first day of each month every officer authorized by law to charge any fee, commission, percentage, allowance or compensation, must make a written report to the director of administrative services of all moneys received by him during the preceding month.

\* In connection with this section, see Charter, Art. XXIII, § 14.

Sec. 23. Severability clause applicable to Charter.

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

Sec. 24. Purchases from local merchants.

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

Sec. 25. Political activity or contributions on part of city manager, etc.

Neither the city manager, nor any person in the employ of the city shall take any active part in securing, or shall contribute money toward the nomination or election of any candidate for a municipal office.

Sec. 26. Vesting of city's powers generally.

All the powers of the city except as otherwise provided by this Charter, are hereby vested in the council.

Sec. 27. Penalties, violation of ordinances.

The violation of the Charter or ordinance of the city shall be a misdemeanor except that notwithstanding any other provision of this Charter or by ordinance, any such violation constituting a misdemeanor may, in the discretion of the city attorney, be charged and prosecuted as an infraction. Fines and penalties shall be set by the council, but the maximum fine or penalty for any such violation shall be the sum of one thousand dollars (\$1,000.00), or a term of imprisonment for a period not exceeding six (6) months, or both such fine and imprisonment, or such greater fine or imprisonment as established by state law for general law cities. The council by ordinance may provide that a violation of an ordinance shall be classified as an infraction and set the fine for a violation thereof. (1982.)

Editor's Note: The catchline of this section originally read as follows: "Penalty for violation of Charter or ordinances; working prisoners."

Sec. 28. When Charter to take effect.

For the purpose of electing all elective officers, and all purposes connected therewith, this Charter shall take effect from the time of its approval by the Legislature. For all other purposes, it shall take effect on July 5th, 1921.

Sec. 29. Authority of city to establish a municipal court.

The City of Glendale may establish a municipal court when, and in such manner as may be authorized by the Constitution or laws of the State of California. (1931.)

Sec. 30. Administering oaths.

The head of each department and such deputies or assistants as such department head may

designate shall have power to administer oaths and affirmations in connection with any official business of the city. (1982.)

#### Article XXIV. Civil Service.

Sec. 1. Creation and composition of civil service commission; appointment, term and compensation of members; vacancies; chairman, chief examiner, etc.

A civil service commission is hereby created, consisting of five (5) qualified electors of the City of Glendale, who shall be appointed by the council and who shall serve without compensation. They shall hold office for a period of four (4) years and until their successors are appointed and qualified; provided that of those first appointed, two (2) shall be appointed to serve until the 1st day of May, 1939, three (3) shall be appointed to serve until the 1st day of May, 1941; and provided further, that any person appointed to fill a vacancy on the commission shall be appointed to serve for the remainder of the unexpired term.

The commission shall organize by electing one (1) of its members chairman. It shall appoint, subject to the approval of the council, a chief examiner, who shall not be a member of the commission and who shall also act as secretary of the commission. The commission may appoint such other subordinates as the council may authorize. The chief examiner and such other subordinates shall receive such compensation as the council shall from time to time determine by ordinance. (1933, 1937.)

Editor's Note: The catchline of this section originally read as follows: "Commission creation and organization."

Sec. 2. Duties of civil service commission generally; rules.

The commission shall prescribe, amend and enforce rules for the classified service, subject to the approval of the council, which shall have the force and effect of law; shall keep minutes of its proceedings and records of its examinations; and shall, as a board or through a single commissioner, make investigations concerning the enforcement and effect of this article and of the rules and efficiency of the service. It shall make an annual report to the council.

The rules shall provide:

(1) Classification of Positions. For the classification of all positions in the classified service.

(2) Competitive Examinations--Generally. For open, competitive examinations to test the relative fitness of applicants for all such positions, except positions for which competition has been suspended, as provided in this article.

(3) Same--Public Advertisement. For public advertisement of all competitive examinations.

(4) Eligible Lists. For the creation of eligible lists upon which shall be entered the names of successful candidates in the order of their standing in examination. Such lists shall remain in force not longer than two (2) years nor less than one (1) year provided that the commission may cancel any list established from an open examination which contains the names of not more than three (3) persons whose names have been submitted for appointment and the persons not appointed.

(5) Grounds for Rejection of Candidates or Eligibles. For the rejection of candidates or eligibles who fail to comply with the requirements of the commission in regard to age, residence, sex, physical condition, or who have been guilty of crimes or infamous or disgraceful conduct, or who have attempted any deception or fraud.

(6) Procedure as to Appointments. For the appointment of one (1) of the three (3) persons standing highest on the appropriate eligible list, except when competition has been suspended as provided in this article; provided that the appointing agency may appoint a person from an eligible list containing less than three (3) names; and provided further that any person whose name has been certified three (3) times without appointment shall have his name dropped to the end of said list.

(7) Probation Period. For a period of probation not exceeding twelve (12) months before appointments or promotions are made complete.

(8) Temporary or Seasonal Appointments. For temporary appointments to permanent positions and

appointments to temporary or seasonal positions, when there is no appropriate eligible list; provided, that no permanent position shall be filled by temporary appointees for a period longer than six (6) months except when due to a leave of absence or in cases of emergency. Appointments to temporary or seasonal positions and temporary appointments due to a leave of absence may be for such period of time as may be fixed by the commission. The commission shall determine whether any position is in character temporary, seasonal or permanent. The acceptance or refusal to accept temporary or seasonal employment on the part of a person on an eligible list shall not be a bar to appointment to a permanent position from said eligible list.

(9) Transfer; Demotion; Reinstatement. For transfer from one (1) position to a similar position, or to a lower position upon request of the employee affected, and for reinstatement within one (1) year of persons who, without fault or delinquency on their part, are separated from the service or reduced.

(10) Promotion. For promotion based upon competitive examination and records of efficiency, character, conduct and seniority; provided, that promotional examination shall be open only to those persons who are employed in positions designated by the commission as appropriate for promotional purposes, who have served in any such position or positions for an aggregate of at least six (6) months, and who satisfy the preliminary requirements of the commission for the position to be filled. Examinations may be exclusively promotional or may be combined with original examinations. Unless the commission finds that it would not be consistent with the best interests of the city, a vacancy, except one (1) for which competition has been suspended, as provided in this article, shall be filled by promotion.

(11) Suspension Without Pay. For suspension without pay for a period not to exceed ninety (90) days.

(12) Adoption and Amendment of Rules Generally. For the adoption and amendment of rules only after public notice and hearing.

(13) Appointment of Unskilled Laborers. For the appointment of unskilled laborers after such tests as to fitness as the commission may prescribe.

(14) Further Provisions as to Adoption of Rules. For the adoption of such rules not inconsistent with the provisions of this Charter as may be necessary and proper to carry out the provisions of this article. (1933; 1937; 1943; 1949; 1957; 1982.)

Editor's Note: The catchline of this section originally read as follows: "Duties of the commission."

Sec. 3. Power of civil service commission to subpoena witnesses, etc.

In any investigation conducted by the commission, it shall have the power to subpoena and require the attendance of witnesses and the production thereby of books and papers pertinent to the investigation, and each commissioner shall have the power to administer oaths to such witnesses. (1933; 1937.)

Editor's Note: The catchline of this section originally read as follows: "Power to subpoena witnesses."

Sec. 4. Examinations generally.

All applicants for positions in the classified service, except applicants for positions for which competition has been suspended as provided in this article, shall be subject to examination controlled by the commission. Such examinations shall be public, competitive and free, except as is otherwise provided in this article. Such examinations shall be practical in their character and shall relate to those matters which will fairly test the relative capacity of the persons examined to discharge the duties of the position to which they seek to be appointed, and when appropriate, shall include or exclusively consist of tests of physical qualifications, health, and manual skill. No question in any examination shall relate to political or religious opinions or affiliations. A stenographic report or sound recording of all oral examinations shall be made. The commission shall provide by rule when such report or recording may be destroyed, but such rule shall not permit destruction until at least thirty (30) days after approval of the eligible list resulting from the examination. (1933; 1937; 1957.)

Editor's Note: The catchline of this section originally read as follows: "Examinations."

Sec. 5. Suspension of competition.

(1) In case of a vacancy in a position requiring peculiar and exceptional qualifications of a scientific, professional, or expert character, and upon satisfactory evidence that competition is impracticable and that the position can best be filled by the selection of some designated person of recognized attainments, the commission may, after public hearing and by the affirmative vote of all its members, suspend competition, but no such suspension shall be general in its application to such position, and all such cases of suspension shall be reported, together with the reasons therefor, in the annual report of the commission.

(2) In case of a vacancy in the position of director of administrative services, city attorney or his assistants or deputies, director of public works, building official, city engineer, maintenance services administrator, head or chief librarian, or in an office created by ordinance, and upon the filing with the commission of a written statement by the appointing agency that it intends to appoint a designated person of recognized attainments to fill such vacancy, competition shall be suspended. (1933; 1937; 1957.)

Sec. 6. Preferences.

Nothing herein contained shall prevent or modify the giving of preferences in appointments in the classified service to veterans, widows of veterans, and wives of disabled veterans as such persons may be defined and such preferences now or hereafter may be authorized by the council. (1933; 1937; 1969.)

Sec. 7. Application of article; exception as to unclassified service.

The provisions of this article shall apply to all positions now existing or hereafter created, except those in the unclassified service.

The unclassified service shall consist of the following offices and employments:

All officers elected by the people.

All members of appointive boards and commissions, and persons serving without compensation.

The chief examiner of the civil service commission.

The city assessor.

The city manager.

The assistant city manager.

The secretary of the city manager.

The city tax collector.

One secretary of any officer elected by the people.

Special officers of the police and fire departments.

Positions in any unskilled labor class created for a special or temporary purpose and which do not exist for a period of longer than thirty days; provided that the commission may, upon application of the appointing agency and after public notice and hearing, by the affirmative vote of four-fifths (4/5) of its members, exempt any position in any unskilled labor class or any part time, seasonal or temporary position for such period of time as it may determine; and provided further, that any such exemption shall not affect the tenure of any person whose appointment has become complete under this article.

Persons employed to render professional, scientific, technical or expert service of an occasional and exceptional character. (1933; 1937; 1947; 1953; Reso. No. 13, 802, § 1.)

Editor's Note: The catchline of this section originally read as follows: "Unclassified and classified service."

Sec. 8. Tenure of officers and employees in present employment.

All persons in the classified service, whose appointments have become complete, shall be discharged only for cause as herein provided. (1933; 1937.)

Sec. 8.1. (Repealed).

Editor's Note: This section was repealed in 1957. It formerly dealt with tenure of certain county employees stationed within territory proposed to be annexed to city.

Sec. 9. Procedure as to removal, suspension and reduction in rank.

Any person employed in the classified service may be removed, suspended or reduced in rank or grade after appointment or promotion is complete by the appointing agency, for cause, by an order in writing stating specifically the reasons therefor. Said order shall be filed with the commission and a copy thereof served upon the employee so removed, suspended or reduced. Any person so removed, suspended or reduced may, within five (5) days after presentation to him of a copy of the order of removal, suspension or reduction, appeal to the commission from such order. The commission or its authorized representative shall, within two (2) weeks after the filing of said appeal, commence a proceeding to fully hear and determine the matter. If an authorized representative of the commission hears the appeal, any proposed determination shall be presented to the commission with a report of the proceedings and the commission shall review the same and make its determination adopting or modifying or revoking the determination made by the authorized representative. The commission's determination shall be final. (1933; 1937; 1965.)

Sec. 9a. Leave of absence.

Upon the expiration of any leave of absence of a person in the classified service such person shall report for duty and thereupon be returned to the position from which such leave of absence was taken. All temporary employment caused by a leave of absence shall be made from the appropriate eligible list. A leave of absence shall not constitute separation from the service. (1933; 1937.)

Sec. 9b. Abolishment of positions.

When a position in the classified service is abolished, the reduction and termination of all persons affected thereby shall be in accordance with the rules and regulations of the commission adopted for that purpose which shall follow as closely and practicable the reverse order of the lines of promotion and give credit according to seniority. (1959.)

Sec. 10. Procedure as to appointments.

The person or persons having authority of appointment shall notify the commission of any appointment made, and the commission shall certify such fact to the director of administrative services. The director of administrative services shall not approve any salary or compensation for services to any person holding or performing the duties of a position in the classified service until the appointment shall have been so certified. (1933; 1937.)

Editor's Note: The catchline of this section originally read as follows: "Certification of appointment."

Sec. 11. Severability clause applicable to article; remedying defects caused by unconstitutionality. If any section, subsection, sentence, clause, or phrase of this article is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portion of this article. The electors hereby declare that they would have passed this article, and each section, subsection, sentence, clause, and phrase hereof, irrespective of the fact that any one (1) or more other sections, subsections, sentences, clauses, or phrases are declared unconstitutional. If any portion of this Charter relating to civil service should be held to be unconstitutional, the council shall by ordinance provide for a substitute for such portion in such manner as to remedy the defect. (1933; 1937.)

Editor's Note: The catchline of this section originally read as follows: "Constitutionality."

Sec. 12. (Repealed).

Editor's Note: This section was repealed in 1945. It formerly dealt with old-age retirement.

Sec. 13. War or emergency appointments.

During any war in which the United States is engaged or any national emergency causing induction or conscription for the armed forces, and notwithstanding any other provision of this article, the commission, after public notice and hearing, may authorize temporary appointments with or without examination to any position or positions in the classified service for such period of time as the commission may determine, but not exceeding the duration of said war or emergency and six (6) months thereafter. Such position or positions, while filled by such temporary appointments, shall be in the unclassified service. The date of termination of a war or emergency, for the purposes of this section, shall be as fixed by proclamation of the President of the United States, or by concurrent resolution of the two (2) Houses of Congress of the United States, or by resolution of the council of the City of Glendale, whichever date is earliest. (1943.)

Editor's Note: The catchline of this section originally read as follows: "War emergency appointments."

Article XXV. Employees' Retirement.

Sec. 1. City to participate in state system; contract with retirement system; tax.

The participation of the city in Public Employees' Retirement System shall continue and shall include all specific benefits and provisions heretofore approved by the council or by the voters. All other existing or future amendments to the public employees' retirement law which by their terms require amendment of the contract between the city and the system, may also apply if the council in its discretion elects by the adoption of an ordinance or resolution to amend the contract with said system to include such benefits or any of them. A tax sufficient for the city's participation shall be levied, in addition to taxes authorized elsewhere in this Charter. (1937; 1945; 1947; 1955; 1972.)

Article XXVI. Revenue Bonds for Waterworks and Electric Works.\*

\* In the case of *City of Glendale v. Chapman et al.*, 108 Cal. App. (2d) 75, 238 P. (2d) 162, it was held that an ordinance authorizing the issuance of municipal waterworks bonds payable only out of the net earnings of the waterworks is not invalid as authorizing the incurring of indebtedness contrary to section 18, article 11 of the constitution, requiring the vote of the people.

Sec. 1. Issuance generally; how payable; application of restrictions in Charter outside this article. Revenue bonds for the purpose of providing moneys for the acquisition or construction of additions to or extensions or improvements of the waterworks or electric works of the city or for the purpose of refunding any revenue bonds previously issued under this article may be issued only as provided in this article. Such revenue bonds shall not constitute any indebtedness of the city but shall be payable, principal and interest, only from the revenue fund derived from the public utility to be added to, extended or improved with the proceeds of said bonds or the proceeds of the bonds to be refunded with said bonds, and no restrictions or limitations upon or procedure for the issuance of bonds in other articles of this Charter shall apply to such revenue bonds. (1949.)

Editor's Note: The catchline of this section originally read as follows: "Revenue bond purposes."

Sec. 2. Bond ordinance generally.

Whenever the council proposes to issue revenue bonds pursuant to this article it shall adopt an ordinance authorizing the issuance of such bonds which shall recite the objects and purposes for which the bonds are to be issued, the principal amount thereof, the maximum rate of interest thereon, the date of issue of said bonds, the maturity dates thereof, and the revenue fund from which said bonds and the interest thereon are to be payable, and such provisions authorized by Section 3 of this article as the council deems desirable. Said bonds shall be issued in negotiable form and shall be negotiable. The recitals of regularity of proceedings in any revenue bond issued and sold shall be conclusive evidence of compliance with the provisions of this article and of the validity of such bond. (1949.)

Editor's Note: The catchline of this section originally read as follows: "Revenue bond ordinance."

Sec. 3. Terms and conditions of bond ordinance, etc.; bond ordinance, etc., as contract.

In the ordinance authorizing the issuance of said bonds or in any ordinance, resolution or order in the proceedings for the issuance and sale thereof, or in any indenture authorized by the council in respect of said bonds, the council may, in any article, section, sentence, or clause thereof make such provisions as it may deem necessary or desirable to facilitate the issuance and sale of the bonds or for the protection or security of the holders thereof, including without affecting the generality of the foregoing provisions for any or all of the following:

1. The denominations of the bonds, the rate or rates of interest thereon, the medium of payment thereof, the place or places of payment thereof, within or without the State of California, the form of said bonds (including recitals of regularity) and of interest coupons pertaining thereto, the form, denomination and conditions of any temporary bonds or interim certificates, and the manual or facsimile signatures to be affixed to said bonds, coupons or certificates.
2. The terms and conditions under which said bonds may be issued, sold, paid, called before maturity, refunded, exchanged, registered, transferred and negotiated, and issues for more than one (1) purpose or utility may be sold on all or none basis.
3. Rates to be charged for services furnished by the public utility added to, extended or improved with the proceeds of said bonds, such rates to provide revenue at least sufficient to pay as the same become due, principal and interest of such bonds and all other obligations payable from the revenue fund of such works or from any fund derived therefrom and the necessary expenses of maintaining and operating such works, and the extent to which such services may be furnished or rendered to the city or to any public corporation free or at lower rates than those otherwise charged.
4. The revenue fund from which said bonds and the interest thereon shall be paid; the collection, deposit and safekeeping of revenues, the permissible uses thereof (including restrictions upon or prohibitions against any uses authorized or required by other articles of this Charter), the special fund or funds to be kept for the payment of principal and interest of the bonds, including reserve, sinking, interest and redemption, and trust funds; the permissible investments for moneys in said funds, the accounts and records to be kept, audits thereof and examination thereof by bondholders and others.
5. The carrying of insurance upon such public utility, or any part thereof, against any and all risks.
6. Prohibitions against or limitations upon the sale, lease or other disposition of such public utility.
7. Prohibitions against or limitations upon the issuance of any additional bonds payable from the revenues of the public utility so acquired, constructed, extended or improved, but no bonds shall be issued pursuant to this article or under any other provision of this Charter having any priority in payment of principal or interest out of such revenues over revenue bonds theretofore or thereafter issued and payable out of said revenues.
8. Provisions whereby the consent or agreement of a stated percentage or number of the holders of the bonds may bind all holders to modifications of the provisions of any ordinance, resolution, order or indenture authorizing or providing for the issuance of such bonds, or to a refunding of said bonds and to calls or exchanges in connection with such refunding.
9. Any other provisions valid under the Constitutions of the State of California and United States of America which the council deems necessary or desirable to facilitate the issuance and sale of said bonds or for the protection of holders thereof.

The ordinance authorizing the issuance of said bonds, any indenture authorized by the council, and all other ordinances, resolutions, or orders in the proceeding for the issuance of said bonds shall constitute a contract with the holders of the bonds and may be enforced by them under any applicable legal remedies. (1949.)

Editor's Note: The catchline of this section originally read as follows: "Revenue bonds--Terms and conditions."

#### Sec. 4. Limitations on issuance.

The following limitations shall apply to the issuance of bonds under this article.

1. Said bonds shall be payable within not more than forty years from the date of issue thereof, and not less than one-fortieth part of the whole of any issue of bonds shall be payable annually beginning not later than ten (10) years from the date of such issue.
2. Said bonds shall be designated "Revenue Bonds" and each bond shall state on its face that it does not constitute an indebtedness of the City of Glendale but is payable, principal and interest, only from the revenue fund of the utility for which the proceeds of the bonds will be used.
3. Said bonds shall be sold only at public sale following such notice as the council by resolution may prescribe; provided, however, that if no satisfactory bid is received pursuant to such notice the council may reject all bids received, if any, and thereafter sell said bonds at public or private sale; provided, further, that the provisions of this subsection shall not apply to the exchange of any refunding bonds.
4. Said bonds shall be sold for not less than par and accrued interest to date of delivery. The proceeds from the sale (except premium and accrued interest which shall be used for the payment of principal and interest of the bonds) shall be applied exclusively to the objects and purposes set forth in the ordinance authorizing the issuance thereof; provided, however, that said proceeds may be used for the payment of interest on said bonds during the period of acquisition and construction and for the first six (6) months thereafter; and provided, further, that when the objects and purposes for which the bonds were issued have been accomplished any remaining unexpended funds derived from the sale of said bonds shall be used for the payment of the principal and interest of said bonds. (1949.)

Editor's Note: The catchline of this section originally read as follows: "Revenue bonds--Limitations."

#### Sec. 5. Construction of bond ordinances, etc.; control of Charter provisions by ordinance.

To the extent that any provision of any ordinance authorizing the issuance of bonds pursuant to this article or of any ordinance, resolution, order or indenture pertaining thereto, adopted, made or entered into pursuant to the authority of this article, is inconsistent with any of the provisions of any other article of this Charter, the provisions of such ordinance, resolution, order or indenture shall control so long as any of the bonds and interest coupons to which the same pertain are outstanding and unpaid. (1949.)

Editor's Note: The catchline of this section originally read as follows: "Revenue bond proceedings--Effect of."