Charter
City of San Buenaventura

The City of San Buenaventura is one of the oldest settlements on the Pacific Coast. It is the site of the San Buenaventura Mission founded in 1782, and incorporated as a town by the California Legislature on March 10, 1866.

The first Charter of the City was prepared and proposed by a Board of Freeholders elected October 13, 1931. The Charter was approved by the voters on January 7, 1932, certified by the City Council on January 11, 1932, and approved by the State Legislature on January 22, 1932.

Since approval of the original Charter, the voters approved amendments which were certified by the City Council on April 19, 1937; December 27, 1938; April 16, 1945; April 14, 1947; April 16, 1951; April 21, 1959; April 20, 1961; April 15, 1963; April 19, 1965; April 17, 1967; and June 17, 1968.

Early in 1970, a Charter Review Committee was formed to evaluate the Charter as it existed at that time. A new Charter was prepared and subsequently approved by the voters on November 3, 1970, certified by the City Council on November 23, 1970, and approved by the California Legislature on January 26, 1971. Then, on November 4, 1973, the voters approved and the City Council certified amendments to the Charter on December 3, 1973. Those amendments were approved by the California Legislature on January 21, 1974.

Early in 1986, a Charter Review Committee was formed to again review the Charter as it existed at that time. A new Charter was prepared and subsequently approved by the voters on November 4, 1986, certified by the City Council on November 24, 1986, and accepted by the Secretary of State on December 4, 1986, the formal effective date of the CHARTER OF THE CITY OF SAN BUENAVENTURA. The voters approved an amendment to the Charter on November 7, 1995, and it was certified by the City Council on November 27, 1995. On November 4, 2014, the voters approved an amendment to the Charter and it was certified by the City Council on December 15, 2014.

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CHARTER OF THE CITY OF SAN BUENAVENTURA

We, the people of the City of San Buenaventura, State of California, do ordain and establish this Charter as the organic law of said City under the Constitution of the State of California.

ARTICLE I
NAME OF CITY

SECTION 100. NAME.

The municipal corporation now existing and known as the City of San Buenaventura shall continue to be a municipal corporation under its present name.

ARTICLE II
BOUNDARIES

SECTION 200. BOUNDARIES.

The boundaries of the City shall be the boundaries as established at the time this Charter takes effect, and as such boundaries may be changed thereafter from time to time in the manner authorized by law.

ARTICLE III
SUCCESSION

SECTION 300. RIGHTS AND LIABILITIES.

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

SECTION 301. ORDINANCES CONTINUED IN EFFECT.

All lawful ordinances, resolutions, rules and regulations, and portions thereof, in force at the time this Charter takes effect and not in conflict or inconsistent with it, are hereby continued in force until they shall have been duly repealed, amended, changed or superseded by proper authority.

SECTION 302. RIGHTS OF OFFICERS AND EMPLOYEES RESERVED.

Nothing contained in this Charter, unless otherwise specifically provided herein, shall effect or impair the personnel, pension or retirement rights or privileges of officers or employees of the City, or of any office, department or agency thereof, existing at the time this Charter takes effect.

SECTION 303. CONTINUANCE OF PRESENT OFFICERS AND EMPLOYEES.

The present officers and employees of the City shall continue without interruption to perform the duties of their respective offices and positions upon the same terms and conditions and for the compensation provided by the existing ordinances, resolutions, rules or laws, but subject to such removal, amendment and control as is provided or permitted in this Charter. Those whose offices are changed, abolished or superseded by this Charter shall serve until the election or appointment and qualification of their respective successors under this Charter.

SECTION 304. CONTINUANCE OF CONTRACTS AND PUBLIC IMPROVEMENTS.

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

SECTION 305. PENDING ACTIONS AND PROCEEDINGS.

No action or proceeding, civil or criminal, pending at the time this Charter takes effect, brought by or against the City or any officer, office, department or agency thereof, shall be affected or abated by the adoption of this Charter or by anything contained herein. However, all such actions or proceedings may be continued even though functions, powers, and duties of any officer, office, department, or agency a party thereto, may be assigned or transferred by or under this Charter to another officer, office, department or agency. In that event, such actions may be prosecuted or defended by the head of the office, department or agency to which such functions, powers and duties have been assigned or transferred by or under this Charter.

SECTION 306. EFFECTIVE DATE OF CHARTER.

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

ARTICLE IV
POWERS OF CITY

SECTION 400. POWERS OF CITY.

The City of San Buenaventura shall have the power to make and enforce all laws and regulations in respect to municipal affairs, subject only to such restrictions and limitations as may be provided in this Charter and in the Constitution of the State of California. It shall also have the power to exercise any and all rights, powers and privileges heretofore and hereafter established, granted or prescribed by any law of the State, by this Charter, or by other lawful authority, or which a municipal corporation may exercise under the Constitution of the State of California. The enumeration in this Charter of any particular powers is not to be held to be exclusive of or any limitation upon this general grant of power.

ARTICLE V
ELECTIONS

SECTION 500. GENERAL MUNICIPAL ELECTIONS.

General municipal elections for the election of officers and for such other purposes as the Council may prescribe shall be held biennially on the first Tuesday after the first Monday in November in each even-numbered year, or to coincide with any general state-wide election held in November of each even-numbered year.

SECTION 501. SPECIAL MUNICIPAL ELECTIONS.

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

SECTION 502. PROCEDURE FOR HOLDING ELECTIONS.

Except as otherwise provided by this Charter or by ordinance, all elections shall be held in accordance with the election laws of the State of California, as the same now exists or hereafter may be amended, for the holding of municipal elections.

SECTION 503. ELIGIBILITY FOR OFFICE.

No person shall hold, or be eligible for nomination to office as a member of the City Council unless at the time his nomination papers are filed or his appointment made, he is a registered voter of this City and he has been continuously, for at least one year next preceding his election or appointment, a resident of this City or of territory annexed thereto.

If any provision of this section should be invalid, such invalidity shall not affect the validity of the remaining portions of this section, and the law applicable to general law cities of the State of California shall apply in the place of any invalid provision.

SECTION 504. NOMINATIONS.

Except as otherwise provided in this Charter, the procedures and requirements for nominating candidates for municipal office shall be as provided in the election laws of the State of California, as they now exist or may be amended, for the holding of municipal elections.

SECTION 505. NAMES ON BALLOTS.

The names of all candidates nominated for elective office in the City shall be printed on the official ballots in the manner provided by state law.

SECTION 506. ELECTION OF CITY COUNCIL.

The election of members of the Council shall be from the City at large. Candidates receiving the highest number of votes shall be declared elected until the number declared elected equals the number of Council offices to be filled at the election. All ties shall be decided by lot in the presence of the candidates concerned and under the direction of the election authorities.

SECTION 507. TERMS FOR CITY COUNCILMEMBERS.

Members of the Council shall hold office for a period of four years from and after eight p.m. of the day of the first regular meeting in December following the election, and until their successors are elected and qualified, provided that any person elected to fill a vacancy shall serve for the remainder of the unexpired term. In the election of members of the Council where full terms and one or more unexpired terms are to be filled, no distinction shall be made in nomination or voting between the full terms and the unexpired terms, but the full term offices shall be filled first and the unexpired term offices last on the basis that those receiving the highest number of votes in

the election at which they are elected shall successively fill the first available offices.

SECTION 508. CANVASSING OF THE VOTE.

On the first Monday after any election and at the usual hour and place of meeting, the Council shall meet and canvass the returns and declare the result.

SECTION 509. THE INITIATIVE, REFERENDUM AND RECALL.

Except as otherwise provided by this Charter or by ordinance, the provisions of the election laws of the State of California, as they now exist or may hereafter be amended, governing the initiative, the referendum and the recall of municipal officers, shall apply in the City.

ARTICLE VI
OFFICERS, DEPUTIES AND EMPLOYEES AND THEIR COMPENSATION

SECTION 600. OFFICERS.

The officers of the City of San Buenaventura are the seven members of the Council, the City Manager, the City Attorney and such other officers as are established elsewhere in this Charter or as the Council may establish by ordinance. Where the appointment of any officer is vested in the Council, appointment or removal must be made by the affirmative vote of at least four members of the Council.

SECTION 601. COMPENSATION.

City Councilmembers shall receive a maximum of $600.00 per month. In addition thereto, the Mayor or other Councilmember acting as Mayor for 30 days or more shall receive a maximum of $100.00 additional per month. The Council may provide in the Administrative Code for reductions to such amounts by reason of absences from meetings. Each member of the Council shall receive reimbursement for Council authorized traveling and other expenses when on official duty. Upon the recommendation of the Manager, the compensation for all appointive officers and employees of the City, except officials and members of the boards, commissions and committees serving gratuitously, shall be fixed or changed by ordinance. The compensation of the City Manager and the City Attorney shall be decided by the Council. No officer or employee shall be allowed any fee, perquisite, emolument or stipend in addition to, or save as embraced in, the salary or compensation fixed for such office by the Council, and all fees received by such officer or employee in connection with official City duties shall be paid forthwith into the City Treasury.

SECTION 602. INELIGIBILITY OF COUNCILMEMBERS.

No Councilmember shall be eligible during the term for which he was appointed or elected or within six months thereafter, to hold any other office or employment with the City, except as a member of any board, commission or committee, of which he is a member pursuant to general law or by this Charter.

SECTION 603. CONFLICT OF INTEREST AND FINANCIAL INTEREST PROHIBITED.

The laws of the State of California, as they exist or hereafter may be amended, relating to conflict of interest and financial interest of City officers, appointees or employees, are hereby adopted by reference and shall apply to the City of San Buenaventura. The penalty for violation of this Section shall be as prescribed by State law and shall also work the forfeiture of office or employment on order of the Council or court of competent jurisdiction.

SECTION 604. NEPOTISM.

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

SECTION 605. OATH OF OFFICE.

Every officer of the City before entering upon the duties of office, shall take and file with the City the constitutional oath of office.

SECTION 606. OFFICIAL BONDS.

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

ARTICLE VII
CITY COUNCIL

SECTION 700. POWERS VESTED IN CITY COUNCIL.

All powers of the City shall be vested in the City Council except as otherwise provided in this Charter and the Constitution of the State of California. The legislative power of the City shall be vested in the people through the initiative and referendum and in the City Council.

SECTION 701. EMERGENCY POWERS.

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

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

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

so would be impractical or would permit an undue delay.

SECTION 702. DUTIES AND PROCEDURES.

The Council shall:

(a) Judge the qualifications of its members and of election returns.

(b) Organize as herein required at the first regular meeting in December following the election.

(c) Establish rules for its proceedings.

(d) Cause a correct record of its proceedings to be kept. The ayes and the 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.

(e) Appoint a City Manager and a City Attorney.

(f) Appoint such standing and other committees, boards, or commissions as it deems necessary.

SECTION 703. MAYOR.

The Council shall elect from among its members, officers of the City who shall have the titles of Mayor and Deputy Mayor, each of whom shall serve a two-year term. In no event may a Councilmember elected Mayor for a two-year term, succeed himself as Mayor without at least one additional two-year term having lapsed.

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 shall act as the official head of the City on public and ceremonial occasions. He shall have the power to administer oaths and affirmations, but shall have no power of veto. He shall have authority to preserve order at all Council meetings and to remove any person from any meeting of the Council for disorderly conduct, to enforce the rules of the Council and to determine the order of business under the rules of the Council. The Deputy Mayor shall act as Mayor in the absence or disability of the Mayor.

When the Mayor and the Deputy Mayor are absent from any meeting of the Council, the members of the Council may choose another member to act as Mayor pro tem, who shall, for the time being, have the powers of the Mayor.

SECTION 704. MEETINGS.

(a) Regular Meetings. The Council shall meet at such times as have been or may be prescribed by ordinance or resolution, except that it shall meet regularly at least once each month. All of the meetings of the Council shall be held in the City Hall unless by reason of emergency, said City Hall cannot be used for that purpose; or the Council from time to time may elect to meet at other locations within the City and upon such in such instances shall make public notice of the change of location according to provisions of the Government Code of the State of California. All meetings of the Council and all its records shall be open to the

public, except as provided for by State law, and no citizen shall be denied the right personally or through counsel, to present grievances, or offer suggestions for the betterment of municipal affairs.

(b) Special Meetings. A special meeting may be called at any time by the Mayor or by three members of the Council by written notice to each member of the Council and to the Manager and to each local newspaper of general circulation, radio or television station requesting notice in writing. Such notice must be delivered personally or by mail at least 24 hours before the time of each meeting as specified in the notice. The call and notice shall specify the time and place of the special meeting and the business to be transacted. No other business shall be considered at such meeting. Such written notice may be dispensed with as to any person entitled thereto who, at or prior to the time the meeting convenes, files with the City Clerk a written waiver of notice. Such waiver may be given by telegram. Such written notice may also be dispensed with as to any person who is actually present at the meeting at the time it convenes.

(c) Closed Sessions. The Council may hold a closed session to consider any matter permitted to be considered in Closed Session by State law. The general subject matter for consideration shall be expressed in open meeting before such session is held.

(d) Quorum. Four members of the Council shall constitute a quorum, but fewer 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 four members of the Council concur in such action.

SECTION 705. VACANCIES; FORFEITURE OF OFFICE; FILLING OF VACANCIES.

(a) Vacancies. The office of the Councilmember shall become vacant upon death, resignation, removal from office in any manner authorized by law, or forfeiture of office.

(b) Forfeiture of Office. A Councilmember shall forfeit office if he (1) lacks at any time during his term of office any qualification for the office prescribed by this Charter or by law, (2) accepts or retains any other elective public office, except as provided in this Charter, or (3) fails to attend four consecutive regular meetings of the Council without being excused by the Council provided, however, that he shall not be so excused for more than three consecutive months.

(c) Filling of Vacancies. If a vacancy occurs on the Council, the date upon which such vacancy occurred shall be determined as soon as possible by the Mayor in accordance with the provisions of this Charter relating to vacancies. Within 30 days after such determination, or within 60 days after the vacancy occurred, whichever is first, the Council by majority vote of the remaining members, shall appoint a person to the vacant office to serve until his successor is elected at the next succeeding municipal election and qualifies. If the Council fails to fill the vacancy by appointment as provided herein, it shall forthwith order a special election to be held to fill the vacancy for the remainder of the unexpired term. However, no such special election need

be ordered if the vacancy occurs less than eight months before a municipal election.

SECTION 706. ORDINANCES.

(a) Form. The enacting clause of every ordinance passed by the Council shall be: "The Council of the City of San Buenaventura does ordain as follows:" The enacting clause of every ordinance initiated by the people shall be: "Be it ordained by the People of the City of San Buenaventura."

(b) Procedure. At least five days must elapse between the introduction and the final passage of any ordinance; provided, that if amendments germane to the subject of any proposed ordinance are made when it is brought up for final passage, an additional elapse of five days shall be required before final passage. With the exception of emergency ordinances, no ordinance shall be adopted at any time other than at a regular or reconvened regular meeting. Every ordinance must be signed by the Mayor, attested to by the City Clerk, and published in whole or in summary form once in the official newspaper in a manner allowed by law.

(c) Emergency Ordinances. Any ordinance declared by the Council to be necessary as an emergency measure for preserving the public peace, health or safety, and containing the reasons for its urgency, may be introduced and passed at one and the same meeting, regular or special.

(d) Effective Date. Except as otherwise provided in this Charter, every ordinance and every measure passed by the Council granting any franchise or privilege, shall go into effect thirty (30) days after its final passage, unless otherwise provided in the ordinance or measure; provided, however, that no such ordinance or measure 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 as provided for in this Article, 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.

(e) Amending Ordinances. No ordinance shall be amended by reference to its title only, but the full text of the sections to be amended shall be re-enacted at length as amended. Any amendment passed contrary to the provisions of this section shall be void.

SECTION 707. CONTRACTS. EXECUTION.

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

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

The Council may by ordinance or resolution provide a method for the sale or exchange of personal property not needed or not fit for the purpose for which intended.

Contracts for the sale or lease of real property owned by the City shall be authorized by the affirmative vote of five members of the Council.

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

The provisions of this Section shall not apply to the employment of any person by the City at a regular salary.

SECTION 708. PUBLISHING LEGAL NOTICES.

The Council shall contract with a newspaper of general circulation in the City for the publication of all legal notices, ordinances and other matter required to be published. Each such contract shall cover a period of not less than one nor more than three years. In the event there is more than one newspaper of general circulation published within the City, the contract shall be made only after the publication of a notice inviting bids. If there is only one newspaper of general circulation published in the City, then the Council shall have the power to contract with such newspaper for the print and publishing of such legal notices or matter without being required to advertise for bids. The newspaper with which any such contract is made shall be the official newspaper for the publication of such notices and other matter for the period of such contract.
In no case shall the contract prices for such publication exceed the customary rates charged by such newspaper for the publication of legal notices of a private character.

In the event there is no newspaper of general circulation published in the City, or in the event no such newspaper will accept such notices or other matter at the rates permitted herein, then all legal notices or other matter may be published by posting copies thereof at least five days before the action contemplated by the publication is to be taken, in at least three public places in the City to be designated by ordinance.

No defect or irregularity in proceedings taken under this section, or, failure to designate an official newspaper, shall invalidate any publication where it is otherwise in conformity with this Charter or law or ordinance.

SECTION 709. INTERFERENCE IN ADMINISTRATION.

Except as otherwise provided in this Charter, no individual member of the Council shall interfere with the execution by the City Manager of his powers and duties; or, directly or indirectly, by suggestion or otherwise, attempt to influence or coerce the City Manager or any of his subordinates in the making of any appointment or removal, or the purchase of supplies, or attempt to exact any promise relative to any appointment from any candidate for City Manager, or discuss directly or indirectly with any such candidate the matter of appointments to any City office or employments, provided however, that the

above shall not be construed as prohibiting the Council, while in session, discussing with or suggesting to the City Manager, fully and freely, anything pertaining to the aforementioned matters.

Except for the purpose of inquiries, investigations or independent management audits as such may be authorized from time to time by the Council, the Council and its members shall deal with the City officers and employees who are subject to the direction and supervision of the Manager solely through the Manager, and neither the Council nor any Councilmember shall give orders to any such officer or employee, either publicly or privately.

Any violation of this section may work a forfeiture of the office of the offending member of the Council, who may be removed therefrom by the Council or by any court of competent jurisdiction.

ARTICLE VIII
CITY MANAGER

SECTION 800. QUALIFICATIONS.

The City Manager shall be the administrative head of the City government. He shall be chosen by the Council without regard to political consideration and solely with reference to his executive and administration qualification, with the special reference to his actual experience in, and his knowledge of, accepted practice in respect to the duties of his office as herein set forth. He need not be a resident of the State of California at the time of his appointment, but promptly thereafter he shall become and thereafter remain during his incumbency an actual resident of the City.

SECTION 801. TERM.

The Manager shall be appointed for an indefinite term, but shall be removed at the pleasure of the Council by a vote of four or more Councilmembers; provided, however, that he shall not be removed from office during or within a period of 90 days after the seating of newly elected Councilmembers, except upon unanimous vote of all seven members of the Council.

SECTION 802. POWERS AND DUTIES.

The powers and duties of the City Manager shall be:

(a) To be responsible to the City Council for the administration of all City affairs placed in his charge by or under this Charter.

(b) To appoint, and when he deems it necessary for the good of the City, to suspend or discharge all department heads and all other employees exempted from the personnel merit system of the City, except those appointed by the City Council; subject to the personnel rules adopted pursuant to the Charter, to appoint, transfer, promote, demote, suspend, or discharge the other officers or employees of the City. The City Manager may delegate in writing to the head of any department, office or agency, who is under his direction and supervision, his power to appoint, transfer, promote, demote, suspend or discharge subordinates employed in that department, office or agency.

(c) To direct and supervise the administration of all departments, offices and agencies of the City, except as

otherwise provided by this Charter or by law.

(d) To attend all regular and special meetings of the City Council unless at his request he is excused by the Mayor or three members of the Council and he shall have the right to take part in discussions but may not vote. The absence of the Manager shall not prevent the Council from holding any meeting.

(e) To see that all laws, provisions of this Charter and acts of the City Council, subject to enforcement by him or by officers subject to his direction and supervision, are faithfully executed.

(f) To prepare and submit to the City Council the proposed annual budget and capital improvement program and to be responsible for the administration of the annual budget and capital improvement program after adoption.

(g) To submit to the City Council and make available to the public a complete report on the finances and administrative activities of the City as of the end of each fiscal year.

(h) To keep the City Council fully advised as to the financial condition and future needs of the City and make such recommendations to the City Council concerning the affairs of the City as he deems desirable.

(i) To make such other reports as the City Council may require concerning the operations of City departments, offices and agencies subject to his direction and supervision.

(j) To perform such other duties as are specified in this Charter or may be required by the City Council.

SECTION 803. MANAGER PRO TEM.

In case of the absence or temporary disability of the Manager, the Council shall appoint a Manager pro tem who shall possess the powers and discharge the duties of the Manager during such absence or disability only; provided however, that a Manager pro tem shall have no authority to appoint or remove any City officer or employee except with the vote of at least five members of the Council approving such action.

ARTICLE IX
CITY ATTORNEY

SECTION 900. QUALIFICATIONS AND DUTIES.

The City Attorney shall be appointed or removed by the Council. He shall have been admitted and qualified to practice before the Supreme Court of the State of California and shall have been in actual practice in California for at least three years next preceding his appointment. The City Attorney shall:

(a) Be legal advisor of the Council and all other City officials, boards and departments and, when requested in writing for legal opinion by any City official or head of any department (excepting the Board of Education) concerning City business, his opinion must be given in writing.

(b) Prosecute all violations of the provisions of this Charter, City ordinances and such state misdemeanors as the City may elect to prosecute.

(c) Draft all ordinances, resolutions, contracts and legal documents and instruments required by the Council or by the Manager.

(d) Approve as to form all official and other bonds given to or for the benefit of said City and all contracts with said City and no contract shall become enforceable against said City without the endorsement thereon of such approval.

(e) Perform such other legal services as" the Council may direct and shall attend all meetings of the Council unless excused therefrom by the Mayor or three members thereof.

SECTION 901. INABILITY TO ACT.

When from any cause the City Attorney is unable to perform the duties of his office, he may, with the consent of the Council, appoint some other qualified attorney temporarily to act in his place. The Council may, when necessary, employ assistant counsel upon the recommendation of the City Manager.

SECTION 902. RECORDS.

The City Attorney shall deliver all books, records, papers, documents, and personal property of every description, owned by the City, to his successor in office and the City shall provide a means of safeguarding the same.

SECTION 903. ADDITIONAL POWERS AND DUTIES.

He shall possess such other powers, and perform such additional duties not in conflict with this Charter, as may be prescribed by ordinance, or imposed upon the chief legal officer of municipalities by law.

ARTICLE X
ADMINISTRATIVE DEPARTMENTS

SECTION 1000. ADMINISTRATIVE CODE.

Within one year following the effective date of this section or such additional time as extended by Council, but not to exceed one additional year, the Council shall adopt by ordinance an Administrative Code providing for:

(a) The organization, conduct and operation of the several offices and departments as established by this Charter and as authorized by general laws of the State of California.

(b) The creation of additional departments, divisions, offices and agencies and for their consolidation, alteration or abolition, after recommendations by the Manager.

(c) The assignment or reassignment of functions, duties, offices and agencies to other offices and departments, after recommendations by the Manager.

(d) The creation or abolition of such advisory boards and commissions as are authorized by the general laws of the State of California or as in its judgment are required and the Council may specify the number of members, their terms and manner of appointment, and may grant to them such powers and duties as are consistent with the provisions of this Charter or the general laws of the State of California.

(e) In addition, the Administrative Code shall contain policy statements of the Council concerning personnel administration, salary and wage admini-

stration, hours of work, conditions of employment, employee benefits, centralized purchasing and other administrative procedures.

SECTION 1001. CONTINUANCE OF PRESENT FUNCTIONS.

All departments, offices, agencies, advisory boards and commissions existing on the effective date of this Charter shall continue to perform their present functions and duties and to render their present services until or unless changed after the effective date of the Administrative Code.

SECTION 1002. OFFICERS AND EMPLOYEES.

The Council shall also provide by ordinance or resolution for the number, titles, qualifications, powers, duties and compensation of all officers and employees, consistent with this Charter. When the positions are not incompatible, the City Council may combine in one person the powers and duties of two or more officers.

SECTION 1003. ADMINISTRATION OF DEPARTMENTS.

All departments, offices and agencies under the direction and supervision of the Manager shall be administered by officers appointed by and subject to the direction and supervision of the Manager.

SECTION 1004. PERSONNEL SYSTEM.

The Council shall by ordinance or resolution establish as an integral part of the Administrative Code, a personnel merit system for the selection, employment, tenure, classification, advancement, suspension and discharge of those appointive officers and employees who may be included in the system. The system may consist of the establishment of minimum standards of employment and qualifications for the various classes of employment, or it may consist of a comprehensive system, as the Council shall determine to be for the best interests of the public service. The ordinance or resolution shall designate the departments and the appointive officers and employees who shall be included within the system. By subsequent ordinances or resolutions, the Council may amend the system or the list of departments and appointive officers and employees included within the system. The system shall comply with all other provisions of this Charter.

SECTION 1005. RETIREMENT SYSTEM.

Authority and power are hereby vested in the City, its Council and its several officers, agents, and employees to perform any act, and to exercise any authority, granted, permitted or required under the provisions of the State Employees Retirement Act, as it now exists or may hereafter be amended to enable the City to continue as a contracting City under the State Employees Retirement System.

SECTION 1006. CONTRACTS ON PUBLIC WORKS.

In the construction improvements and repair of all public buildings and public works, excluding maintenance, and in furnishing any supplies or materials for them, when the expenditure required exceeds the sum theretofore established by ordinance, the same shall be done by

contract. The contract shall be let to the lowest responsible bidder after notice by publication in the official newspaper by two or more insertions, the first of which shall be at least ten (10) days before the time for opening bids.

The Council may reject any and all bids presented and may readvertise in its discretion. After rejecting bids, or if no bids are received, the Council may determine and declare that in its opinion, the work in question may be performed better or more economically by the City with its own employees, or that the materials or supplies may be purchased at a lower price in the open market. After the adoption of the resolution to this effect by the affirmative vote of at least four Councilmembers, the Council may proceed to have the work done or such materials or supplies purchased in the manner stated without further observance of the provisions of this Section.

Contracts may be let and purchases made without advertising for bids if such work or the purchase of materials shall be deemed by the Council to be of urgent necessity for the preservation of life, health or property, and shall be authorized by the affirmative votes of at least four members of the Council.

SECTION 1007. PUBLIC WORKS. MINIMUM WAGES.

The minimum wage of any laborer, worker, or mechanic employed directly for the City by contractor or subcontractor, or by any other person or persons upon any public work, excluding maintenance, shall be the scale of wages then generally prevailing in the City for like work. This section does not apply to employees of the City.

ARTICLE XI
BOARD OF EDUCATION

SECTION 1100. BOARD OF EDUCATION.

The control of the Public School District of the City shall be vested in a Board of Education which shall consist of five members elected from the District at-large, provided however, that all qualified electors of the Ventura Unified School District shall have the right to vote for members of the Board of Education.

SECTION 1101. POWERS AND DUTIES.

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.

SECTION 1102. ELIGIBILITY.

Only qualified electors of the Ventura Unified School District shall be eligible for election to, or to hold office on the Board of Education.

SECTION 1103. NOMINATION.

The mode of nomination of candidates for the Board of Education shall be as prescribed in Section 504 hereof except that each candidate shall be proposed by not less than five nor more than ten qualified electors of the District.

SECTION 1104. ELECTION AND TERM.

Each member of the Board of Education shall serve for four years from and after the first regular meeting in December following election and until a successor is elected and qualified.

At each General Municipal Election, as defined in Section 500 of this Charter members of the Board of Education shall be elected to take the places of members whose terms are about to expire, to fill a vacancy and also to fill the place of any members appointed to fill a vacancy. In the election of members of the Board of Education where full terms and one or more unexpired terms are to be filled, no distinction shall be made in nomination or voting between the full terms and the unexpired terms, but the person or persons elected by the highest number of votes shall be elected for the full term or terms and the person receiving the next highest vote shall be elected for the unexpired term or terms, as the case may be.

SECTION 1105. VACANCIES.

All vacancies on the Board of Education shall be filed by a majority vote of the remaining members and the person so appointed shall serve until his successor is elected at the next succeeding General Municipal Election and qualified. In the event that three or more vacancies exist in the Board at one time, the Council shall appoint enough members to give the Board of Education three members qualified to act. Such appointees shall hold office until the next succeeding General Municipal Election and until their successors are elected and qualified.

SECTION 1106. SECRETARY OF THE BOARD.

The Superintendent of the District shall be ex-officio Secretary and Clerk of the Board of Education.

ARTICLE XII
FISCAL ADMINISTRATION

SECTION 1200. FISCAL YEAR.

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

SECTION 1201. EXPENDITURES AND INDEBTEDNESS.

No money shall be expended and no indebtedness shall be incurred on behalf of the City, for any purpose, unless and until the same shall have been authorized by ordinance, resolution or order of the Council, or in case of bonds, by vote of the people.

SECTION 1202. FINANCIAL ADMINISTRATION.

The Council shall by ordinance establish as an integral part of the Administrative Code a department to have charge of the administration of the financial affairs of the City. This department shall establish and maintain a system of financial procedures, accounts and controls for the City government and each of the City's offices, departments and agencies. It shall follow generally accepted municipal accounts procedures for cities of comparable size. This department shall also perform such other duties as are assigned to it by the City Manager or by the Council by ordinance.

SECTION 1203. CLAIMS AND DEMANDS.

Procedures prescribed from time to time by the State Legislature governing the presentation, consideration and enforcement of claims against cities or

against officers, agents and employees thereof shall apply to the presentation, consideration and enforcement of claims against the City.

In the absence of applicable procedures prescribed by the State Legislature, the procedures for presentation, consideration and enforcement of claims against the City shall be as prescribed by ordinance adopted by the Council.

SECTION 1204. ANNUAL BUDGET. PREPARATION BY THE MANAGER.

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

SECTION 1205. SUBMISSION OF PROPOSED BUDGET.

On or before the first day of May of each year, the Manager shall submit to the Council a proposed budget for the next fiscal year.

SECTION 1206. BUDGET.

The budget shall provide a complete financial plan of all City funds and activities for the next fiscal year and the total of proposed expenditures shall not exceed the total of estimated revenue. Except as required by law or this Charter, the budget shall be in such form as the Manager deems desirable or the Council may require. In organizing the budget the Manager shall utilize the most feasible combination of expenditure classification by fund, organization unit, program, purpose or activity and object. It shall begin with a clear general summary of its contents; shall show in detail all estimated revenue, indicating the proposed property tax levy and all proposed expenditures, including debt service, for the next fiscal year; and shall be so arranged as to show comparative figures for actual and estimated revenue and expenditures of the current fiscal year and actual revenue and expenditures of the preceding fiscal year. It shall show in a separate section:

(a) Proposed expenditures for current operations during the next fiscal year, detailed by offices, departments and agencies in terms of their respective work programs, and the method of financing such expenditures.

(b) Proposed capital improvement expenditures during the next fiscal year, detailed by offices, departments and agencies when practicable and the proposed method of financing each such capital improvement expenditure.

(c) Anticipated net surplus or deficit for the next fiscal year of each utility owned or operated by the City and the proposed method of its disposition.

SECTION 1207. BUDGET. CONSIDERATION BY CITY COUNCIL.

After reviewing the proposed budget and making such revisions as it may deem advisable, the Council shall determine the time for the holding of a public hearing thereon and shall cause notice of

it to be published not less than ten (10) days prior to the hearing in at least one insertion in the official newspaper. Copies of the proposed budget shall be available for inspection by the public at least ten (10) days prior to the hearing.

SECTION 1208. BUDGET. PUBLIC HEARING.

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

SECTION 1209. BUDGET. FURTHER CONSIDERATION AND ADOPTION.

At the conclusion of the public hearing the Council shall further consider the proposed budget and make any revisions that it may deem advisable. On or before June 30 it shall adopt by resolution the budget with revisions, if any, by the affirmative vote of at least four members of the Council. Upon final adoption, the budget, certified by the City Clerk, shall be reproduced and copies made available for the use of the public and of departments, offices and agencies of the City.

SECTION 1210. CAPITAL IMPROVEMENT PROGRAM.

The Manager shall prepare and submit to the Council a five-year capital improvement program at least three months prior to the final date for submission of the budget. The contents of the program shall include:

(a) A clear general summary of its contents.

(b) A list of all capital improvements which are proposed to be made during the next five fiscal years, with appropriate supporting information as to the necessity for such improvements.

(c) Cost estimates, method of financing and recommended time schedules for each such improvement.

(d) The estimated annual cost of operating and maintaining the facilities to be constructed or acquired.

The above information may be revised and extended each year with regard to capital improvements still pending or in process of construction or acquisition.

On or before the first day of April of each year, the Council shall hold a public hearing and adopt by resolution a capital improvement program, with or without amendments.

SECTION 1211. BUDGET. APPROPRIATIONS.

From the effective date of the budget, its proposed expenditures shall be and become appropriated to the several departments, offices and agencies for the respective objects and purposes named therein. However, the City Manager may transfer any unused balance that is less than an amount specified by ordinance from one object or purpose to another within the same department, office or agency. All appropriations shall lapse at the end of the fiscal year to the extent that they have not been expended or lawfully encumbered.

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

adopted by the affirmative vote of at least four members of the Council.

SECTION 1212. FUNDS.

All money paid into the City Treasury shall be credited to and kept in separate funds in accordance with the provisions of this Charter, the law, or ordinance. The following funds are hereby established: General Fund, and such bond funds, interest funds, sinking funds, special deposit funds, trust funds, and other funds as may be required by law or ordinance. For the purposes of this Charter, the General Fund is established as a medium of control of and accounting for municipal activities other than activities authorized or contemplated by special funds. All revenues and receipts which are not by law or Charter pledged or encumbered for special purposes shall be credited to the General Fund.

SECTION 1213. INDEPENDENT AUDIT.

The Council shall employ each year an independent certified public accountant who shall examine the records and accounts of the City and make a report to the Council, the City Manager and Financial Director of the City. Copies of the report shall be made available for inspection by the public.

SECTION 1214. TAX LIMITS.

The Council shall not levy a property tax for municipal purposes, other than the bonded debt of the City and special assessments, in excess of the total aggregate tax rate allowed under all laws now or hereafter applicable to cities organized under the general laws of the State of California, unless authorized by the affirmative votes of a majority of the electors voting on a proposition to increase such levy.

SECTION 1215. TAX PROCEDURE.

The procedure for the assessment, levy and collection of taxes upon property, taxable for municipal purposes, shall be prescribed by ordinance of the Council and shall conform as nearly as practicable to the general laws of the State of California.

SECTION 1216. BONDED DEBT LIMIT.

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

SECTION 1217. GENERAL OBLIGATION BONDS.

No bonded indebtedness which shall constitute a general obligation of the City may be created unless authorized by the affirmative votes of the electors voting on such proposition in full compliance with the applicable provisions of State law.

SECTION 1218. REVENUE BONDS.

The City may issue revenue bonds to provide funds for the acquisition, construction and financing of additions to, or improvements or extensions of, the water supply and distribution system of the City, or its sewage collection and disposal system.

(a) Nature of Obligation: Revenue bonds issued under this section shall not constitute general obligations or general

indebtedness of the City. Rather they shall be obligations on which principal, interest and any premiums upon redemption prior to maturity are payable solely from revenues, income and other receipts derived from the use and operation of the system to which the bonds pertain, or, if the Council so determines, such payments may be made, from a defined portion of such revenues, income and receipts.

(b) Mode of Issuance: The power to issue revenue bonds pursuant to this section shall be vested solely in the Council, but no such bonds shall be issued unless they shall first be authorized by the affirmative vote of a majority of those electors voting on the question of incurring such indebtedness. The Council may issue and sell revenue bonds so authorized, and it may fix and provide any terms, conditions, covenants and restrictions 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. To the extent that any provisions of any ordinance, resolution or order of the Council pertaining to the issuance of bonds pursuant to this section are inconsistent with the provisions of any other section of this Charter, the provisions of such ordinance, resolution or order shall control so long as any of the revenue bonds or interest coupons to which they pertain are outstanding and unpaid.

(c) Effect of Section: The provisions of this Section are in addition to, and not a limitation upon, any power which the City might exercise in absence of this section.

ARTICLE XIII
INALIENABLE RIGHTS OF THE CITY

SECTION 1300. INALIENABLE RIGHTS OF THE CITY.

The rights of the City in its tideland property, including waterfront and submerged lands as such now or hereafter exist and all improvements thereon, are inalienable except as provided in this article.

SECTION 1301. LEASES.

The Council may lease tideland property for public recreational purposes for a term not exceeding that allowed by state law. The Council may lease such property for any other purpose and for such term as it deems reasonable if the proposed lease provisions are approved by a majority vote of the electors thereon.

SECTION 1302. TRANSFERS TO STATE.

The Council may convey its tideland property to the State of California.

SECTION 1303. CREATION OF DISTRICT.

The Council may create or cause to be created a Harbor or Port District for the purpose of administering and developing its tideland property in the public interest, and may transfer such property to the District subject to such terms and conditions as the Council deems necessary to ensure that the property will be used and developed in the public interest. The Council shall reserve the right to appoint members of the governing board of any such District and shall reserve the mineral rights on any property transferred to the District.

SECTION 1304. VENTURA PORT DISTRICT.

The Ventura Port District has been created for the purpose of developing and improving the harbor and waterfront areas of the City in the public interest consistent with this Article.

ARTICLE XIV
FRANCHISES

SECTION 1400. GRANT OF FRANCHISE.

The Council is empowered to grant by ordinance a franchise to any person, firm or corporation, whether operating under an existing franchise or not, to use the public streets and places as the same now or may hereafter exist, for the construction and operation of plants, works, or equipment, necessary or convenient in connection with any public utility or service. The Council may prescribe by procedural ordinance the terms and conditions of any such grant. When two or more applicants seek to provide the same public utility or service within the City, the Council may grant more than one franchise and prescribe a specific geographical area of the City to be serviced by each applicant.

SECTION 1401. RESOLUTION OF INTENTION, NOTICE AND PUBLIC HEARING.

Before granting any franchise, the City Council shall pass a resolution declaring its intention to grant the franchise, stating the name of the proposed grantee, the character of the franchise and the terms and conditions upon which it is proposed to be granted. Such resolution shall set forth the day, hour, and place of a public hearing at which protests will be heard. It shall direct the City Clerk to publish the resolution at least once within fifteen (15) days of its passage, in the official newspaper. The time fixed for such hearing shall be at least twenty (20) but not more than sixty (60) days after the passage of the resolution.

At the time set for the hearing, the Council shall proceed to hear and pass upon all protests and its decision thereon shall be final and conclusive. Thereafter, the Council may grant by ordinance or deny the franchise, subject to the right of referendum of the people.

SECTION 1402. TERMS OF FRANCHISE.

Every franchise shall state the term for which it is granted, and no franchise shall exceed fifty (50) years, unless it is indeterminate.

A franchise grant may be indeterminate, that is to say, it may provide that it shall endure in full force and effect until the same, with the consent of the Public Utilities Commission of the State of California, shall be voluntarily surrendered or abandoned by its possessor, or until the State of California, or some municipal or public corporation, thereunto duly authorized by law, shall purchase by voluntary agreement or shall condemn and take, under the power of eminent domain, all property actually used and useful in the exercise of such franchise and situated within the territorial limits of the State, municipal or public corporation purchasing or condemning such property, or until the franchise shall be forfeited for non-compliance with the terms by the possessor thereof.

SECTION 1403. GRANT TO BE IN LIEU OF ALL OTHER FRANCHISES.

Any franchise granted by the City with respect to any given utility facilities, shall be in lieu of all other franchises, rights or privileges owned by the grantee, or by any successor of the grantee to any rights under such franchises, with respect to such utility facilities within the limits of the City as they now or hereafter exist, except any franchise derived under Section 19 of Article XI of the Constitution, as that Section existed prior to the amendment thereof adopted October 10, 1911. The acceptance of any franchise hereunder shall operate as an abandonment of all such other franchises, rights and privileges within the limits of the City, as such limits shall at any time exist, in lieu of which such franchises shall be granted.

Any franchise granted pursuant to this Charter shall not become effective until the grantee has filed written acceptance with the City. Such acceptance by the grantee shall constitute a continuing agreement that if and when the City shall thereafter annex, or consolidate with additional territory, any and all other such franchises, rights and privileges owned by the grantee therein, except a franchise derived under said constitutional provisions, shall likewise be deemed to be abandoned within the limits of such territory.

SECTION 1404. EMINENT DOMAIN.

No franchise shall in any way or to any extent impair, or affect the right of the City to acquire the property of the grantee, either by purchase or through the exercise of the right of eminent domain, and nothing in this Charter shall be construed to contract away, to modify, or abridge in any manner or for any period of time, the City's right of eminent domain with respect to any public utility.

SECTION 1405. DUTIES OF GRANTEE.

By its acceptance, the grantee shall covenant and agree to perform and be bound by each and all of the terms and conditions imposed in the grant, or by procedural ordinance, and shall further agree to:

(a) Comply with all lawful ordinances, rules and regulations theretofore or thereafter adopted by the Council in the exercise of its police powers.

(b) Pay to the City, on demand, the cost of all repairs to public property made necessary by any of the operations of the grantee under such franchise.

(c) Indemnify and hold harmless the City and its officers from any and all liability for damages proximately resulting from any operations under such franchises.

(d) Remove and relocate, without expense to the City, any facilities installed, used and maintained under the franchise if and when made necessary by the City's making any lawful changes of grade, alignment or width of any public street, or place, including the construction of any subsurface improvement.

(e) Pay to the City, during the life of the franchise, such compensation as the Council may prescribe in the Ordinance granting the franchise.

SECTION 1406. ESTABLISHMENT OF PUBLIC UTILITIES.

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

ARTICLE XV
MISCELLANEOUS

SECTION 1500. DEFINITIONS.

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

(a) "Shall" is mandatory, and "may" is permissive.

(b) "City" is the City of San Buenaventura and "department," "board," "commission," "agency," "officer," or "employee" is a department, board, commission, agency, officer or employee, as the case may be, of the City of San Buenaventura.

(c) "Council" is the City Council.

(d) "County" is the County of Ventura.

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

SECTION 1501. VIOLATIONS.

The violations of any provision of this Charter shall be a misdemeanor and shall be punishable as provided in Section 19 of the California Penal Code or any successor provision.

SECTION 1502. VALIDITY.

If any provision of this Charter or the application thereof to any person or circumstance is held invalid, the remainder of the Charter and the application of such provision to other persons or circumstances shall remain in full force and effect.

The captions used as headings of the various Articles and Sections hereof are for convenience only and are not to be considered as a part of this Charter or used in determining the intent or context thereof.

SECTION 1503. AMENDMENTS.

Any amendment of this Charter shall be made pursuant to and in accordance with the applicable provisions of the Constitution of the State of California.

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