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CHARTER

OF THE
CITY OF PASADENA, CALIFORNIA

ADOPTED

January 29, 1901

AMENDED

February 16, 1905

January 12, 1965

March 3, 1909

May 10, 1966

January 21, 1913

July 9, 1968 (Revised)

April 29, 1919

July 1, 1969

May 16, 1921

July 17, 1970

May 18, 1923

January 14, 1971

January 17, 1927

July 21, 1972

January 16, 1931

July 1, 1973

January 11, 1933

August 1, 1976

January 17, 1935

July 1, 1977

April 30, 1937

May 1, 1979

January 10, 1939

October 10, 1980

May 2, 1939

January 1, 1981

January 16, 1941

July 9, 1984

January 26, 1943

December 17, 1984

March 23, 1945	January 7, 1987
March 24, 1947	June 5, 1991
April 13, 1949	March 9, 1993
January 23, 1951	March 7, 1995
March 29, 1951	March 4, 1997
March 27, 1953	November 3, 1998
March 17, 1954	November 7, 2000
January 13, 1955	March 6, 2001
January 19, 1961	March 4, 2003
January 14, 1963	November 7, 2006
	June 5, 2012
	June 5, 2018
	November 3, 2020

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**CHARTER OF THE
CITY OF PASADENA, CALIFORNIA**

ARTICLE I - NAME AND BOUNDARIES

Section 101. - NAME.

The City of Pasadena shall continue to be a municipal corporation under its present name, "City of Pasadena."

Section 102. - BOUNDARIES.

The boundaries of the City shall be the boundaries as established when this Charter takes effect, or as they may be changed thereafter in the manner authorized by law.

ARTICLE II - SUCCESSION

Section 201. - RIGHTS AND LIABILITIES OF THE CITY.

The City of Pasadena shall continue to own, possess, and control all rights and property of every kind and nature, owned, possessed or controlled by it when this Charter takes effect and shall be subject to all its debts, obligations, liabilities, and duties.

Section 202. - RIGHTS OF OFFICERS AND EMPLOYEES.

Nothing in this Charter, except as specifically provided, shall affect or impair the tenure, pension, retirement rights, or privileges of officers and employees of the City, or of any office, department, or agency thereof, existing when this Charter takes effect.

Section 203. - CONTINUATION OF ORDINANCES.

All ordinances, resolutions, rules, and regulations, or portions thereof, in force when this Charter takes effect, and not in conflict herewith, hereby are continued in force until amended, repealed or superseded.

Section 204. - CONTINUATION OF PRESENT OFFICERS AND EMPLOYEES.

All officers and employees in office or employed when this Charter takes effect shall continue to hold office and exercise their respective duties under the terms of this Charter.

Section 205. - CONTINUANCE OF CONTRACTS, PUBLIC IMPROVEMENTS, AND PROCEEDINGS.

All rights, claims, actions, orders, contracts, public improvements, and legal or administrative proceedings shall continue except as modified pursuant to the provisions of this Charter and in each case shall be maintained, carried on, or dealt with by the city department, office, or agency appropriate under this Charter.

Section 206. - EFFECTIVE DATE OF CHARTER.

This Charter shall take effect when the resolution of the Legislature approving this Charter is filed with the Secretary of State.

ARTICLE III - POWERS OF THE CITY

Section 301. - GENERAL POWERS.

The City shall have the 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 and in the Constitution of the State of California. It shall have the power to exercise any and all rights, powers, and privileges heretofore or hereafter granted or prescribed by general laws of the State, or by other lawful authority, or which a municipal corporation might or could exercise under the Constitution of the State of California.

Section 302. - LICENSING POWER.

The City shall have the power to license for the purpose of revenue or regulation, or both, every kind of lawful business transacted in the City and fix the license tax therefor.

Section 303. - JOINT POWERS.

The City shall have the power to contract with any governmental entity or regulated public utility, both inside and outside the city limits, to perform such services or to acquire, construct, or administer jointly such public works, public utilities, or other facilities as are beneficial to its citizens or the consumers of its utilities.

Section 304. - PROCEDURES.

The City shall have the power and may act pursuant to any procedure established by the general laws of the State, unless a different procedure is established by ordinance.

Section 305. - LIMITATION ON POWER.

The enumeration of powers in this Charter shall not be held to be exclusive of or any limitation upon the general powers stated in Section 301 of this Charter.

ARTICLE IV - THE CITY COUNCIL

Section 401. - NUMBER AND TERM.

- A. There shall be a City Council consisting of a Mayor and seven Councilmembers. The seven Councilmembers shall be nominated and elected by district as provided in this Charter. Except as provided in subsection B, the term of office of the Mayor and Councilmembers shall be four years.

- B. Notwithstanding any other provision of this Charter, in order to transition to new election dates starting in 2018, the terms of office of the Mayor and Councilmembers elected in 2015 shall expire in December 2020 and the terms of office of Councilmembers elected in the year 2017 shall expire in December 2022.
- C. Beginning in the year 2020, the terms of office of the Mayor and Councilmembers elected from Districts 1, 2, 4, and 6 shall commence in the year 2020 and in each fourth anniversary of the year 2020, and the terms of office of the Councilmembers elected from Districts 3, 5, and 7 shall commence in the year 2022 and in each fourth anniversary of the year 2022. The terms of office of the Mayor and Councilmembers shall commence at the time of the City's organizational meeting held on the fifth Monday following the statewide general election and until their respective successors are elected and have duly qualified.

(Sec. 401 amended by vote of the people 6-5-2018: Sec. 401 amended by vote of the people 11-3-1998: Sec. 401 amended by vote of the people 3-9-1993: Sec. 401 amended by vote of the people 11-4-1980, effective January 1, 1981.)

Section 402. - ELIGIBILITY.

The Mayor and each Councilmember shall be a qualified elector of the City. Each Councilmember shall be a resident of the district from which the Member is elected or appointed.

(Sec. 402 amended by vote of the people 11-3-1998: Sec. 402 amended by vote of the people 3-9-1993: Sec. 402 amended by vote of the people 6-8-1976, effective August 1, 1976.)

Section 403. - VACANCY DEFINED.

If the Mayor shall cease to be a resident of the City or if any Councilmember shall cease to be a resident of the district, respectively, from which elected or appointed, or if either the Mayor or any Councilmember shall be absent without permission of the City Council from all regular City Council meetings within a period of 60 consecutive days from the last regular meeting attended, shall resign, shall be adjudged legally incompetent or shall be otherwise barred from holding office by reason of state or federal law, that office shall thereupon be declared vacant by a majority vote of the City Council.

(Sec. 403 amended by vote of the people 11-3-1998: Sec. 403 amended by vote of the people 3-9-1993: Sec. 403 amended by vote of the people 11-4-1980, effective January 1, 1981.)

Section 404. - VACANCY—APPOINTMENT.

If a vacancy occurs in the office of Mayor, the Vice Mayor shall assume the duties of the office of Mayor until the office shall be filled at the next general municipal election. The assumption of the duties of the Mayor shall not require that the Vice Mayor relinquish his or her seat as a Councilmember elected or

appointed from a district. If a vacancy occurs among any other members of the City Council, the remaining members shall within 75 days after such occurrence appoint a qualified resident voter of the unrepresented district who shall hold office until the office is filled at the next general municipal election. If the City Council cannot agree on one person to fill the vacancy, the replacement shall be chosen by lot.

Nothing herein provided shall limit the power of the City Council to provide by ordinance for the continuity of the City Government in the event of war, enemy-caused disaster or common accident in which a majority of the members of the City Council are killed, missing or injured so as to be unable to perform their duties.

(Sec. 404 amended by vote of the people 11-3-1998; Sec. 404 amended by vote of the people 3-9-1993.)

Section 405. - COMPENSATION.

Pursuant to an ordinance adopted by the City Council authorizing the formation of a Committee on City Councilmembers' Compensation ("the Committee"), each member of the City Council shall nominate one person to the Committee, subject to the approval of the City Council. The duties of the Committee shall be to study, take public input, and make recommendations regarding the compensation paid to members of the City Council and benefits to which the members of the City Council are entitled including, but not limited to, insurance, expense allowances and reimbursement.

Each member of the Committee shall be an elector of the City. In making their nominations, City Councilmembers shall consider persons recommended by representatives of the fields of higher education, labor, business, and organizations reflecting the diversity of the City. No person shall be eligible for membership on the Committee who is, or within five years prior to his or her appointment was, an officer or employee of the City; or who has, within five years prior to his or her appointment, had any personal or business-related contractual relation with the City.

The nominee of the Mayor shall act as temporary chair of the Committee, with the power to fix the time and place of the Committee's first meeting. At such meeting, the Committee shall elect a Chair and a Vice-Chair, and shall adopt such rules as it deems necessary to conduct its business. The provisions of the Ralph M. Brown Act shall govern the conduct of meetings of the Committee. Records of the Committee shall be maintained as public records as provided by State law. The Committee shall gather such information as it deems necessary to complete its duties, and prior to making its recommendation, shall hold at least one duly-noticed public hearing for the purpose of seeking public input. The City Manager shall provide office space, staff assistance and supplies for the work of the Committee. Committee members shall serve without compensation, other than reimbursement for reasonable expenses pursuant to City ordinance.

Not later than October 1 of the year the Committee is appointed, the Committee shall submit to the City Council a report adopted by a majority of the members of the Committee recommending either that no change be made in the compensation paid to members of the City Council, or that change, either an

increase or a decrease, be made and the amount thereof. If such report is not timely submitted, or is not adopted by a majority of the members of the Committee, the Committee's recommendation shall be deemed to be a recommendation for no change. The Committee shall cease to exist thirty (30) days after its report is submitted to the City Council.

The City Council may take no action on the recommendation, or it may, by ordinance, adjust the compensation paid to members of the City Council by an amount not to exceed the recommendations of the Committee. No action which increases the compensation of City Council in excess of the level recommended by the Committee may be taken without a vote of the people. Any ordinance adopted pursuant to a recommendation of the Committee shall be adopted by a 2/3 majority vote and shall be subject to referendum as provided in this Charter. Once compensation has been initially established as provided in this section, no increase in the annual compensation shall be greater than five percent for each calendar year following the operative date of the most recent change for the compensation. No more than one ordinance establishing the compensation of City Council members may be adopted in any two calendar year period. Any compensation and benefits fixed as a result of this Section shall constitute full compensation for the services of the City Council member and the maximum benefits provided to the City Council member by the City.

Until such time as the City Council adopts an ordinance as provided herein, Councilmembers shall continue to receive the compensation in effect as of the effective date of the Section.

(Sec. 405 amended by vote of the people 11-3-1998: Sec. 405 amended by vote of the people 3-9-1993: Sec. 405 amended by vote of the people 11-4-1980, effective May 4, 1981.)

Section 406. - THE MAYOR.

The Mayor shall be nominated and elected by the voters of the City at large for a term of four years, except as provided in Section 401 (B). The Mayor shall be a voting member of the City Council and shall preside at meetings of the City Council. The Mayor shall act as chief executive of the City in performing all acts required to be performed under the laws of the State of California and this Charter. The Mayor shall be recognized as the official head of the City for all ceremonial purposes, by the Courts for the purpose of serving civil process and by the Governor of the State for military purposes. The Mayor shall have a voice and vote in all proceedings of the City Council and shall perform such other duties as may be prescribed by this Charter or as may be imposed by the City Council consistent with his or her office.

(Sec. 406 amended by vote of the people 6-5-2018: Sec. 406 amended by vote of the people 11-3-1998: Sec. 406 amended by vote of the people 3-9-1993.)

Section 407. - THE VICE MAYOR.

At its organizational meeting, the City Council shall elect from among the Councilmembers a Vice Mayor who shall exercise the powers and perform the duties of the Mayor during the latter's absence or disability.

(Sec. 407 amended by vote of the people 11-3-1998; Sec. 407 amended by vote of the people 3-9-1993.)

Section 408. - POWERS VESTED IN THE CITY COUNCIL.

All powers of the City shall be vested in the City Council subject to the provisions of this Charter and to the Constitution of the State of California. The City Council is empowered to carry into effect the provisions of this Charter, to execute the powers vested in the City, and to perform all duties and obligations imposed upon the City by State law.

(Sec. 408 amended by vote of the people 3-9-1993.)

Section 409. - OFFICERS APPOINTED BY CITY COUNCIL.

The City Council shall appoint and may remove the City Manager, City Attorney, City Prosecutor, and City Clerk.

The City Prosecutor shall prosecute misdemeanor offenses arising out of violations of the law of the State and ordinances of the City.

(Sec. 409 amended by vote of the people 3-9-1993.)

Section 410. - ORGANIZATION OF CITY OPERATIONS AND ACTIVITIES.

The City Council shall, by ordinance, provide for the organization of all city operations and activities into functional units and may modify and change the organization from time to time. This organization shall be accomplished through the creation and establishment, by ordinance, of city departments, offices and agencies, advisory boards, commissions and committees. In establishing departments, offices, agencies, boards, commissions and committees, the Council shall provide for the functions, powers and duties of each such department, office, agency, board, commission or committee created.

The City Council may, by ordinance, abolish, consolidate, modify or separate any department, office, agency, board, commission or committee, and may assign, reassign, or modify any functions, powers or duties.

(Sec. 410 amended by vote of the people 3-9-1993; Sec. 410 amended by vote of the people 6-8-1976, effective August 1, 1976.)

Section 411. - PROHIBITIONS.

- (A) Neither the Mayor nor any City Council member shall be eligible to hold any paid office created by the City Council while a member thereof and until one year after the expiration of the term for which he or she was elected.
- (B) Except for purposes of inquiry, the Mayor, the City Council and its members shall deal with the administrative service under the City Manager solely through the City Manager, and neither the Mayor, the City Council nor its members shall attempt to influence or to direct any subordinates of the City Manager.

(Sec. 411 amended by vote of the people 11-3-1998: Sec. 411 amended by vote of the people 3-9-1993.)

Section 412. - OFFICIAL BONDS.

The City Council may, by ordinance, require any city officer or employee to give and execute to the City an official bonds for the faithful performance of official duties. The Premium therefor shall be paid by the City.

(Sec. 412 amended by vote of the people 3-9-1993.)

ARTICLE V - LEGISLATION

Section 501. - MEETINGS.

The City Council shall hold meetings at such time, place, and manner as it shall fix by ordinance. All meetings shall be open to the public, except as otherwise provided by law.

(Sec. 501 amended by vote of the people 3-9-1993.)

Section 502. - QUORUM.

A quorum of the City Council shall consist of five of the eight members thereof, but a lesser number may adjourn from time to time or compel the attendance of other members in such manner and under such penalties as the City Council may prescribe.

(Sec. 502 amended by vote of the people 11-3-1998: Sec. 502 amended by vote of the people 3-9-1993.)

Section 503. - PROCEEDINGS.

Rules for the conduct of the City Council proceedings shall be established by ordinance.

(Sec. 503 amended by vote of the people 3-9-1993.)

Section 504. - OATHS AND SUBPOENAS.

Each member of the City Council shall have the power to administer oaths and affirmations in any investigation or proceeding pending before the City Council. The City Council shall have the power to compel the attendance of witnesses, to examine them under oath, and to compel the production of evidence.

(Sec. 504 amended by vote of the people 3-9-1993.)

Section 505. - ORDINANCES, RESOLUTIONS AND MOTIONS.

Action shall be taken by the City Council by means of ordinances, resolutions and motions. Ordinances and resolutions shall be introduced in writing. No ordinance shall be adopted by the City Council on the day of its introduction. Oral motions require only to be duly adopted by the City Council and spread upon the minutes.

(Sec. 505 amended by vote of the people 3-9-1993.)

Section 506. - ACTION BY CITY COUNCIL.

No action of the City Council, including the adoption of ordinances, resolutions and motions, shall be valid unless it receives the affirmative vote of five members.

(Sec. 506 amended by vote of the people 11-3-1998; Sec. 506 amended by vote of the people 3-9-1993.)

Section 507. - ENACTING CLAUSE.

The enacting clause of all ordinances shall be "The People of the City of Pasadena ordain as follows."

Section 508. - PUBLICATION OF ORDINANCES.

All ordinances adopted under this Charter shall be published by the City Clerk at least once in a newspaper of general circulation in the City, and until such publication no ordinance shall take effect. Land use zones may be established (a) by legal description; (b) by reference to a map or plat referred to in such ordinance and published as part thereof, or (c) by reference to a map or plat on file with the City Clerk provided the ordinance designates the area in relation to the names of the public streets within the area depicted and incorporates such map or plat by reference. As an alternative to publications as specified herein, after adoption, the title and summary, as approved by the City Council, may be published in a newspaper of general circulation in the City.

(Sec. 508 amended by vote of the people 3-9-1993.)

Section 509. - SIGNATURE AND CERTIFICATION.

Every ordinance adopted by the City Council shall be signed by the Mayor or, in his or her absence, by the Vice Mayor, or shall be signed by five members of the City Council and shall be certified by the City Clerk.
(Sec. 509 amended by vote of the people 11-3-1998; Sec. 509 amended by vote of the people 3-9-1993.)

Section 510. - EFFECTIVE DATE OF ORDINANCES.

Ordinances shall take effect upon publication, except the following, which shall not take effect until the expiration of 30 days from publication.

- (A) Ordinances granting franchises.
- (B) General penal ordinances, except an ordinance required for the immediate preservation of the public peace, health or safety which declares the existence and nature of the emergency and which is adopted by an affirmative vote of at least six of the eight members of the City Council.

(Sec. 510 amended by vote of the people 11-3-1998; Sec. 510 amended by vote of the people 3-9-1993.)

Section 511. - CODIFICATION AND ADOPTION OF CODES.

The City Council may cause to be classified and codified under appropriate headings the ordinances of the City. Notwithstanding any other provisions of this Article, the City Council may adopt and thereafter amend a code of laws, rules or regulations by reference, in the manner prescribed by the Government Code as now or hereafter amended.

(Sec. 511 amended by vote of the people 3-9-1993.)

Section 512. - VIOLATION OF ORDINANCES; PENALTIES.

The violation of any penal ordinance of the City shall be a misdemeanor unless by ordinance the violation is made an infraction or by ordinance the prosecutor is authorized, in the prosecutor's discretion, to file a complaint charging the violation as an infraction. The maximum fine or penalty, or both, for any such violation shall be established by ordinance. Such fine or penalty, or both, shall not exceed the fine or penalty prescribed in the California Penal Code for violation of a comparable state law.

(Sec. 512 amended by vote of the people 6-5-84, effective 7-9-84; Sec. 512 amended by vote of the people 6-8-1976, effective August 1, 1976.)

ARTICLE VI - THE CITY MANAGER

Section 601. - CITY MANAGER.

There shall be a City Manager who shall be the chief administrative officer and head of the administrative branch of city government.

Section 602. - APPOINTMENT OF THE CITY MANAGER.

The City Manager shall be selected on the basis of his or her executive and administrative qualifications, and shall be appointed at a regular meeting of the City Council upon the affirmative vote of not less than five members thereof. Neither the Mayor nor any other member of the City Council shall receive such an appointment during the term for which he or she has been elected nor within two years after the expiration of his or her term.

(Sec. 602 amended by vote of the people 11-3-1998: Sec. 602 amended by vote of the people 3-9-1993: Sec. 602 amended by Stats November, 1986.)

Section 603. - REMOVAL OR RESIGNATION OF THE CITY MANAGER.

The affirmative vote of not less than five members of the City Council shall be required to remove the City Manager from office. The City Manager may resign by giving the City Council at least thirty days' written notice of his or her intention to resign, stating the reasons therefor.

(Sec. 603 amended by vote of the people 11-3-98: Sec. 603 amended by vote of the people 3-9-1993: Sec. 603 amended by Stats November, 1986.)

Section 604. - POWERS AND DUTIES OF CITY MANAGER.

The administrative and executive functions, powers, and duties provided in this Section, in addition to others specified in this Charter, hereby are delegated to and vested in the City Manager. He or she shall have the power and it shall be his or her duty:

- (A) To supervise, coordinate and administer the various functions of the City;
- (B) To see that the provisions of this Charter and all laws and ordinances of the City are enforced;
- (C) To appoint, promote, discipline and terminate the employment of all officers and employees of the City in accordance with the personnel system created pursuant to this Charter except those officers appointed by the City Council, which officers shall have the power to appoint their respective staffs;
- (D) To exercise supervision and control over all departments, divisions, and offices of the City except the City Attorney, City Prosecutor, and City Clerk, and their respective staffs;
- (E) Except when his or her removal is under discussion, to attend all meetings of the City Council, but he or she shall have no power to vote as a member thereof;

- (F) To recommend to the City Council for adoption such measures and ordinances as he or she shall deem necessary or expedient;
- (G) To see that all terms and conditions imposed in favor of the City or its inhabitants in any contract or in any franchise are faithfully kept and performed, and upon knowledge of any violation thereof to call the same to the attention of the City Attorney, whose duty it shall be to take such steps as are necessary to protect and enforce such terms and conditions;
- (H) To prepare and submit to the City Council the annual budget;
- (I) To keep the City Council at all times fully advised as to the financial condition and needs of the City; and
- (J) It shall be competent for the City Council to instruct the City Manager in all matters of policy, and any action, determination or omission of the City Manager shall be subject to review by the City Council, but no such action, determination or omission shall be overruled or modified by a vote of less than five members thereof, nor shall any otherwise valid contract previously made by the City Manager be subject to review.

(Sec. 604 amended by vote of the people 11-3-1998; Sec. 604 amended by vote of the people 3-9-1993; Sec. 604 amended by Stats November, 1986; Sec. 604 amended by vote of the people 6-8-1976, effective August 1, 1976.)

Section 605. - ACTING CITY MANAGER.

The City Council shall provide, by ordinance, for the designation and powers and duties of an acting City Manager who shall act as City Manager when the City Manager is absent or disabled.

(Sec. 605 amended by vote of the people 3-9-1993; Sec. 605 amended by vote of the people 6-3-1980.)

Section 606. - ACTING CITY MANAGER.

(Repealed by vote of the people 6-3-1980.)

ARTICLE VII - BOARD OF EDUCATION

Section 701. - ESTABLISHMENT OF A BOARD OF EDUCATION.

The control, management, and administration of the public elementary and secondary schools of the City of Pasadena and such territory that is now or may hereafter be annexed thereto for school purposes, in accordance with the Constitution and general laws of the State of California, is hereby vested in a Board of

Education consisting of seven members nominated and elected by geographic sub-district as provided in this Charter. The Board of Education is hereby vested with all the powers and charged with all the duties provided under state law for city boards of education.

(Sec. 701 amended by vote of the people 11-7-2000; Sec. 701 amended by vote of the people 6-8-1976, effective August 1, 1976; Sec. 701 amended by vote of the people 6-5-2012.)

Section 702. - TERM OF OFFICE.

- A. Except as provided in subsection B, the members of the Board of Education shall hold office for a term of four years, and until their successors are elected and have duly qualified.
- B. Notwithstanding any other provision of this Charter, in order to transition to new election dates starting in 2020, the terms of office of members of the Board of Education elected in the year 2015 shall expire in December 2020 and the terms of office of members of the Board of Education elected in the year 2017 shall expire in December 2022.
- C. Beginning in the year 2020, the terms of office of members of the Board of Education elected in the geographic sub-districts for seats 2, 4, and 6 shall commence in the year 2020 and in each fourth anniversary of the year 2020, and the terms of office of members of the Board of Education elected in the geographic sub-districts for seats 1, 3, 5, and 7 shall commence in the year 2022 and in each fourth anniversary of the year 2022. The terms of office for all members of the Board of Education shall commence on the fifth Monday following their election and until their respective successors are elected and have duly qualified.

(Sec. 702 amended by vote of the people 6-5-2018)

Section 703. - ELECTION.

Beginning in the year 2020, members of the Board of Education shall be elected at a general election held on the first Tuesday after the first Monday in November in each even-numbered year, coinciding with the statewide general election. Candidates to be voted on at the general election shall be residents and qualified voters of the geographic sub-district in which the election is held. Only voters who live in the geographic sub-district shall be eligible to vote in the elections for Board Member from that geographic sub-district. No names shall be printed upon the ballot in the general election for the office of member of the Board of Education other than those nominated in the manner hereinafter prescribed.

(Sec. 703 amended by vote of the people 6-5-2018; Sec. 703 amended by vote of the people 6-5-2012)

Section 704. - NOMINATING PETITION.

Any person desiring to become a candidate for the Board of Education to be filled at such election shall file, or have filed, with the City Clerk, acting in the capacity of Assistant Secretary to the Board of Education during Board of Education elections, in the form and in the period prior to the ^[1] ~~primary nominating~~ election prescribed by the California Elections Code, nominating papers signed by him/her specifying for which geographic sub-district he/she is a candidate, signed by not less than twenty five (25) qualified voters from the geographic sub-district in which the election is held, requesting such candidacy, and accompanied by a filing fee of \$25.00. The names of voters not residents of the geographic sub-district for which the candidate is being nominated shall not be counted by the County Registrar of Voters in determining the sufficiency of such petition.

(Sec. 704 amended by vote of the people 3-4-1997; Sec. 704 amended by vote of the people 6-5-2012.)

Footnotes:
--- (1) ---
*Clerical error.

Section 705. - ELIGIBILITY.

Each Board Member shall be a qualified elector of the geographic sub-district in which the election is held. Each Board Member shall be a resident of the geographic sub-district from which the Member is elected or appointed. (Sec. 705 added by vote of the people 6-5-2012.)

Section 706. - GENERAL ELECTION.

The candidate receiving the highest number of votes in the general election for each geographic sub-district shall be deemed elected for that office, without any run-off election. In the case of a tie vote, the Board of Education shall summon the candidates affected to appear at a time and place designated by the Board and shall at that time and place determine the tie by lot.

(Sec. 706 amended by vote of the people 6-5-2018; Sec. 706 amended by vote of the people 6-5-2012)

Section 707. - CANVASS OF RETURNS.

On the fifth Monday of each even-numbered year after the statewide general election and at their usual time and place of meeting, the Board of Education shall meet to approve the canvass of returns submitted by the City Clerk acting in his/her capacity as Assistant Secretary to the Board of Education and shall declare the results.

(Sec. 707 amended by vote of the people 6-5-2018; Sec. 707 amended by vote of the people 3-7-1995)

Section 708. - STATE LAW APPLICABLE; ERRORS OR IRREGULARITIES.

In all other matters, the election for members of the Board of Education shall, as to the primary nominating and as to the general election, be governed by the applicable general laws of the State relating to city boards of education.

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

Section 709. - MEETINGS OF BOARD OF EDUCATION.

The members of the Board of Education shall enter upon the discharge of their duties on the fifth Monday of each even-numbered year after the statewide general election, and the Board of Education shall meet upon said day and annually thereafter and organize by electing one of their number President, whose term of office shall be one year. The Board of Education shall determine the rules of its proceedings. Any vacancy occurring on the Board of Education shall be filled by the remaining members of the said Board, and if there be no members, then by the City Council.

(Sec. 709 amended by vote of the people 6-5-2018: Sec. 709 amended by vote of the people 6-3-1980)

Section 710. - ANNUAL ADDRESS BY PRESIDENT OF THE BOARD OF EDUCATION.

No later than May of each year, the President of the Board of Education shall address the public on the state of the Pasadena Unified School District to report to the people on the progress of the District in achieving its prior goals and objectives and to articulate its goals and objectives for the coming school year, including the financial state of the schools.

(Sec. 710 amended by vote of the people 6-5-2018: Sec. 710 approved by vote of the people 11-7-2000)

Section 711. - GENERAL LAW APPLICABLE.

In all matters not specifically provided for in this Article, the Board of Education shall be governed by the provisions of the general law relating to such matters.

Section 712. - ELECTION COSTS.

The Board of Education shall reimburse the City out of school district funds for the costs of any election conducted by the City arising out of a request by the Board of Education including an amendment to this Charter.

Section 713. - GEOGRAPHIC SUB-DISTRICTS.

- A. Geographic sub-districts for the Board of Education shall be established by resolution of the Pasadena Board of Education after the decennial census year or whenever the Board determines by at least a two-thirds vote that a sufficient change in population has occurred that makes it desirable in the opinion of the Board to adjust the boundaries of the geographic sub-districts. Geographic sub-districts shall be as nearly equal in population as practicable and such redistricting shall be in compliance with applicable laws.
- B. At least twenty-two (22) months prior to the second general election day following the day of the decennial census, the Board of Education shall establish, by resolution, a Redistricting Commission to recommend to the Board the configuration of geographic sub-districts for the area served by the Pasadena Unified School District. The Redistricting Commission shall consist of nine members, as follows:
 - 1. Three residents of the City of Pasadena appointed by the Pasadena City Council;
 - 2. Three residents of the area served by the Pasadena Unified School District appointed by the Pasadena Board of Education who are not then members of the Board of Education;
 - 3. Two residents of the Altadena unincorporated area of Los Angeles County served by the Pasadena Unified School District appointed by the County Supervisor(s) representing such area;
 - 4. One resident of the City of Sierra Madre to be appointed by the City Council of the City of Sierra Madre;
- C. The Redistricting Commission shall hold at least one public hearing on any proposal to adjust the boundaries of a district prior to a public hearing at which the Redistricting Commission votes to recommend the proposal to the Board of Education. The Redistricting Commission shall provide its recommendation to the Board of Education at least sixteen (16) months prior to the second general election day following the day of the decennial census.
- D. The geographic sub-districts recommended by the Redistricting Commission shall be adopted by the Board, unless amended by a two-thirds majority of the Board. If the Board fails to act within 60 calendar days of the submission of the Commission's final report and recommended plan to the Superintendent, the Commission's recommended geographic sub-districts shall be deemed adopted.
- E. No change in the boundary or location of any district by redistricting shall abolish or terminate the term of office of any member of the Board prior to expiration of the term of office for which the member was elected, notwithstanding any other provision of this Section. Each incumbent member of the Board of Education will, during the duration of the member's current term, represent the area by which the member was elected.
- F.

At the time of, or after, any annexation of territory to the District, the Board of Education shall designate, by resolution, the geographic sub-district of which the annexed territory shall be a part.

(Sec. 713 amended by vote of the people 6-5-2018; Sec. 713 added by vote of the people 6-5-2012)

ARTICLE VIII - THE PERSONNEL SYSTEM

Section 801. - PERSONNEL SYSTEM.

The City Council shall establish a personnel system.

(Sec. 801 amended by vote of the people 3-9-1993.)

Section 802. - MERIT PRINCIPLE.

All appointments and promotions of city officers and employees shall be made on the basis of merit, with due regard for equal opportunity in employment, and fitness shall be demonstrated by appropriate examination or other evidence of competence.

(Sec. 802 amended by vote of the people 6-8-1976, effective August 1, 1976.)

Section 803. - EMPLOYMENT RULES AND COMPENSATION.

A manual of the rules, practices and procedures necessary to the administration of the City personnel system shall be established by the City Manager.

The City Council shall establish by resolution the maximum number of officers and employees, the classes of employment and the compensation therefor, and other employee benefits.

(Sec. 803 amended by vote of the people 3-9-1993; Sec. 803 amended by vote of the people 6-8-1976, effective August 1, 1976.)

Section 804. - PUBLIC EMPLOYEES' RETIREMENT SYSTEM.

The City Council may establish a retirement system pursuant to the Public Employees' Retirement Law or the County Employees Retirement Law of 1937, as they are now enacted or hereafter amended, for such persons in the employ of the City as it shall determine, other than those who are members of the Fire and Police Retirement System established by this Charter. Obligations of the City under such systems shall be paid from the General Fund, the Light and Power Fund, and the Water Fund, in accordance with the respective obligations of said funds.

(Sec. 804 amended by vote of the people 3-9-1993: Sec. 804 amended by vote of the people 6-8-1976, effective August 1, 1976.)

ARTICLE IX - FISCAL ADMINISTRATION

Section 901. - FISCAL YEAR.

The fiscal year of the City shall begin on the first day of July of each year and end on the thirtieth day of June following. The City Council may, by ordinance, provide for a system of thirteen equal accounting periods.

(Sec. 901 amended by vote of the people 3-9-1993: Sec. 901 amended by vote of the people 6-8-1976, effective August 1, 1976.)

Section 902. - PREPARATION OF BUDGET.

No later than February of each year, the Mayor shall present a thematic budget message for the upcoming fiscal year to the City Council. The City Council shall establish procedures whereby public suggestions and comments on the Mayor's budget proposals may be received and considered prior to the preparation and submission of budget estimates by the Departments to the City Manager.

On or before the third Monday in May of each year, the City Manager shall submit to the City Council a preliminary budget of probable expenditures and revenues of the City for the succeeding fiscal year, giving the amounts required to meet the interest and sinking funds for all outstanding funded debts, the amounts required for salaries and the needs of all departments and programs of the municipal government in detail, showing specifically the amount necessary to be apportioned to each fund in the treasury, and giving the estimated income and revenue to be obtained from all sources, indicating the revenue separately for each source.

(Sec. 902 amended by vote of the people 6-5-2018: Sec. 902 amended by vote of the people 11-3-1998: Sec. 902 amended by vote of the people 3-9-1993: Sec. 902 amended by vote of the people 6-8-1976, effective August 1, 1976.)

Section 903. - PUBLIC HEARING ON BUDGET.

The City Council shall hold a public hearing on the proposed budget not earlier than two weeks after publication of a notice stating:

- (A) The times and places where copies of the budget are available for inspection by the public; and
- (B) The time and place for the public hearing.

(Sec. 903 amended by vote of the people 3-9-1993.)

Section 904. - ADOPTION OF THE BUDGET AFTER HEARING.

After the conclusion of the public hearing, the City Council shall consider the proposed budget and make any revisions that it may deem advisable. The City Council shall annually, on or before the thirtieth day of June, adopt a budget of the amounts estimated to be required to pay the expenses of conducting the public business of the City for the fiscal year. The budget shall be prepared in such detail as to the aggregate sum and the items or programs thereof allowed to each department, office, agency, board, commission or committee as the City Council may determine. The budget may include an "unappropriated balance" which shall be appropriated during the fiscal year to meet contingencies and needs as they arise. A copy of the budget, certified by the City Clerk as having been adopted by the City Council, shall be placed on file in the office of the City Clerk and shall be available for public inspection. Another copy, likewise certified, shall be filed with the Director of Finance. Copies of the budget shall be made available for the use of each department, office, agency, board, commission and committee of the City.

(Sec. 904 amended by vote of the people 3-9-1993; Sec. 904 amended by vote of the people 6-8-1976, effective August 1, 1976.)

Section 905. - TAX RATE.

On or before the first Monday of September in each year, the City Council shall, by ordinance, fix the tax rate, and shall, by ordinance, establish procedures for tax collection and enforcement. The City Council shall fix a tax rate which will raise sufficient monies, when added to all other estimated income and revenue, to meet the adopted budget requirements.

(Sec. 905 amended by vote of the people 3-9-1993.)

Section 906. - BUDGET RESERVE.

A sufficient amount may be included in the budget each year to pay the necessary current expenses of the City government until the receipt of tax moneys the following year.

Section 907. - BUDGET APPROPRIATIONS.

The adoption of the budget shall constitute an appropriation to the several offices, programs, departments, boards and commissions for the respective objects and purposes named therein.

(Sec. 907 amended by vote of the people 6-8-1976, effective August 1, 1976.)

Section 907.5. - ANNUAL FINANCIAL REPORT.

Within four months after the close of each fiscal year, the Director of Finance shall compile and deliver a financial report to the City Council which shall be available to the public.

The intent of this section is to provide the City Council, citizens and other interested parties with information on the financial position of the City and its various agencies and funds, in sufficient detail to allow reasonable analysis by diligent study.

The report shall contain, but shall not be limited to, the following information for each fund of the City and of each agency it has created:

- (A) A description of developments occurring during the fiscal year which have affected the financial position;
- (B) A statement of financial position as of the beginning and end of the fiscal year;
- (C) A summary of revenues and expenditures for the fiscal year, compared to the adopted and the final amended budget and to corresponding information for the preceding year;
- (D) The amount paid during the year to each retirement system, compared to similar information for the preceding year;
- (E) A tabulation of unfunded obligations, including retirement obligations, as of the beginning and the end of the fiscal year, which will require commitment of resources in future years; and
- (F) Available reports by the independent auditors, with a notice of the place and the expected time at which auditors' reports not yet available can be examined.

(Sec. 907.5 amended by vote of the people 3-9-1993: Sec. 907.5 approved by the people 6-8-1976, effective August 1, 1976.)

Section 908. - TAX SYSTEM.

The City may use, for the purpose of ad valorem municipal taxation of property, the County assessment and tax-collection services.

(Sec. 908 amended by vote of the people 6-8-1976, effective August 1, 1976.)

Section 909. - BONDED DEBT OR TAX LEVY.

Whenever the City Council shall determine that the public interest requires the construction or acquisition or completion of any public improvement or utility, the cost of which, in addition to the other expenditures of the City, will exceed the income and revenue provided for in any one year, it may, by ordinance, submit a proposition to incur a general obligation bonded indebtedness and specifying the maximum interest rate thereof, or levy a special tax for such purpose, and proceed therein as provided in

Section Eighteen of Article Sixteen of the Constitution of this State and general law or laws thereof, and that the bond issue therefor shall be sold to the highest bidder, after advertising for sealed proposals; provided that the City Council may reject any and all bids.

(Sec. 909 amended by vote of the people 3-9-1993; Sec. 909 amended by Stats 1971.)

Section 910. - BONDED DEBT LIMIT.

The City shall not incur an indebtedness evidenced by general obligation bonds which shall in the aggregate exceed 15 per cent of the assessed value of all the real and personal property in the City subject to assessment for taxation for municipal purposes.

Section 911. - PAYMENT OF BONDS.

The Director of Finance shall draw and issue a warrant without approval of any body or officer for payment of the principal of interest on bonds issued by the City, in accordance with the State Constitution, laws and ordinances authorizing the issuance of said bonds.

(Sec. 911 approved by vote of the people 6-8-1976, effective August 1, 1976.)

Section 912. - INDEPENDENT AUDIT.

At the beginning of each fiscal year, the City Council shall employ a certified public accountant who shall, at such times as may be specified by the City Council, examine the records, books, inventories, and reports of all officers and employees who receive, handle, or disburse City money, and the books, records, inventories, and reports of such officers, employees, or departments as the City Council may direct. The accountant shall make such periodic reports to the City Council as it may direct, and as soon as practicable following the close of the fiscal year, the accountant shall make a final audit and report in writing to the city council.

(Sec. 912 amended by vote of the people 3-9-1993; Sec. 912 approved by vote of the people 6-8-1976, effective August 1, 1976.)

Section 913. - CAPITAL PROJECT FUND.

There is created a special fund known as the "Capital Project Fund" which shall be used to account for financial resources which are to be expended only for the acquisition, construction, replacement or repair of municipal improvements, as defined in California Government Code 43601 as of July 1, 1971, or for payments of principal and interest on funds borrowed for such purposes. The Capital Project Fund shall receive monies as designated by the Charter or City Council from time to time. Expenditures and transfers from the fund, other than for specific municipal improvements projects as defined above, shall be authorized only upon a majority vote of the people.

(Sec. 913 amended by vote of the people 3-9-1993; Sec. 913 amended by vote of the people 6-5-84, effective 7-9-84)

ARTICLE X - CONTRACTS, PURCHASES AND CLAIMS

Section 1001. - CONTRACTS.

All contracts shall be in writing, and shall be executed in the name of the City of Pasadena by an officer or officers authorized to sign the same. All contracts shall be approved as to form by the City Attorney before the execution thereof.

All contracts shall be approved by the City Council except contracts under \$75,000 or such lower limit as may be established by ordinance.

(Sec. 1001 amended by vote of the people 3-9-1993; Sec. 1001 amended by vote of the people 6-5-84, effective 7-9-84; Sec. 1001 amended by vote of the people 6-3-1980.)

Section 1002. - CONTRACTS REQUIRING COMPETITIVE BIDS.

Except as otherwise provided in this Charter, no contract for supplies, material, labor, or other valuable consideration, to be furnished to the City shall be authorized by the City Council except with the lowest and best bidder after competitive bidding. The City Council may reject any and all bids.

Competitive bidding shall not be required under this Charter for:

- (A) Labor or services rendered by any City officer or employee.
- (B) Labor, material, supplies or services furnished by one City department to another City department.
- (C) Contracts for labor, material, supplies, or services available from only one vendor.
- (D) Contracts for labor, material, supplies, or services under \$75,000 or less.
- (E) Contracts relating to the acquisition of real property.
- (F) Contracts for professional or unique services.
- (G) Contracts for labor, material, or supplies for actual emergency work.
- (H) Contracts with other governmental entities or their contractors for labor, material, supplies, or services.

(Sec. 1002 amended by vote of the people 3-9-1993; amended by vote of the people 6-3-1980; Sec. 1002 amended by vote of the people 6-8-1976, effective August 1, 1976.)

Section 1003. - BIDDING PROCEDURE.

The City Council shall prescribe by ordinance a system of competitive bidding including such definitions, publication requirements, conditions, terms, rules and regulations and with such exceptions as the City Council shall prescribe not inconsistent with this Article.

(Sec. 1003 amended by vote of the people 3-9-1993.)

Section 1004. - SMALL PURCHASE AND UTILITY SERVICES.

The audit requirement as such term is used in Section 1010 shall not apply to demands arising out of purchases under \$500.00 or to any of the following services: telephone, gas, water, electric light and power. Such demands may be paid without prior audit, under procedures prescribed by ordinance.

(Amended by vote of the people 6-8-1976, effective August 1, 1976; Sec. 1004 amended by vote of the people 6-6-1972.)

Section 1005. - SALE OF PROPERTY.

The City Council shall provide, by ordinance, for uniform methods for the sale or exchange of real and personal property not needed by the City.

(Sec. 1005 amended by vote of the people 3-9-1993; Sec. 1005 amended by vote of the people 6-3-1980.)

Section 1006. - CONTRACTS FOR PUBLIC UTILITIES.

The respective officers in charge of water and power utilities operated by the City may contract for the sale of the products, commodities, and services of their departments in accordance with forms and regulations approved by the City Manager and City Attorney, and at rates fixed by the City Council.

(Sec. 1006 amended by vote of the people 3-9-1993.)

Section 1007. - ILLEGAL INTEREST IN CONTRACTS.

No officer or employee of the City shall have an interest in any contract to which the City is a party, except to the extent permitted by state law as now or hereafter provided.

Section 1008. - FEDERAL AND STATE FUNDS.

Whenever the City shall have received any money from the Federal Government or from the State of California, or from any agency of either, it may in the expenditure of such money conform to all applicable requirements of Federal or State laws, and of regulations and orders issued under the authority thereof,

with respect to the awarding of contracts, hours of labor, employment preferences, and other such matters covered thereby, notwithstanding any provisions of this Charter inconsistent therewith, and any such inconsistent provisions shall yield and be subordinate thereto with respect to such expenditure.

Section 1009. - PAYMENT OF BONDS.

(Sec. 1009 was amended and renumbered Sec. 911 by vote of the people 6-8-1976, effective August 1, 1976.)

Section 1010. - DEMANDS.

All demands against the City must be in writing, must specify the date, nature, and amount of each item included therein and may be in the form of a bill, invoice, payroll, or formal demand. Each such demand shall be presented to the Director of Finance, who shall examine and audit the same. If the amount is legally due and there remains on his or her books an unexpended balance of an appropriation against which it may properly be charged, he or she shall approve such demand and cause the same to be paid from the City treasury, charging the proper fund. Otherwise, he or she shall reject it. The City Council may overrule such rejection and order the demand paid. If funds are insufficient, the demand shall be registered, and all registered demands shall be paid in the order of their registration when funds therefor become available.

(Sec. 1010 amended by vote of the people 3-9-1993: Sec. 1010 amended by vote of the people 6-8-1976, effective August 1, 1976.)

Section 1011. - CLAIMS AGAINST THE CITY.

- (A) To the extent that the laws of the State of California set forth a procedure applicable to claims specified therein against local public entities and public officers and employees thereof, such State laws shall, from and after January 14, 1963, govern such claims to the exclusion of the provisions of this Charter and all ordinances of this City.
- (B) Subject to the provisions of subsection (A) of this Section, and except in those cases where a different period of time is otherwise specified by law, all claims or demands which are based on a cause of action accruing from and after January 14, 1963, against the City, or any board or department thereof, or any officer or employee thereof for an act or omission during the course of his or her service or employment, shall be presented within one year after the accrual of the cause of action.
- (C) For the purpose of computing the time limit prescribed by this Section, the date of the accrual of a cause of action to which a claim relates is the date upon which the cause of action accrued within the meaning of the applicable statute of limitations.
- (D) Any claim rejected in whole or in part by any officer of the City whose approval may be required, may be presented to the City Council within thirty days after such rejection, and must be so presented before the bringing of any suit against said City or any officer, employee, board or

department thereof in his or her or its official capacity, and suit on any claims shall be brought within six months after the rejection of such claim in whole or in part by such City Council. When any claim is in part allowed and in part rejected by said City Council, the claimant may refuse to accept such partial allowance and bring suit for the entire amount of such claim, but if any such partial allowance is accepted, no suit shall be brought or maintained upon such claim.

(Sec. 1011 amended by vote of the people 3-9-1993.)

Section 1012. - ACTIONS AGAINST THE CITY.

No suit shall be brought upon any claim for money or damages, against the City, or any officer, employee, board or department thereof, until a claim or demand for the same has been presented as provided herein or in any ordinance herein authorized.

Section 1013. - INDEPENDENT AUDIT.

(Sec. 1013 was renumbered Sec. 912 by vote of the people 6-8-1976, effective August 1, 1976.)

ARTICLE XI - FRANCHISES

Section 1101. - GRANTING OF FRANCHISES.

The City Council may grant a franchise to any person, partnership, corporation or other legal entity capable of exercising the privilege conferred, whether operating under an existing franchise or not, and may prescribe the terms, conditions and limitations of such grant, including the compensation to be paid to the City. The City Council may, by the affirmative vote of six members, prescribe by ordinance the method for granting franchises, together with additional terms and conditions for making such grants. In the absence of such provision, the method provided by the general laws of the State of California shall apply.

(Sec. 1101 amended by vote of the people 11-3-1998: Sec. 1101 amended by vote of the people 3-9-1993.)

Section 1102. - TERM OF FRANCHISE.

No franchise shall be granted for a longer period than twenty years, unless there be reserved to the City the right to take over at any time the works, plant, and property constructed under the grant at their physical valuation and without compensation for franchise or good will.

Section 1103. - EMINENT DOMAIN.

No franchise or grant of a franchise shall in any way or to any extent impair or affect the right of the City to acquire the property of the possessor thereof by purchase or condemnation, and nothing therein contained shall be construed to contract away or to modify or abridge, either for a term or in perpetuity, the City's right of eminent domain with respect to the property of the possessor of any franchise. Every franchise granted by the City is granted upon the condition, whether expressed in the grant or not, that such franchise shall not be given any value before any court or other public authority in any proceeding of any character in excess of any amount actually paid by the grantee to the City at the time of the grant.

Section 1104. - PROCEDURE FOR GRANTING FRANCHISE.

Before granting any franchise, the City Council shall adopt a resolution declaring its intention to grant a franchise and stating the name of the proposed grantee, the character of the proposed franchise, and a general summary of the terms and conditions upon which it is proposed to be granted. Such resolution shall set forth the day, hour, and place when and where any person having an interest in or objecting to the granting of such franchise may appear before the City Council and be heard. Said resolution shall be published at least once, not less than ten days prior to said hearing in a newspaper of general circulation in the City. After hearing all persons desiring to be heard, the City Council may, by ordinance, grant the franchise. No ordinance granting a franchise shall be adopted as an emergency measure, but shall be subject to the referendary power reserved to the people.

(Sec. 1104 amended by vote of the people 3-9-1993.)

ARTICLE XII - ELECTIONS

Section 1201. - DISTRICTS.

The City Council shall, by ordinance, establish seven districts which shall be used for all elections of Councilmembers. Said districts shall be as nearly equal in population as practicable and such redistricting shall be in compliance with applicable laws.

(Sec. 1201 amended by vote of the people 3-9-1993; Sec. 1201 amended by vote of the people 6-8-1976, effective August 1, 1976.)

Section 1202. - PRIMARY ELECTIONS.

Beginning in the year 2020, a City primary election shall be held in each even year, coinciding with the statewide primary election, in those districts of the City wherein the terms of office of Councilmembers expire in that year or on a citywide basis when the term of office of the Mayor expires in such year, for the

purpose of nominating candidates to be voted on at the general municipal election and for such other purposes as the City Council may prescribe.

(Sec. 1202 amended by vote of the people 6-5-2018: Sec. 1202 amended by vote of the people 11-3-1998: Sec. 1202 amended by vote of the people 3-9-1993.)

Section 1203. - NOMINATING PETITION.

Any voter residing in a district who desires to become a candidate for the office of member of the City Council from that district to be filled at such general election, or any qualified resident of the City who desires to become a candidate for Mayor when that office is to be filled at such general election, shall file with the City Clerk, in the period prescribed by the California Elections Code prior to the primary election, nominating papers signed by not less than 25 qualified voters of such district, or, for the office of Mayor, a petition signed by not less than 50 qualified voters of the City, and accompanied by a filing fee of \$25.00.

(Sec. 1203 amended by vote of the people 11-3-1998: Sec. 1203 amended by vote of the people 3-7-1995: Sec. 1203 amended by vote of the people 3-9-1993.)

Section 1204. - CANDIDATES.

The two persons receiving the highest number of votes at the primary election for the candidates for office of Mayor or Councilmember from a district shall be the candidates for election and only their names shall be printed upon the ballot to be used in the general municipal election. Any person who, at the primary election, shall receive a majority of the total vote cast for candidates for said office shall be elected to such office.

(Sec. 1204 amended by vote of the people 11-3-1998: Sec. 1204 amended by vote of the people 3-9-1993; amended by vote of the people 11-4-1980, effective January 1, 1981; Sec. 1204 amended by vote of the people 6-6-72.)

Section 1205. - GENERAL MUNICIPAL ELECTION.

- A. Except as provided in subsection B, beginning in the year 2018, a general municipal election shall be held in each even year, coinciding with the statewide general election, for the purpose of electing the Mayor and Councilmembers under the provisions of this Charter, and for such other purposes as the City Council may prescribe.
- B. Notwithstanding any other provision of the Charter, in order to transition to new election dates starting in 2018, and in accordance with Section 401(B), no election of the Mayor or Councilmembers shall occur at the general municipal election held in November 2018.

(Sec. 1205 amended by vote of the people 6-5-2018: Sec. 1205 amended by vote of the people 11-3-1998:
Sec. 1205 amended by vote of the people 3-9-1993.)

Section 1206. - SPECIAL ELECTIONS.

Any other municipal election that may be held by authority of this Charter, the Constitution of the State of California, or any law under which the City may act shall be known as a special municipal election. A special election may be called by the City Council by ordinance or resolution.

(Sec. 1206 amended by vote of the people 3-9-1993.)

Section 1207. - CANVASS OF ELECTIONS.

The City Council shall meet to approve the canvass submitted by the City Clerk on the fifth Monday after the election, unless otherwise provided for in the ordinance or resolution calling the election.

(Sec. 1207 amended by vote of the people 6-5-2018: Sec. 1207 amended by vote of the people 3-7-1995: Sec. 1207 amended by vote of the people 3-9-1993.)

Section 1208. - PROCEDURES FOR CONDUCTING ELECTIONS.

Unless otherwise provided by ordinance, all municipal elections shall be held in accordance with the provisions of the Elections Code of the State of California, as the same now exists or may hereafter be amended, governing municipal elections. The conduct of all City elections shall be under the control of the City Council, and the City Council shall, by ordinance or resolution, provide for the holding of each City election.

(Sec. 1208 amended by vote of the people 3-9-93.)

ARTICLE XIII - INITIATIVE, REFERENDUM AND RECALL

Section 1301. - POWERS RESERVED TO THE PEOPLE.

The powers of the initiative and referendum and the recall of elected City officers are hereby reserved to the electors of the City. The provisions of the Elections Code of the State of California, as the same now exists or may hereafter be amended or superseded, governing the exercise of the powers of initiative and referendum in cities, and governing the exercise of the power of recall of municipal officers, shall apply to the exercise of those powers in the City in so far as such provisions are not in conflict with the provisions of this Charter.

ARTICLE XIV - WATER AND POWER UTILITY OPERATIONS

Section 1401. - OPERATION OF UTILITIES.

The City may operate water and power utilities through a department or departments or through such other form of organization as the City Council may approve by ordinance. The City shall not sell any such utility unless such sale is first submitted to the voters of the City and approved by a majority of those voting on the question.

(Sec. 1401 amended by vote of the people 11-3-1998.)

Section 1402. - BOOKS OF ACCOUNT AND BUSINESS REPORTS.

The books of account of the water utility and of the power utility shall be kept separately from the accounts of all other City departments and of each other, and in such manner as to show the value of the property of each utility, its earnings, and expenses in accordance with accepted accredited uniform system of accounts. Reports of each utility shall be published annually in printed pamphlet form for distribution within 150 days after the close of each fiscal year, showing the value of the properties, the financial status, including cash on hand and invested funds, the bonded debt and other obligations, the earnings for the year, the cost of production and distribution, the cost of equipment and the depreciation thereof, and a statement of all assets and liabilities.

Section 1403. - SERVICE RATES.

The charges to be made for water and electrical energy shall be prescribed by ordinance.

Section 1404. - SEPARATION OF FUNDS.

All money and property received by the City in payment for water or electrical energy and for any service rendered in connection therewith, or from the sale, lease, or other disposition of any property acquired with funds or property of either of said utilities; from the proceeds of any bonds issued for the purpose of either of said utilities; or from any special taxes at any time authorized for the purposes of either of said utilities shall be exclusively devoted to and appropriated for the purposes of said utilities as in this Section required. However, nothing herein shall be deemed to prevent uses of such property for purposes not inconsistent with the purpose for which such property is held. Funds of each utility shall be kept separate and shall be limited to the use of that utility. The funds of the water and the power utilities shall be known and designated as "Water Fund" and "Light and Power Fund," respectively. No transfer of real property, nor of any personal property exceeding in value \$10,000.00, shall be made from either of said utilities to the other or to any other department of the City in any manner other than by ordinance or resolution of the City Council.

(Sec. 1404 amended by vote of the people 3-9-1993.)

Section 1405. - THE USE OF FUNDS.

The funds derived from the water utility and the power utility shall be used only for the following purposes:

- (1) The necessary or proper expenses of conducting each utility; the operation and maintenance of its works, plants, and distributing systems; the acquisition and improvement of facilities; and the publishing of reports.
- (2) The payment of interest and principal on bonds issued for the purposes of said utility.
- (3) The formation of surplus or reserves for future needs of the said utility and for unforeseen emergencies.
- (4) Repayment of advances made from other funds of the City.

Section 1406. - INVESTMENT OF FUNDS.

On authorization of the City Council, any surplus utility funds may be invested in any bonds issued by the City of Pasadena, or any bonds issued by any school district situated in whole or in part in the City, or any bonds or certificates of indebtedness issued by the State of California or the United States, or in banks in interest-bearing accounts, and any such securities may be sold and the proceeds of such sale may be invested in other such securities. Interest earned from such funds shall go to the credit of the respective utility interest expense account. In authorizing the investment of any such surplus funds, preference over other securities shall be given by the City Council to the bonds of the City issued for the purposes of either utility. No officer shall be personally liable for any loss to the City arising out of any such investment, unless such loss shall be the loss of the securities themselves due to the negligence or malfeasance of such officer.

(Sec. 1406 amended by vote of the people 3-9-1993.)

Section 1407. - Reserved.

(Sec. 1407 repealed by vote of the people 11-3-2020)

Section 1408. - Annual contribution for any municipal purpose.

Each fiscal year the City Council shall transfer from the Light and Power Fund an amount equal to twelve percent (12%) of the gross income of the electric works received during the immediately preceding fiscal year from the sale of electric energy at rates and charges fixed by ordinance. Said sum shall be transferred to the General Fund of the City by resolution not earlier than the receipt of the report by an independent certified public accountant on the examination of the books of account of the power utility nor later than the first day of June next succeeding the date of determination of the amount to be transferred. Nothing

herein contained shall prohibit an advance of not to exceed seventy-five percent (75%) of the estimated amount prior to the receipt of the said report. The amount thus transferred may be expended for any municipal purpose.

The amount to be so transferred from the Light and Power Fund shall not exceed the net income of the electric works as shown on the books of account of the power utility, after payment of the maintenance and operating expenses of such works, the expenses of conducting the power utility, depreciation, and the principal, interest and premiums, if any, upon the redemption thereof, of electric works revenue bonds.

Notwithstanding anything herein contained, if the City Council at the time of or before the adoption of the budget shall determine that the transfer of such amount from the Light and Power Fund would be detrimental to the proper functioning and administration of the power utility during the budget year under consideration, the City Council may so find by resolution, and, in such event, no transfer of such amount shall be made within that fiscal year. If the City Council shall determine that the transfer of an amount less than twelve percent (12%) from the Light and Power Fund would not be detrimental to the proper functioning and administration of the power utility during the budget year under consideration, the City Council may so declare by resolution, and shall transfer a smaller amount.

The City Council is authorized to set charges for electric service that, during the period when the charges are in effect, are sufficient to pay both the expenses of the power utility, as set forth in Section 1405, and all amounts that the City Council projects will be directed for transfer pursuant to this Section, before any adjustments based on the net income of the electric works.

(Sec. 1408 amended by vote of the people 11-3-2020: Sec. 1408 amended by vote of the people 3-9-1993: Sec. 1408 amended by vote of the people 6-6-1972.)

Section 1409. - OTHER APPROPRIATIONS.

Whenever the City Council determines that the surplus or reserve in the Light and Power Fund is in excess of reasonable future needs of the power utility, such excess may be appropriated for other municipal purposes, provided that such appropriation be made by an ordinance stating its purpose, and further provided that such ordinance shall not be effective until submitted to the people and approved by two-thirds of the qualified electors voting.

(Sec. 1409 amended by vote of the people 3-9-1993.)

Section 1410. - EMERGENCY USE OF FUNDS.

Any surplus or reserve in the Water Fund or the Light and Power Fund may temporarily be used for other municipal purposes in case there shall be insufficient funds in the City Treasury to pay the current expenses of the general government of the City before the collection of taxes levied in any fiscal year. In case moneys

from either of said funds are used pending the receipt of taxes, the amount so used shall be repaid not later than February 15 of the same fiscal year.

Section 1411. - REVENUE BOND PURPOSES.

Revenue bonds for the purpose of providing moneys for the acquisition and construction of additions to, extensions, improvements, or repairs of the water works and electric works of the City, or the purchase for intertie purposes of undivided joint interests or rights of use in other generation or transmission facilities, constructed either by governmental agencies or investor-owned companies may be issued only as provided in this Article. Such revenue bonds shall not constitute an indebtedness of the City but shall constitute obligations which shall be payable principal and interest and any premiums upon the redemption of any thereof prior to maturity only from the fund derived from the public utility involved (the "Water Fund" established in this Article in the case of revenue bonds issued for waterworks purposes and the "Light and Power Fund" established in this Article in the case of revenue bonds issued for electric works purposes; and each of said funds may hereinafter in this Article be referred to as a "Revenue Fund"); provided, however, that this shall not preclude the payment thereof from the proceeds of bonds issued to refund said revenue bonds. Refunding bonds issued under this Article may be issued only as provided in this Article and shall be payable only from the fund from which the revenue bonds to be refunded are payable. No restrictions or limitations upon, or procedure for, the issuance of bonds in other articles of this Charter shall apply to such revenue bonds (including refunding revenue bonds) and this Article shall constitute complete authority for the issuance of such revenue bonds (including such refunding revenue bonds), and no action or proceeding not required by this Article shall be necessary for the valid authorization and issuance of such revenue bonds.

Section 1412. - REVENUE BOND ORDINANCE.

Whenever the City Council proposes the 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 of the bonds, the maximum rate of interest to be paid, the date of issue of said bonds, the maturity dates thereof, and the fund from which the bonds and the interest thereon and premiums upon the redemption of any thereof are to be payable and such provisions authorized by Section 1413 of this Article as the City Council deems desirable. Said bonds shall be negotiable. The recitals of regularity of proceedings in any revenue bond issued and sold under this Article shall be conclusive evidence of compliance with the provisions of this Article and of the validity of such bond.

(Sec. 1412 amended by vote of the people 3-9-1993.)

Section 1413. - REVENUE BONDS: TERMS AND CONDITIONS.

In the ordinance authorizing the issuance of said bonds, the City Council may also fix additional terms and conditions thereof and may in any article, section or clause thereof make such provision 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, provision for any or all of the following:

- (A) The denomination or denominations of the bonds, the medium payment thereof, the place or places of payment thereof, which may be 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 and facsimile signatures to be affixed to said bonds or certificates (one signature upon which must be manual) and the manual or facsimile signature to be affixed to interest coupons.
- (B) The terms and conditions under which said bonds may be issued, sold, paid, redeemed before maturity (including the premiums, if any, to be payable upon bonds redeemed prior to maturity), exchanged, registered, transferred, and negotiated.
- (C) Rates to be charged for services furnished by the public utility added to, extended, improved, or repaired with the proceeds of said bonds (or in the case of refunding bond, with the proceeds of the bonds to be refunded), 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 or body, free or at lower rates than otherwise charged.
- (D) The Revenue Fund from which said bonds and the interest thereon shall be paid; the collection, deposit, and safekeeping of the revenue; the permissible uses thereof, including restrictions upon or prohibitions against any contributions provided for in this Article; provided, however, that nothing in this Article or in any ordinance authorizing the issuance of revenue bonds hereunder or in any resolution or order in the revenue bond proceeding shall prevent, restrict, or prohibit the payment from the revenues of the necessary or proper expenses of maintenance and operation and conduct of the utility prior to the payment of principal and interest of the revenue bonds or the setting aside in the bond service, sinking, redemption, reserve, or other fund, monthly or otherwise, of funds therefor; the special fund or funds to be pledged and kept for the payment of principal and interest of the bonds, including reserve, sinking, bond service, redemption, and trust funds, and any revenue bond payable from the Revenue Fund of a public utility may be paid from any such special fund set

up therefor; the permissible investments for monies in said funds or any thereof; the accounts and records to be kept, audits thereof and examination thereof by bondholders and others.

- (E) The carrying of insurance upon such public utility or any part thereof against any or all risks, and in case of loss the application of the insurance proceeds.
- (F) Prohibitions against or limitations upon the sale, lease, or other disposition of such public utility.
- (G) Prohibitions or limitations upon the issuance of any additional bonds payable from the revenues of the public utility so added to, extended, improved, or repaired with the proceeds of said bonds, but no bonds shall be issued pursuant to this Article or under any other provision of this Charter or any other law 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.
- (H) 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, or order 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.
- (I) For the issuance of a duplicate in the manner and upon such terms and conditions as the City Council may determine, in the event any bond, temporary bond, coupon or interim certificate of any such issue is lost, stolen, destroyed, or mutilated.
- (J) Any other provision valid under the Constitutions of the State of California and the United States of America which the City Council deems necessary or desirable to facilitate the issuance and sale of said bonds or for the protection of holders thereof.

Such ordinance shall be subject to referendum in the manner that other ordinances of the City are subject to referendum. The ordinance authorizing the issuance of said bonds 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 such contract may be enforced by any holder by mandamus, injunction, or any applicable legal action, suit, proceeding, or other remedy.

(Sec. 1413 amended by vote of the people 3-9-1993.)

Section 1414. - REVENUE BONDS: LIMITATIONS.

The following limitations shall apply to the issuance of bonds under this Article:

- (A) 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 years from the date of such issue.
- (B)