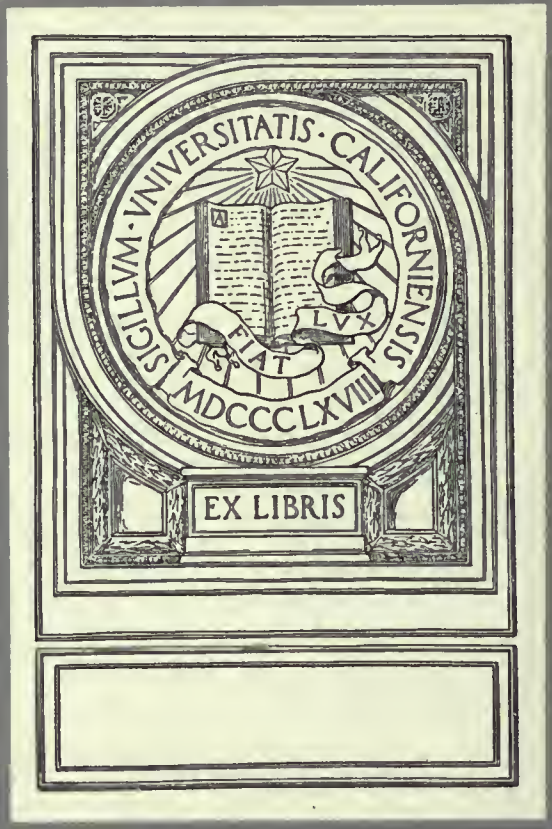
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CHARTER

FOR THE

CITY AND COUNTY OF OAKLAND

Prepared, proposed and amended by the Board of Freeholders elected February 3, 1921, in pursuance of Section 7½a, Article XI, of the Constitution of the State of California.

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"Alameda County, California Board of Freeholders

Charter for the city and county of Alameda, prepared and proposed by the Board of Freeholders elected Feb 3, 1921

C H A R T E R

OF THE

CITY AND COUNTY OF OAKLAND

NAME AND BOUNDARIES

Sec. 1. The City of Oakland, the City of Piedmont and the Town of Emeryville, and all that portion of the County of Alameda embraced within the corporate limits of the said incorporated cities and town are hereby merged and consolidated into one municipal government, and the inhabitants thereof shall be a body politic and corporate. The name of said consolidated city and county government shall be the City and County of Oakland. Said city and county shall have perpetual succession, may sue and be sued and shall have a corporate seal.

The City and County of Oakland shall consist of all that portion of Alameda County, as it existed December 1, 1921, bounded and described as follows:

Commencing at a point on the line dividing said Alameda County from the City and County of San Francisco, where said line is intersected by the Southerly boundary line of the City of Berkeley; thence Easterly along said Southerly boundary line of the City of Berkeley, and continuing along the boundary of the City of Berkeley, Northerly, Westerly, and Northerly to the intersection thereof with the line dividing said Alameda County from Contra Costa County; thence in a general Southeasterly direction along said line dividing Alameda County from Contra Costa County, being also the Northeasterly boundary of the City of Oakland, to a point on said dividing line which

is common to the City of Oakland, to Contra Costa County, and to Eden Township in said Alameda County; thence along the line dividing the City of Oakland from Eden Township in Said Alameda County in a general Southeasterly direction and continuing along said line in a general Westerly direction to the intersection thereof with the Northeasterly boundary of the City of San Leandro; thence Northwesterly along said Northeasterly boundary of the City of San Leandro, being the line dividing the City of Oakland from the City of San Leandro, and continuing Southwesterly along said dividing line to the intersection thereof with the line dividing the City of Oakland from Eden Township in said Alameda County; thence in a general Westerly direction along the said line dividing the City of Oakland from Eden Township in Alameda County to the intersection thereof with the Easterly boundary of the City of Alameda, being the line dividing the City of Alameda from the City of Oakland; thence Northerly and Northwesterly along said line dividing the City of Oakland from the City of Alameda to the intersection thereof with the line aforementioned dividing Alameda County from the City and County of San Francisco; thence Northwesterly along said line dividing Alameda County from the City and County of San Francisco to the point of commencement.

Being all those certain portions of Alameda County, as it Existed December 1, 1921, contained within the corporate limits of the City of Oakland, the City of Piedmont and the Town of Emeryville.

POWERS

Sec. 2. The city and county shall have and is hereby granted the authority to exercise all rights and powers relating to municipal affairs, and all rights and powers which are now or may be hereafter conferred upon counties, cities, cities and counties, municipal or utility districts, by the Constitution and laws of

the State of California, and shall have such other rights and powers appropriate to a county, city, city and county, municipal or utility district, as are not specifically prohibited by the Constitution of the State of California, subject only to the restrictions and limitations contained in this charter; and it shall have and is hereby granted the authority to make and enforce all laws and regulations in the exercise of said powers.

The enumeration of particular powers by this charter shall not be held or deemed to be exclusive, but, in addition to the powers enumerated herein, implied thereby or appropriate to the exercise thereof, the city and county shall have and may exercise all other powers which now are conferred or which hereafter it would be competent for this charter specifically to enumerate.

CREATION OF METROPOLITAN COUNCIL

Sec. 3. There is hereby created a Metropolitan Council which shall have full power and authority, except as herein otherwise provided, to exercise all powers conferred upon the city and county, including all powers and duties now or hereafter conferred or imposed by law upon boards of supervisors.

COMPOSITION OF METROPOLITAN COUNCIL

Sec. 4. The Metropolitan Council shall consist of seven councilmen, who shall be elected by districts. The councilmen first elected from Districts 1, 3, and 5, as said districts are bounded and described in Section 5 of this charter, shall hold office until 12 o'clock noon on the first Monday after the first day of January, 1925, and the councilmen first elected from Districts 2, 4, 6, and 7, as the said districts are bounded and described in Section 5 of this charter, shall hold office until 12 o'clock noon on the first Monday after the first day of January, 1927. Thereafter, as the terms of the councilmen expire, their successors shall be elected for terms of four years and shall hold office until their successors shall have been elected or appointed and shall have qualified.

COUNCIL DISTRICTS

Sec. 5. For the purpose of the election of councilmen, the city and county is hereby divided into seven districts, as follows:

Council District No. 1 shall consist of all that portion of the city and county described as follows:

Commencing at the most Westerly corner on the boundary of the City and County of Oakland and running thence Southeasterly along the Westerly boundary of the City and County of Oakland to a point on said boundary, said point being a corner common to the City and County of Oakland and the City of Alameda; thence Easterly along the line dividing the City and County of Oakland from the City of Alameda to a point where said line is intersected by the direct extension Southwesterly of the center line of Broadway in the City and County of Oakland; thence Northeasterly along said direct extension Southwesterly of Broadway, and continuing Northeasterly along the center line of Broadway to the intersection thereof with the center line of Telegraph Avenue; thence Northeasterly along said center line of Telegraph Avenue to the intersection thereof with the direct extension Easterly of the center line of Sycamore Street; thence Westerly along said direct extension and along said center line of Sycamore Street and along the direct extension Westerly thereof to the intersection thereof with the center line of San Pablo Avenue; thence Northerly along said center line of San Pablo Avenue to the intersection thereof with the direct extension Easterly of the center line of Mead Street; thence Westerly along said direct extension and along the center line of Mead Street and along the direct extension Westerly thereof to the intersection thereof with the center line of Market Street; thence along the center line of Market Street to the intersection thereof with the direct extension Easterly of the center line of 24th Street; thence Northwesterly along said direct extension and

along the center line of 24th Street and continuing Northwesterly along the direct extension Northwesterly of said center line of 24th Street to a point on the Northerly line of the City and County of Oakland; thence along last said line Southwesterly to the point of commencement.

Council District No. 2 shall consist of all that portion of the city and county described as follows:

Commencing at a point on the Northerly boundary of the City and County of Oakland, said point being the intersection of said line with the direct extension Northwesterly of the center line of 24th Street in the City of Oakland; thence in a general Easterly direction along said Northerly boundary line of the City and County of Oakland to the intersection of said boundary line with the center line of Telegraph Avenue; thence Southerly along said center line of Telegraph Avenue to the intersection thereof with the direct extension Easterly of the center line of Sycamore Street; thence Westerly along said direct extension and along the center line of Sycamore Street and along the direct extension Westerly thereof to the intersection thereof with the center line of San Pablo Avenue; thence Northerly along the center line of San Pablo Avenue to the intersection thereof with the direct extension Easterly of the center line of Mead Street; thence along said direct extension and along the center line of Mead Street and along the direct extension Westerly thereof to the intersection thereof with the center line of Market Street; thence along the center line of Market Street to the intersection thereof with the direct extension Easterly of the center line of 24th Street; thence Westerly along said direct extension and along the center line of 24th Street and continuing Northeasterly along the direct extension Northwesterly thereof to its intersection with the aforementioned Northwesterly boundary line of the City and County of Oakland, being the point of commencement.

Council District No. 3 shall consist of all that portion of the city and county described as follows:

Commencing at a point on the center line of Telegraph Avenue in the City and County of Oakland where said center line is intersected by the center line of 41st Street; thence Southeasterly along the center line of 41st Street and along a direct extension Southeasterly thereof to the intersection thereof with the center line of Piedmont Avenue; thence Northeasterly along the center line of Piedmont Avenue to the point where said center line is intersected by the direct extension Northwesterly of the center line of Linda Avenue; thence Southeasterly along said direct extension and along the center line of Linda Avenue to the intersection thereof with the boundary of the City of Piedmont as it existed December 1, 1921; thence in a general Southeasterly direction along said boundary of the City of Piedmont as it existed December 1, 1921, and continuing Northeasterly along said boundary to the most Easterly corner on said boundary; thence leaving said boundary of the City of Piedmont, as it existed December 1, 1921, and running due East to a point on the center line of County Road No. 625; thence Northeasterly along the center line of County Road No. 625 to the intersection thereof with the center line of County Road No. 634; thence Northwesterly along the center line of County Road No. 634 to the intersection thereof with the center line of County Road No. 2457; thence Northeasterly along the center line of County Road No. 2457 to the intersection thereof with the center line of County Road No. 2859; thence Northeasterly along the center line of County Road No. 2859 to the intersection thereof with the center line of County Road No. 2874; thence Northeasterly along the center line of County Road No. 2874 to the intersection thereof with the center line of Thorn Road; thence Easterly along the center line

of Thorn Road to the intersection thereof with the Northeasterly boundary of the City and County of Oakland; thence Northwesterly along said Northeasterly boundary and continuing Southerly, Easterly, Southerly, Westerly, Northerly and Westerly along the boundary of said City and County of Oakland to the intersection thereof with the center line of Telegraph Avenue; thence Southwesterly along the center line of Telegraph Avenue to the point of commencement.

Council District No. 4 shall consist of all that portion of the city and county described as follows:

Commencing at a point on the Southwesterly boundary of the City and County of Oakland, being also the line dividing the City and County of Oakland from the City of Alameda, where said boundary is intersected by the direct extension Southwesterly of the center line of Broadway; thence Northeasterly along said direct extension Southwesterly of the center line of Broadway and continuing Northeasterly along the center line of Broadway to the intersection thereof with the center line of Telegraph Avenue; thence Northeasterly along said center line of Telegraph Avenue to the intersection thereof with the center line of 41st Street; thence Southeasterly along said center line of 41st Street and along a direct extension Southeasterly thereof to the intersection thereof with the center line of Piedmont Avenue; thence Northeasterly along the center line of Piedmont Avenue to the point where said center line is intersected by the direct extension Northwesterly of the center line of Linda Avenue; thence Southeasterly along said direct extension and along the center line of Linda Avenue to the intersection thereof with the boundary line of the City of Piedmont, as it existed December 1, 1921; thence in a general Southeasterly direction along said boundary of the City of Piedmont, as it existed December 1, 1921, to the intersection thereof

with the Southeasterly line of the Right of Way of the Great Western Power Company; thence Southwesterly along said Southeasterly line of said Right of Way to the intersection thereof with the center line of Creed Road; thence Southeasterly along the center line of Creed Road to the intersection thereof with the Southerly line of Lakeshore Hills, as shown on that certain map entitled "Lakeshore Hills, Oakland, Alameda County, Cal." of record in the office of the Recorder of Alameda County, thence Westerly along said Southerly boundary of Lakeshore Hills to the Easterly line of Mathews Avenue; thence Northwesterly on a direct extension Northwesterly of said Southerly boundary to the center line of Mathews Avenue; thence Southwesterly along said center line of Mathews Avenue and along the direct extension Southwesterly thereof to the intersection thereof with the direct extension Easterly of the center line of Excelsior Avenue and continuing along a direct extension Westerly of said center line to the intersection thereof with the line dividing Oakland Township from Brooklyn Township, as they existed December 1, 1921; thence Southwesterly along said line dividing Oakland Township from Brooklyn Township to the intersection thereof with the aforementioned Southwesterly boundary of the City and County of Oakland; thence Northwesterly along said boundary of the City and County of Oakland to the point of commencement.

Council District No. 5 shall consist of all that portion of the city and county described as follows:

Commencing at a point on the Southwesterly boundary of the City and County of Oakland, being also on the line dividing the City and County of Oakland from the City of Alameda, where said boundary is intersected by the line dividing Oakland Township from Brooklyn Township, as they existed December 1, 1921; thence Northeasterly along said line dividing Oakland Township from Brooklyn Township to a point where said dividing line is inter-

sected by the direct extension Westerly of the center line of Excelsior Avenue; thence Easterly along said direct extension and continuing Easterly along the center line of Excelsior Avenue and along a direct extension Easterly thereof to a point where said extension is intersected by the direct extension Southwesterly of the center line of Mathews Avenue; thence Northeasterly along said extension and along the center line of Mathews Avenue to a point where said center line is intersected by the direct extension Northwesterly of the Southerly boundary of Lake Shore Hills, as said Southerly boundary of Lakeshore Hills is shown on that certain map entitled "Lakeshore Hills, Oakland, Alameda County, Cal.", of record in the office of the Recorder of Alameda County; thence Southeasterly along said direct extension to the Easterly line of Mathews Avenue; thence Easterly along said Southerly boundary of Lakeshore Hills to the intersection of said boundary with the center line of Creed Road; thence Northwesterly along the center line of Creed Road to the intersection thereof with the Southeasterly line of the Right of Way of the Great Western Power Company; thence Northeasterly along said Southeasterly line of said Right of Way to the intersection thereof with the boundary of the City of Piedmont, as it existed December 1, 1921; thence Southeasterly along said boundary of the City of Piedmont, and continuing Northeasterly along said boundary of the City of Piedmont to the most Easterly corner on said boundary; thence leaving said boundary of the City of Piedmont, as it existed December 1, 1921, and running thence due East to a point on the center line of County Road No. 625; thence Northeasterly along the center line of County Road No. 625 to the intersection thereof with the center line of County Road No. 634; thence Northwesterly along the center line of County Road No. 634 to the intersection thereof with the center

line of County Road No. 2457; thence Northeasterly along the center line of County Road No. 2457 to the intersection thereof with the center line of County Road No. 2859; thence Northeasterly along the center line of County Road No. 2859 to the intersection thereof with the center line of County Road No. 2874; thence Northeasterly along the center line of County Road No. 2874 to the intersection thereof with the center line of Thorn Road; thence Easterly along the center line of Thorn Road to the intersection thereof with the Northeasterly boundary of the City and County of Oakland; thence Southeasterly along said Northeasterly boundary to the intersection thereof with the line dividing the North one-half from the South one-half of the Northeast one-quarter of Section 34, in Township 1 South, Range 3 West, M. D. B. & M.; thence leaving said Northeasterly boundary of the City and County of Oakland Westerly on a direct extension Westerly of said dividing line to an intersection with the center line of County Road No. 2509; thence Westerly along said center line of County Road No. 2509 to the intersection thereof with the center line of County Road No. 1854, otherwise known as Lincoln Avenue; thence Southwesterly along the center line of said Lincoln Avenue and along a direct extension Southwesterly thereof to the intersection thereof with the center line of Hopkins Street; thence Westerly along the center line of Hopkins Street to the intersection thereof with the direct extension Northeasterly of the center line of 23rd Avenue; thence Southwesterly along said direct extension and continuing Southwesterly and Southerly along the center line of 23rd Avenue and along the direct extension Southerly thereof to the intersection thereof with the Southwesterly boundary of the City and County of Oakland; thence Northwesterly along said Southwesterly boundary of the City and County of Oakland to the point of commencement.

Council District No. 6 shall consist of all that portion of the city and county described as follows:

Commencing at a point on the Southwesterly boundary of the City and County of Oakland, being also the line dividing the City and County of Oakland from the City of Alameda, where said boundary is intersected by the direct extension Southerly of the center line of 23rd Avenue; thence Northerly along said direct extension and continuing Northerly and Northeasterly along the center line of 23rd Avenue and along the direct extension Northeasterly thereof to the intersection thereof with the center line of Hopkins Street; thence Easterly along the center line of Hopkins Street to the intersection thereof with the direct extension Southwesterly of the center line of Lincoln Avenue; thence Northeasterly along said direct extension and along the center line of Lincoln Avenue, otherwise known as County Road No. 1854, to the intersection thereof with the center line of County Road No. 2509; thence Easterly along the center line of County Road No. 2509 to a point where said center line is intersected by the direct extension Westerly of the line dividing the North one-half from the South one-half of the Northeast one-quarter of section 34, Township 1 South, Range 3 West, M. D. B. & M.; thence Easterly along said direct extension Westerly of said dividing line to the intersection thereof with the Easterly boundary of the City and County of Oakland; thence Southeasterly along said Easterly boundary line to the intersection thereof with the center line of Redwood Road, otherwise known as County Road No. 809 and County Road No. 2760; thence Southwesterly along the center line of Redwood Road to the intersection thereof with the direct extension Northeasterly of the center line of 39th Avenue; thence Southwesterly along said direct extension and along the center line of 39th Avenue to the intersection

thereof with the center line of Bayo Street; thence Southeasterly along the center line of Bayo Street and along the direct extension Southeasterly thereof to the intersection thereof with the center line of High Street; thence Southwesterly along the center line of High Street and along the direct extension Southwesterly thereof to the intersection thereof with the Southwesterly boundary of the City and County of Oakland; thence Northwesterly along said Southwesterly boundary of the City and County of Oakland to the point of commencement.

Council District No. 7 shall consist of all that portion of the city and county described as follows:

Commencing at a point on the Southwesterly boundary of the City and County of Oakland, being also the line dividing the City and County of Oakland from the City of Alameda, where said Southwesterly boundary is intersected by the direct extension Southwesterly of the center line of High Street; thence Northeasterly along said direct extension and along said center line of High Street to the intersection thereof with the direct extension Southeasterly of the center line of Bayo Street; thence Northwesterly along said direct extension and along said center line of Bayo Street to the intersection thereof with the center line of 39th Avenue; thence Northeasterly along said center line of 39th Avenue and along the direct extension Northeasterly thereof to the intersection thereof with the center line of Redwood Road, otherwise known as County Road No. 809 and County Road No. 2760; thence Northeasterly along the center line of Redwood Road to the intersection thereof with the Northeasterly boundary of the City and County of Oakland; thence Southeasterly along said Northeasterly boundary and continuing Southerly along the Easterly boundary of said City and County of Oakland and continuing in a general Westerly direction along the Southerly boundary of the

City and County of Oakland to the Southwest corner thereof; thence Northerly along the Southwesterly boundary of said City and County of Oakland to the point of commencement.

COMPENSATION

Sec. 6. Each councilman shall receive a salary of two hundred dollars per month.

QUALIFICATION OF COUNCILMEN

Sec. 7. Each councilman must have been an elector of the district from which he is elected for at least one year prior to his election, and must reside in said district during his incumbency. Any councilman who shall cease to possess any of the qualifications required by this charter shall forthwith forfeit his office, and it shall be the duty of the Metropolitan Council to declare such forfeiture.

VACANCIES

Sec. 8. If a vacancy shall occur in the office of Councilman from any district, the Metropolitan Council shall appoint a person from said district possessing the qualifications specified in Section 7 hereof, who shall hold office until the election and qualification of a councilman to fill the vacancy, which election shall take place at the next succeeding general municipal election, and the councilman so elected shall hold office for the remainder of the unexpired term; provided, however, that if the next general municipal election is held in the month of November next preceding the expiration of said term, then the appointee of the Metropolitan Council shall hold office for the unexpired term and until his successor is elected and qualified.

MEETINGS

Sec. 9. The Metropolitan Council first elected under the provisions of this charter shall hold its first meeting in the rooms of the Board of Supervisors of the County of Alameda in the Hall of Records, at 10 o'clock a.m. on the second Monday following the issuance of their certificates of election by said Board of Supervisors.

At such meeting the Metropolitan Council shall organize and provide for a time and place for the holding of regular meetings. All meetings of the Metropolitan Council must be public, and the minutes and books of the Metropolitan Council shall be open at all reasonable times for public inspection. No meetings shall be held except at such regular place of meeting.

Absence from five consecutive regular meetings, unless excused by resolution of the Metropolitan Council, shall operate to vacate the seat of any councilman so absent.

SPECIAL MEETINGS

Sec. 10. Special meetings of the Metropolitan Council may be called by the Mayor or by any two councilmen upon written notice to each councilman, served personally upon him or left at the place designated by him on the books of the clerk, (which designation must be made to, and a record thereof kept by, the clerk) at least twenty-four hours before the time of the proposed meeting. Such notices must specify the subjects to be considered, and no other business shall be transacted at such meetings.

QUORUM

Sec. 11. A majority of the councilmen shall constitute a quorum for the transaction of business, but no act of the

Metropolitan Council shall be valid unless a majority of all the councilmen concur therein.

PROCEDURE OF METROPOLITAN COUNCIL

Sec. 12. Except as otherwise provided in this charter, the Metropolitan Council shall determine its rules of procedure. It shall keep minutes of its proceedings. The vote upon all matters coming before the Metropolitan Council shall be taken by ayes and noes and entered upon its minutes.

The Metropolitan Council shall be a continuing body, and no measure pending before it shall abate or be discontinued by reason of the expiration of the term of office or removal of the members of said body or any of them.

ORDINANCES

Sec. 13. Every ordinance shall be introduced in written or printed form.

The enacting clause of every ordinance adopted by the Metropolitan Council shall be: "Be it ordained by the Metropolitan Council". No ordinance, except an emergency ordinance, shall be passed by the Metropolitan Council on the days of its introduction or within six days thereafter, or at any time other than at a regular meeting. Every ordinance upon its final adoption shall be assigned a serial number, shall be recorded in a book kept for that purpose, and shall be authenticated by the signature of the clerk and the seal of the city and county.

EMERGENCY MEASURES

Sec. 14. The Metropolitan Council may, by a five-sevenths vote of the entire body, pass emergency measures to take effect at the time indicated therein. An emergency

measure is one for the immediate preservation of the public peace, property, health or safety, or one providing for the usual daily operation of a municipal function in which the emergency is set forth and defined. Measures appropriating money may be passed as emergency measures, but no measure making a grant, renewal or extension of a franchise or other special privilege, or regulating the rate to be charged for its service by any public utility, shall be so passed.

TAKING EFFECT OF ORDINANCES

Sec. 15. No ordinance or measure adopted by the Metropolitan Council or board of trustees of any borough shall go into effect until thirty days after its final passage, except emergency measures, ordinances or measures relating to elections, ordinances or measures relating to street openings and closings and street improvement work, ordinances or measures relating to bond issues, and ordinances providing for tax levies or appropriations for the usual current expenses of the city and county. Such excepted ordinances or measures shall go into effect at the time designated therein.

POWERS OF METROPOLITAN COUNCIL

Sec. 16. Except as otherwise provided in this charter, the Metropolitan Council shall have power to fix the number of all officers and employees of the city and county; to fix their compensations where not fixed by this charter; to create departments, offices and employments, and to discontinue any department, office or employment created by it, and to combine departments, offices and employments of the city and county; provided that nothing in this section shall be taken as a grant of power to the Metropolitan Council to discontinue or

abolish departments, boards or offices created by this charter, or to limit the power of the Civil Service Commission, as herein provided.

INVESTIGATION BY METROPOLITAN COUNCIL

Sec. 17. The Metropolitan Council or any committee thereof, or person, duly authorized by the Metropolitan Council, may investigate the affairs of any office, department or board, including borough boards, and the official acts and conduct of any officer or employee, and shall have power to administer oaths, to compel the attendance of witnesses and the production of books, papers and other evidence, and for that purpose may issue subpoenas which shall be signed by the Mayor, a councilman, or the authorized person conducting such investigation. Any witness who shall refuse to obey any subpoena or who shall refuse to testify to any facts within his knowledge or to produce any papers or books in his possession, or under his control, relating to the matter under inquiry, shall be deemed to be in contempt, and the Metropolitan Council, committee or person conducting such investigation shall have power to take such proceedings in that behalf as may be taken by boards of supervisors, as provided in the Political Code of the State of California. No person shall be excused from testifying, but his testimony shall not be used against him in any criminal proceeding other then for perjury.

ELECTION AND DUTIES OF MAYOR

Sec. 18. At the first meeting of the Metropolitan Council following the election of the first Metropolitan Council under this charter, and thereafter on the first Monday after the first day of January of each odd numbered year, the Metropolitan Council shall elect one of its members as President, who

shall be entitled "Mayor". In addition to his salary as councilman, the Mayor shall receive an additional compensation of one hundred dollars per month.

The Mayor shall preside at meetings of the Metropolitan Council and perform such other duties consistent with this charter as may be imposed by the Metropolitan Council. He shall be entitled to a vote, but shall possess no veto power. He shall be recognized as the official head of the city and county. All bonds, contracts and other instruments in writing requiring the assent of the city and county shall be subscribed by the Mayor, or acting Mayor, as the case may be, under the seal of the city and county and attested by the Clerk. In time of public danger or emergency he shall, with the consent of the Metropolitan Council, take command of the police and maintain and enforce the laws. During his absence or disability his duties shall be performed by another member appointed by the Metropolitan Council. The Mayor shall have power to appoint a secretary to the Mayor, who shall hold office at the pleasure of the Mayor.

The Metropolitan Council may appropriate annually the sum of two thousand five hundred dollars to be expended in entertaining the guests of the city and county, under the direction of the Metropolitan Council, and shall appropriate the further sum of five hundred dollars as a Mayor's Urgent Necessity Fund, which may be expended by the Mayor without furnishing vouchers therefor.

CREATION OF BOROUGHS

Sec. 19. The Boroughs of Emeryville, Oakland and Piedmont are hereby created with the powers hereinafter specifically granted.

The Borough of Emeryville shall consist of all that portion of the city and county at present included within the corporate limits of the Town of Emeryville.

The Borough of Oakland shall consist of all that portion of the city and county at present included within the corporate limits of the City of Oakland.

The Borough of Piedmont shall consist of all that portion of the city and county at present included within the corporate limits of the City of Piedmont.

ELECTION OF BOARDS OF TRUSTEES

Sec. 20. There shall be elected at large by the qualified electors in each borough a Board of Trustees of five members who shall be qualified electors of the said borough. At the first meeting of the boards of trustees first elected hereunder the members thereof shall so classify themselves by lot that two members shall hold office until 12 o'clock noon on the first Monday after the first day of January, 1925, and three members shall hold office until 12 o'clock noon on the first Monday after the first day of January, 1927. Thereafter, as the terms of the members of each board of trustees expire, their successors shall be elected for terms of four years and shall hold office until their successors shall have been elected or appointed and have qualified.

VACANCIES IN BOARDS OF TRUSTEES

Sec. 21. If a vacancy shall occur in any board of trustees, such vacancy shall be filled by the board in the same manner as is herein provided for filling vacancies in the Metropolitan Council.

COMPENSATION OF TRUSTEES

Sec. 22. The trustees of each borough shall serve without compensation.

MEETINGS OF BOARDS OF TRUSTEES

Sec. 23. The boards of trustees first elected hereunder shall meet on the third Tuesday following the issuance of certificates of election to the members thereof at the hour of eight o'clock p.m. and proceed to organize, and provide for a time and place for holding regular meetings at least once each month. The time of such meetings shall be arranged by a conference of the chairmen of the several boards of trustees and the Manager. All meetings of the boards of trustees shall be open to the public and the minutes and books of the several boards of trustees shall be open at all reasonable times for public inspection. No meetings shall be held except at such regular places of meeting. Absence from five consecutive regular meetings, unless excused by resolution of the board shall operate to vacate the seat of any member so absent.

SPECIAL MEETINGS OF BOARDS OF TRUSTEES

Sec. 24. Special meetings of the several boards of trustees may be called by the chairman or any two trustees upon written notice to each trustee, served personally upon him or left at the place designated by him on the books of the clerk of the board, (which designation must be made to, and a record thereof kept by, the clerk) at least twelve hours before the time of the proposed meeting. Such notices must specify the subjects to be considered and no other business shall be transacted at such meetings.

QUORUM OF BOARDS OF TRUSTEES

Sec. 25. A majority of the members of each board shall constitute a quorum for the transaction of business, but no action of the board shall be valid unless a majority of all the members thereof concur therein.

CHAIRMEN OF BOARDS OF TRUSTEES

Sec. 26. At the first meetings of the boards of trustees first elected hereunder, and thereafter on the first Monday after the first day of January of each odd numbered year, each board shall elect one of its members as chairman. The chairman shall preside at meetings of the board and perform such other duties, consistent with his office, as may be imposed by the board. All instruments in writing requiring the assent of the borough shall be subscribed by the chairman, or chairman pro tem, and attested by the borough clerk. In case of the absence of the chairman from any meeting, the board shall elect one of its members chairman pro tem. If at any time the office of the chairman becomes vacant the board shall elect a successor for the unexpired term.

BOROUGH CLERKS

Sec. 27. There shall be in each borough a borough clerk appointed by the Manager upon the recommendation of the board of trustees, who, as clerk of such board, shall exercise such other functions as may be assigned to him by the Manager, and who shall be deemed to be an officer of the city and county.

POWERS OF BOROUGHS

Sec. 28. Each borough shall have and exercise only the powers and duties which are conferred or imposed upon it or its board of trustees by this charter. Except to recommend the appointment of the borough clerk, the boards of trustees shall

have no power to name or appoint any person or board to execute any of the powers, duties, rights or obligations of the borough, but the same shall be executed by the appropriate officers of the city and county.

POWERS OF BOARDS OF TRUSTEES

Sec. 29. The board of trustees of each borough shall have the power:

1. To recommend to the Metropolitan Council the opening and closing of streets, the performance of street improvement work of any kind and character within such borough that may be done under the laws of the State of California; the acquisition, improvement, equipment or maintenance of parks, playgrounds and recreation centers within the borough, either by bond issue within the borough or by a direct tax levied on the assessable property of the borough, and from time to time, as may be necessary or desirable, the holding of a borough election to vote bonds for any public improvement within the borough.

Upon receipt of any such recommendation it shall be the duty of the Metropolitan Council to carry out the intent thereof by immediately initiating proceedings therefor in the manner provided by the laws of the State of California.

2. To establish by ordinance residential zones within the borough.

3. To recommend to the Metropolitan Council, on or before the first Monday in June of each year, the amount of money necessary to meet the requirements of the borough in addition to such amounts as may have been included in the annual estimate of revenue and expenditures to be raised by taxation of the property of the entire city and county. The Metropolitan Council shall embody such recommendation in the annual appropriation ordinance and shall levy a tax on the assessable property within the borough sufficient to raise such amount.

BOROUGH ORDINANCES

Sec. 31. The enacting clause of all ordinances adopted by the boards of trustees of boroughs shall be: "Be it ordained by the board of trustees of the Borough of _____".

No ordinance shall be passed by a board of trustees on the day of its introduction, or within six days thereafter, or at any time other than at a regular meeting. Every ordinance, upon its final adoption, shall be assigned a serial number, shall be recorded in a book kept for that purpose, shall be authenticated by the signature of the clerk of the borough, and a copy thereof, duly certified by the borough clerk, shall be forwarded to the clerk of the Metropolitan Council.

BOROUGH BUDGETS

Sec. 32. The board of trustees of each borough must provide in its annual budget an amount sufficient to pay the full cost of all special borough elections, including initiative, referendum and recall elections, of maintaining the borough government, and of exercising the powers herein granted to such borough.

RELINQUISHMENT OF BOROUGH POWERS

Sec. 33. Any or all of the powers herein granted to boroughs may be relinquished to the city and county government by the majority vote of the electors of such borough voting on the question, and the procedure therefor shall be as follows:

Upon the filing with the Metropolitan Council of a resolution of a board of trustees, or a petition signed by the qualified electors of a borough, equal in number to twenty-five percent of all votes cast for the trustees receiving the highest number of votes in such borough at the last general municipal election, requesting that the question of the

relinquishment to the city and county government of any or all of the powers herein conferred be submitted to the vote of the electors of such borough for determination, it shall be the duty of the Metropolitan Council to submit said question to the electors of such borough at the next general municipal election. Upon the relinquishment of all the powers of any borough, such borough shall thereafter be governed by the Metropolitan Council.

ELECTIONS

Sec. 34. Unless otherwise provided in this charter, all laws of the State of California respecting elections shall be applicable to all elections held in the city and county, or in the several boroughs thereof.

ELECTION PRECINCTS

Sec. 35. The election precincts within which it is proposed to hold any election shall not be described by metes and bounds in any measure calling such election, but the election precincts established by the Metropolitan Council for general election purposes shall be referred to by names or numbers.

ELECTIVE OFFICERS

Sec. 36. The elective officers of the city and county shall be the judges of the Municipal Court, the District Attorney, the Auditor, the Assessor, and the councilmen, and the elective officers of the several boroughs shall be the trustees of each borough.

All elective officers shall be elected at the time and in the manner provided by the laws of the State of California for the election of county officers; provided, however, that in case there is but one person to be elected to any office any candidate receiving at the preceding primary election a majority of the total number of votes cast for all candidates for such office

shall be declared elected to such office by the canvassing board and a certificate of election shall be issued to him, and said office shall not appear on the ballot voted at the ensuing general election, and provided, further, that, in case there are two or more persons to be elected to any office the candidates for such office, receiving at the preceding primary election, the votes of a majority of all the voters participating in said primary election in the district in which said office is voted upon, shall be known as "majority candidates", and shall be declared elected to such office by the canvassing board, and certificates of election shall be issued to them, and the said office shall not appear on the ballot voted at the ensuing general election; provided, that if the number of such "majority candidates" is greater than the number of persons to be elected to such office, then those "majority candidates" receiving the highest number of votes and equal in number to the number of persons to be elected to such office shall be declared elected to such office by the canvassing board, and certificates of election shall be issued to them and the said office shall not appear on the ballot voted at the ensuing general election; and provided, further, that, if the number of such "majority candidates" so declared elected is less than the number of persons to be elected to such office, then there shall remain to be elected to such office such number of persons as shall equal the total number of persons to be elected to such office less the number of "majority candidates" declared elected to such office, and there shall appear on the official ballot voted at the ensuing general election only such number of names of such other candidates receiving the next highest number of votes for nomination to such office as may equal twice the number of persons remaining to be elected to such office (or a smaller number if the list of said other candidates be

exhausted), such names to be preceded by the designation of the office and the words "Vote for _____" the blank being filled by the number of persons remaining to be elected to such office.

STATEMENT OF CANDIDATES

Sec. 36-a. Each candidate, at his own cost, may deliver to the clerk, at least twenty-five days prior to the date of any election, a verified statement with printed copies thereof equal in number to the number of electors qualified to vote for the office for which he is a candidate. Said copy shall be printed on white paper four inches wide by nine inches long, may have the candidate's photo-engraving printed thereon, and shall have printed thereon his name, the office for which he is a candidate, a statement as to his residence, place of birth, present occupation, what public office or offices he has held, whether he is a taxpayer in the district in which he seeks election, and such other information as he may desire concerning his experience and qualifications for the office for which he is a candidate. One copy of such statement shall be mailed with the sample ballot to each elector qualified to vote for such office.

INITIATIVE, REFERENDUM AND RECALL

INITIATIVE AND REFERENDUM

Sec. 37. The submission to the vote of the people of any proposed ordinance or measure, or of any ordinance or measure adopted by the Metropolitan Council or by the board of trustees of any borough which has not gone into effect, may be accomplished by the presentation of a petition therefor to the Metropolitan Council, or to a borough board of trustees, in the manner prescribed by the laws of the State of California, now or hereafter in force, providing for direct legislation by cities and towns, except as herein otherwise specifically provided.

ENACTING CLAUSE

Sec. 38. The enacting clause of every ordinance or measure proposed by the qualified electors of the city and county shall be: "Be it ordained by the People of the City and County of Oakland".

The enacting clause of every ordinance or measure proposed by the qualified electors of a borough shall be: "Be it ordained by the People of the Borough of _____".

REFERENCE OF MEASURE FOR ADVISORY VOTE

Sec. 39. The Metropolitan Council may submit to the electors of the city and county for their advisory vote any ordinance or measure which it shall have authority to enact. Such question shall be submitted at any general election or at any special election called for other purposes.

CHARTER AMENDMENTS

Sec. 40. The provisions of the foregoing sections of this charter relative to the initiative shall apply to the proposal, submission and adoption of charter amendments.

RECALL

Sec. 41. The incumbent of any elective office provided for in this charter may be removed or recalled from office by the electors qualified to vote for the incumbent of such office in the manner prescribed by the laws of the State of California, now or hereafter in force, providing for the recall of elective officers of incorporated cities and towns, except that the petition shall demand only the removal of such officer, and except as herein otherwise specifically provided.

RECALL BALLOTS

Sec. 42. The ballots at such recall elections shall conform to the following requirements:

With respect to each person whose removal is sought, the question shall be submitted, "Shall _____ (name of person) be removed from the office of _____ (name of office) by recall?" Immediately following each such question there shall be printed the words: "Yes" and "No" on separate lines with a blank space at the right of each, in which the voter shall indicate by stamping a cross (X) his vote for or against such recall.

RESULT OF RECALL ELECTION

Sec. 43. If a majority of the votes cast on the question of the recall of a particular officer be against the recall of such officer, he shall continue in office for the remainder of his term subject to recall, as hereinafter provided. If a

majority of the votes cast on the question of the recall of a particular officer be in favor of the recall of such officer, he shall be deemed recalled and removed from office upon the canvass of the returns of said election and the declaration of the result thereof by the Metropolitan Council, and he shall not be deemed eligible for appointment to the vacancy.

FAILURE TO RECALL AN ELECTIVE OFFICER

Sec. 44. In the event of the failure to recall an elective officer at any recall election no other election may be held during his existing term for the recall of such officer except upon petition signed in the manner hereinabove provided by electors qualified to vote for an incumbent of such office equal in number to thirty-five percent of the total vote cast for such office at the last general municipal election.

CANVASS OF BALLOTS

Sec. 45. All initiative, referendum, and recall petitions shall be filed with the Clerk of the city and county. The Metropolitan Council shall call all initiative, referendum, and recall elections, canvass the ballots, and declare the results thereof.

FURTHER REGULATIONS

Sec. 46. The Metropolitan Council shall, by ordinance, make such further regulations as may be necessary to carry out the foregoing provisions relative to the Initiative, Referendum and Recall.

MUNICIPAL COURT

Sec. 47. There is hereby established a Municipal Court of said city and county.

JURISDICTION AND POWERS

Sec. 48. There is hereby conferred upon and vested in said court all the jurisdiction and powers, both civil and criminal, now possessed by any and all Justices' Courts, Police Courts and Recorders' Courts within the territorial limits of said city and county, or which hereafter may be conferred by general law or by the laws and ordinances of said city and county upon Police Courts, Justices' Courts, Recorders' Courts, Municipal Courts, or other courts inferior in jurisdiction to the Superior Court. The said court shall have jurisdiction in all proceedings, civil and criminal, for the enforcement of, or arising out of the violation of, any law or ordinance of said city and county or of any borough therein. The Judges of said Municipal Court shall possess all powers now possessed by, or that hereafter may be conferred upon, any judge of the Municipal Court, Justice of the Peace, Police Judge, Recorder or judge of any other inferior court.

JUDGES OF MUNICIPAL COURT: ELECTION, TERMS, SALARIES, VACANCIES

Sec. 49. There shall be four judges of said Municipal Court, who shall hold their offices for the term of six years.

Said judges shall be elected from the city and county at large. Each of the judges of the Municipal

Court shall receive an annual salary of not less than four thousand dollars. The salary of said judges shall not be diminished during their term of office. In the case of a vacancy occurring in the office of judge of the Municipal Court, the Mayor shall appoint a duly qualified person to act as such judge until his successor shall have been elected and shall have qualified.

QUALIFICATIONS OF JUDGES

Sec. 50. No person shall be eligible for the office of judge of said Municipal Court unless he shall have been for at least five years an elector of said city and county, and shall have been during said period an attorney duly admitted to practice by the Supreme Court of the State of California, and actually engaged during the whole of said period in the practice of law, or in the discharge of the duties of a judicial office, or for a portion of said period in the active practice of law and for the remaining portion in the discharge of such judicial duties.

PRESIDING JUDGE: DUTIES AND POWERS

Sec. 51. Within thirty days after their election and qualification, the judges of the Municipal Court shall elect one of their members as Presiding Judge of said court. The Presiding Judge, in addition to the exercise of the duties of a judge of the Municipal Court, shall have general supervision

of the business of said court and shall appoint such officials of such court as may be provided in this charter or by the Metropolitan Council. He shall preside at meetings of the judges, and shall from time to time assign the judges to the departments of said court in such manner as he may deem proper for the prompt disposition of the business thereof, and for the purpose of securing efficiency through specialization of their duties. He shall superintend the calendars of said courts and shall make such classification and distribution of its business, or such general rules for such classification and distribution, as he shall deem proper and expedient. He shall secure from each of the judges monthly reports in writing of the judicial business performed by such judge, and shall semi-annually, on the first days of January and July in each year, make a written report to the Metropolitan Council of the operation, organization and needs of said court. No action affecting said court shall be taken by the Metropolitan Council except upon recommendation of the Presiding Judge.

CREATION OF ADDITIONAL JUDGES

Sec. 52. Whenever the necessity therefor demands, the Metropolitan Council may, upon the recommendation of the Presiding Judge, provide for additional judges of the Municipal Court. Such additional judges shall be elected by the electors of said city and county.

DEPARTMENTS OF THE MUNICIPAL COURT

Sec. 53. The Presiding Judge, by and with the consent and advice of the judges of said court, shall establish such departments of said Municipal Court as may be convenient, and, in like manner, may discontinue or consolidate any of such departments. The judges of said court may hold as many sessions

of said court at the same time as there are judges thereof. The departments of said court shall meet at such times and places as may be designated by the Presiding Judge, and it shall be the duty of the Metropolitan Council to provide suitable rooms and accommodations for the various departments in such parts of the city and county as may be convenient for the proper expedition of the business of said court.

MEETINGS OF JUDGES

Sec. 54. It shall be the duty of the Presiding Judge and other judges of the Municipal Court to meet at least once in every month at an hour and place to be designated by the Presiding Judge, and at such other times as may be required by the Presiding Judge, for the consideration of such matters pertaining to the administration of justice in said court and of plans for improvement in the work of said court as may be brought before said meetings. At such meetings they shall receive and investigate all complaints presented to them pertaining to said court and the officers thereof, and shall take such action as they may deem proper with reference thereto.

POWER TO MAKE RULES OF COURT

Sec. 55. The judges of said court shall have power and it shall be their duty to adopt or cause to be adopted all such rules and regulations for the proper administration and expedition of justice in said court as shall seem expedient.

INFORMALITIES TO BE DISREGARDED

Sec. 56. The court shall disregard all errors and defects in pleading and procedure which do not affect the substantial rights of the parties, and, as far as possible in the

rules adopted by the court, shall provide for a simplified procedure.

PERSONS PRACTICING BEFORE MUNICIPAL COURT

Sec. 57. No person other than an attorney at law, duly admitted to practice before the Supreme Court of California, shall be permitted to appear as attorney or agent for any party in any matter before said Municipal Court.

CLERK OF THE MUNICIPAL COURT

Sec. 58. There shall be a clerk of the Municipal Court and such deputy clerks as the Metropolitan Council may, upon the recommendation of the Presiding Judge, provide. The clerk of the Municipal Court shall be appointed by the Presiding Judge, and said clerk shall appoint the deputy clerks. The clerk and deputy clerks shall receive such salaries as the Metropolitan Council shall fix, and shall perform such duties as are required by law in the case of clerks of Justices' Courts in cities and counties.

SHERIFF AND POLICE

Sec. 59. The Sheriff and his deputies shall have the powers and duties now or hereafter conferred and imposed upon sheriffs or constables in respect to civil process in said Municipal Court.

The Chief of Police shall designate and appoint one or more police officers to attend the sessions of any department of the Municipal Court exercising the functions of a Police Court for the purpose of preserving order and of exercising the judgments and orders of said court.

TRANSFER OF PROCEEDINGS

Sec. 60. All actions, trials and proceedings in every Justice's Court, Police Court, and Recorder's Court existing within the territory of the City and County of Oakland at the time this charter takes effect shall be transferred to and become pending in the Municipal Court of the city and county, and all records of such Justices' Courts, Police Courts, and Recorders' Courts shall be transferred to and become the records of such Municipal Court.

DISTRICT ATTORNEY

Sec. 61. There shall be a District Attorney who shall be elected by the qualified electors of the city and county for a term of four years at the general State election next preceding the expiration of the term of the District Attorney in office at the time this charter shall take effect, and every four years thereafter. He shall be a qualified elector of the city and county and an attorney admitted to practice in the courts of the State of California, and shall have been engaged in the active practice of law for at least five years next preceding his election. He shall receive an annual salary of five thousand dollars. He shall have all the powers conferred and shall discharge all the duties imposed upon district attorneys of counties and cities and counties by the general laws of the State of California. The duties imposed by the laws of the State of California upon district attorneys of counties and cities and counties in respect to civil actions, matters and proceedings shall be performed by the City Attorney unless otherwise directed by the Metropolitan Council. In addition thereto the District Attorney shall attend, institute and conduct on behalf of the people all prosecutions for public offenses and for violations of all penal ordinances of the city and county and the several boroughs. He shall

give such legal advice relative to criminal matters as may be required by the Metropolitan Council, the several borough boards of trustees, or any other officer or board of the city and county.

The District Attorney is hereby allowed the following assistants and deputies, who shall receive the compensation hereinafter specified:

One Assistant District Attorney at a compensation of three hundred dollars per month;

One Chief Deputy District Attorney at a compensation of two hundred and seventy-five dollars per month;

Four Deputies District Attorney at a compensation of two hundred and fifty dollars per month each;

Two Deputies District Attorney at a compensation of two hundred and twenty-five dollars per month each.

He shall be allowed the following employees, whose compensation shall be fixed by the Metropolitan Council:

Three stenographers;

One detective;

One clerk;

One telephone operator.

At least one of such Deputies District Attorney shall be a woman.

At the request of the District Attorney, the Chief of Police shall designate an officer or officers of the Police Department for detective service or the service of process for the District Attorney's office.

When, in the opinion of the Metropolitan Council, the business of said office warrants, said Metropolitan Council may allow the District Attorney additional assistants and employees and fix their compensation. All assistants, deputies and

employees of the District Attorney's office shall be appointed by the District Attorney and shall hold office at his pleasure.

AUDITOR

Sec. 62. There shall be an Auditor who shall be the head of the Department of Finance. He shall be an elector of the city and county at the time of his election, and must have been such for at least three years next preceding his election.

The Auditor shall be elected by the qualified electors of the city and county for a term of four years at the general State election next preceding the expiration of the term of the County Auditor in office at the time this charter shall take effect, and every four years thereafter. He shall receive an annual salary of five thousand dollars. He shall always know the exact condition of the treasury and every demand upon it. He shall be in personal attendance at his office daily during office hours. He shall be the general accountant of the city and county and shall receive and preserve in his office all accounts, books, vouchers, documents and papers relating to the accounts and contracts of the city and county, its debts, revenue, and other financial affairs. He shall give information as to the exact condition of the treasury and of every appropriation and fund thereof upon request of the Metropolitan Council or the Manager.

The Auditor shall appoint, subject to the Civil Service provisions of this charter, such deputies, assistants, clerks and stenographers as may be provided by the Metropolitan Council.

He shall have power to administer oaths and summon witnesses and order the production of books, papers and other evidence for any purpose connected with the financial

administration of the city and county. No money shall be drawn from the city and county treasury except by warrant signed by the Auditor. The Auditor shall not draw his warrant for the payment of any claim until he is satisfied that the claim represents an obligation legally incurred and that the amount of said claim is not, when added to all expenses already incurred against the appropriation in question, in excess of the amount of the said appropriation, or of said appropriation plus duly authorized transfers thereto.

ACCOUNTING SYSTEM

Sec. 63. The Auditor shall install and maintain a modern accounting system, which shall include such a standard classification of income and expenditures as will permit of the preparation at any time of a general balance sheet disclosing the exact financial condition of the city and county as to assets and liabilities. He shall provide uniform forms of account for all officers and departments of the city and county. He shall supply to all such officers and departments uniform forms, blanks, books of record and other financial stationery used in connection with the accounting system.

The accounting system shall further provide for the record in detail of all transactions affecting the acquisition, custodianship and disposition of values; for the complete record of unit and job costs in all operating departments; for a detailed account of all transactions of the purchasing agent; for summaries of income and expenditures supported by detailed schedules, and also comparisons with the last fiscal year; and for a general balance sheet exhibiting the assets and liabilities of the city and county supported by departmental schedules for each public utility operated.

The Metropolitan Council may at any time authorize and require the Auditor to contract with a duly qualified certified public accountant, or firm of certified public accountants, to design and install the accounting system herein referred to or any portion thereof or extension thereto.

PAYMENT OF CLAIMS

Sec. 64. All claims shall be submitted to the Auditor upon vouchers, the form of which shall be prescribed by him, signed by the head of the department for which the indebtedness was incurred, and countersigned by the Manager or an officer designated by the Manager. Before issuing such vouchers, the head of the department must have duly inspected the supplies or materials furnished, or work done, and have certified the same as satisfactory. The head of each department shall cause to be kept, on forms furnished by the Auditor, accurate time reports, duly certified by some member of the department having cognizance thereof, as the basis for payroll vouchers. Each head of a department and his surety shall be liable to the city and county for all loss or damage sustained by the city and county by reason of the negligent or corrupt approval of any claim against the city and county in his department. The salaries and compensation of all officers, including policemen, firemen, employees of all classes, and all teachers in the public schools, and others employed at fixed wages, shall be payable monthly.

REPORT OF FINANCIAL CONDITION

Sec. 65. The Auditor shall submit to the Metropolitan Council a monthly report containing in detail the receipts and disbursements of the city and county on all accounts, the expenditures made and obligations incurred during the preceding

three months, and a balance sheet showing the financial condition of the city and county, and of the several funds, and the total unexpended balance to the credit of each appropriation. Copies of this report shall be supplied to the Manager, each member of the Metropolitan Council, the borough boards of trustees, and heads of departments. Copies of the balance sheet shall be delivered to all public libraries, newspapers, and such citizens as make application therefor. As soon after the termination of each fiscal year as practicable, the Auditor shall submit to the Metropolitan Council a similar report and balance sheet for the preceding fiscal year. This report shall be printed in pamphlet form for general distribution.

ANNUAL AUDIT OF ACCOUNTS

Sec. 66. The Metropolitan Council shall employ, for a stipulated compensation, at the beginning of each fiscal year, a certified public accountant, or firm of certified public accountants, who shall examine the books, records, and reports for the preceding fiscal year of the Manager, Auditor, Treasurer and Tax Collector, and all other officers and employees of the city and county, and make triplicate reports of his or their findings thereon.

One of these reports shall be filed with the Manager, one with the Metropolitan Council and one with the Auditor. Such accountant or firm of accountants shall have unlimited privilege of investigation and the same powers with regard to compelling the attendance of witnesses, the production of books and papers, and the administering of oaths as are conferred on the Metropolitan Council by the provisions of this charter. Every officer and employee of the city and county shall give all required assistance and information to such

accountant or firm of accountants, and submit to him or them for examination such books and papers of his office as may be requested, and failure to do so shall be deemed and held to be a forfeiture and abandonment of his office. The Metropolitan Council shall provide for the payment of the services of such accountant or firm of accountants.

ASSESSOR

Sec. 67. There shall be an Assessor who shall be elected by the qualified electors of the city and county for a term of four years at the general State election next preceding the expiration of the term of the Assessor of Alameda County in office at the time this charter shall take effect, and every four years thereafter. He shall be an elector of the city and county at the time of his election and must have been such for at least three years next preceding his election. He shall receive an annual salary of five thousand dollars. He shall have and exercise all the powers conferred, and shall discharge all the duties imposed upon assessors of counties, and cities and counties by the laws of the State of California, except as otherwise provided in this charter. In addition thereto he shall discharge such other duties as may be prescribed by this charter or by the Manager. The Assessor shall appoint, subject to the civil service provisions of this charter, such deputies, assistants, clerks and stenographers as may be provided by the Metropolitan Council.

APPOINTMENT AND QUALIFICATIONS OF MANAGER

Sec. 68. There is hereby created the office of Manager. The Manager shall be appointed by the Metropolitan Council and shall be chosen solely on the basis of his administrative and executive qualifications. The selection of a Manager shall not

be limited to inhabitants of the city and county or of the State, but no councilman, during the term for which he was elected or appointed, shall be appointed Manager. The Manager shall be appointed by, and shall hold office at the pleasure of, the Metropolitan Council. His annual salary shall be fixed by the Metropolitan Council, but shall not be less than twelve thousand dollars.

The Manager shall be the administrative headof the city and county and, except as otherwise provided in this charter, shall be responsible to the Metropolitan Council for the efficient conduct and operation of all departments, and for the efficient administration of all the affairs of the city and county.

Neither the Metropolitan Council nor any of its committees or members shall dictate or attempt to dictate, either directly or indirectly, the appointment of any person to office or employment by the Manager or in any manner interfere with the Manager or prevent him from exercising his own judgment in the appointment or removal of boards, officers and employees. Except for the purpose of inquiry, the Metropolitan Council and its members shall deal with the administrative service solely through the Manager, and neither the Metropolitan Council nor any member thereof shall give orders to any of the appointees of, or the officers or employees under the supervision of, the Manager, either publicly or privately. Any councilman who shall violate any of the provisions of this paragraph shall forthwith forfeit his office.

POWERS AND DUTIES OF MANAGER

Sec. 69. The Manager shall have the power and it shall be his duty:

(a) To see that all laws of the State and all ordinances and measures of the city and county and of each borough are enforced.

(b) Except as otherwise provided in this charter, to appoint all officers and employees of the city and county, and, subject to the provisions of this charter, he may suspend or remove any such officer or employee.

(c) Except as otherwise provided in this charter, to exercise general supervision and direction over all persons, firms, companies and corporations owning, controlling and operating public utilities within the city and county limits, insofar as any of them are subject to municipal control, and to see that all terms and conditions imposed in favor of the city and county or its inhabitants upon any public utility are faithfully kept and performed.

(d) To prepare and submit to the Metropolitan Council and boards of trustees of boroughs the annual budget, and to keep the Metropolitan Council and boards of trustees of boroughs fully advised at all times as to the needs and financial condition of the city and county, and of the respective boroughs, and to furnish information to said Metropolitan Council and boards of trustees in the manner and form required by them.

(e) To attend, either in person or by deputy, all meetings of the Metropolitan Council; he may attend meetings of the boards of trustees of the several boroughs, and must attend such meetings, either in person or by deputy, when requested by such boards.

(f) To recommend to the Metropolitan Council and boards of trustees of boroughs for adoption such measures as he may deem necessary or expedient.

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(g) To examine, or cause to be examined, at any time, without notice, the affairs of any office of the city and county or of any borough, and the official acts and conduct of any officer or employee, and he, or any person appointed by him for such purpose, shall have the same power with regard to compelling the attendance of witnesses, and the production of books and papers, the administering of oaths, and proceedings for contempt which is conferred upon the Metropolitan Council by this charter.

(h) To devote his entire time to the interests of the city and county and to perform such other duties as may be prescribed by this charter or required of him by the Metropolitan Council.

(i) To appoint such advisory boards as he may deem necessary or expedient to advise him in directing the administrative affairs of the city and county.

(j) To appoint a secretary and such deputies and employees in his office as he may require.

(k) Upon the recommendation of the head of any department, board, office, court, commission or institution in which any personal property of the city and county is not required for public use, to sell said property at public auction at such place within the city and county as he may determine, after five days' notice given by posting in three public places in the city and county, and convey the same to the highest bidder for cash, paying the proceeds into the treasury of the city and county; provided, that if it be determined by the Metropolitan Council that the property proposed to be sold does not exceed in value the sum of two hundred dollars, or, if such property be the product of the city and county farm, the same may be sold by the Manager at private sale without

advertising.

(1) Whenever authorized by ordinance of the Metropolitan Council, to sell at public auction at such place within the city and county as he may determine, after five days' notice given by publication in a newspaper of general circulation, to the highest bidder for cash, any real property belonging to the city and county, and not required for public use, paying the proceeds into the treasury of the city and county.

SHERIFF

Sec. 70. There shall be a Sheriff who shall be appointed by the Manager. He shall receive an annual salary of four thousand dollars. He shall have and exercise all powers conferred and shall discharge all duties imposed upon sheriffs of counties, and cities and counties by the laws of the State of California, except as otherwise provided in this charter. In addition thereto he shall discharge all duties which may be prescribed by this charter or by the Manager. The Sheriff shall designate the services to be performed by his deputies.

CLERK

Sec. 71. There shall be a Clerk who shall be appointed by the Manager. He shall receive an annual salary of four thousand dollars. He shall have and exercise all the powers conferred and shall discharge all duties imposed upon county clerks of counties, and cities and counties by the laws of the State of California, except as otherwise provided in this charter. In addition thereto he shall be clerk of the Metropolitan Council and shall discharge all duties which may be prescribed by this charter or by the Manager.

TREASURER

Sec. 72. There shall be a Treasurer who shall be appointed by the Manager. He shall receive an annual salary of four thousand dollars. He shall have and exercise all powers conferred and shall discharge all duties imposed upon treasurers of counties, and cities and counties by the laws of the State of California, except as otherwise provided in this charter. In addition thereto he shall discharge all duties which may be prescribed by this charter or by the Manager. He shall be the custodian of the moneys of the city and county and the several boroughs, and shall pay out the same only on warrants drawn by the Auditor. He may deposit such moneys in such bank or banks as will pay the highest interest on the funds so deposited upon the deposit of bonds with such Treasurer, as provided by the laws of the State of California. He shall keep such books and records as may be prescribed by the Auditor.

TAX COLLECTOR AND EX-OFFICIO LICENSE COLLECTOR

Sec. 73. There shall be a Tax Collector who shall be ex-officio License Collector, and who shall be appointed by the Manager. He shall receive an annual salary of four thousand dollars. He shall have and exercise all powers conferred and shall discharge all duties imposed upon tax collectors and license collectors of counties, and cities and counties by the laws of the State of California, except as otherwise provided in this charter. In addition thereto he shall discharge all other duties which may be prescribed by this charter or by the Manager.

RECORDER

Sec. 74. There shall be a Recorder who shall be ap-

pointed by the Manager. He shall receive an annual salary of four thousand dollars. He shall have and exercise all powers conferred and shall discharge all duties imposed upon recorders of counties, and cities and counties by the laws of the State of California, except as otherwise provided in this charter. In addition thereto, he shall discharge all duties which may be prescribed by this charter or by the Manager.

Photography shall be used in the recordation of all papers and documents whenever required by the Manager.

CORONER

Sec. 75. There shall be a Coroner, who shall be appointed by the Manager. He shall receive an annual salary of three thousand dollars. He shall have and exercise all powers and shall discharge all duties imposed upon coroners of counties, and cities and counties by the laws of the State of California, except as otherwise provided in this charter. In addition thereto, he shall discharge all duties which may be prescribed by this charter or by the Manager.

PUBLIC ADMINISTRATOR

Sec. 76. There shall be a Public Administrator who shall be appointed by the Manager. He shall receive an annual salary of three thousand dollars. He shall have and exercise all powers conferred and discharge all duties imposed upon public administrators of counties, and cities and counties by the laws of the State of California, except as otherwise provided in this charter. In addition thereto, he shall discharge all duties which may be prescribed by this charter or by the Manager.

The City Attorney shall be the attorney for the Public Administrator. The Public Administrator and his attorney

shall collect all fees and commissions to which such officers are entitled under the laws of the State of California, and shall pay the same into the treasury of the city and county to the credit of the general fund.

FISH AND GAME WARDEN

Sec. 77. There shall be a Fish and Game Warden who shall be appointed by the Manager whenever, in his opinion the public welfare demands the services of such an officer. He shall receive an annual salary of twelve hundred dollars. He shall have and exercise all powers conferred and discharge all duties imposed upon fish and game wardens of counties, and cities and counties by the laws of the State of California, except as otherwise provided in this charter. In addition thereto, he shall discharge all duties which may be prescribed by this charter or by the Manager.

LIVESTOCK INSPECTOR

Sec. 78. There shall be a Livestock Inspector who shall be appointed by the Manager whenever in his opinion the public welfare demands the services of such an officer. He shall receive a salary of one hundred dollars per month. He shall have and exercise all powers conferred and discharge all duties imposed upon livestock inspectors of counties, and cities and counties by the laws of the State of California, except as otherwise provided in this charter. In addition thereto, he shall discharge all duties which may be prescribed by this charter or by the Manager; provided, that the Manager may at any time consolidate this office with the office of Fish and Game Warden, and, in the event of such consolidation, said Fish and Game Warden shall have and exercise all powers conferred and discharge all duties imposed

by this section upon the Livestock Inspector. The salary of such consolidated office shall be fixed by the Metropolitan Council.

SEALER OF WEIGHTS AND MEASURES

Sec. 79. There shall be a Sealer of Weights and Measures who shall be appointed by the Manager. He shall receive an annual salary of three thousand dollars. He shall have and exercise all powers conferred and shall discharge all duties imposed upon sealers of weights and measures of counties, and cities and counties by the laws of the State of California, except as otherwise provided in this charter. In addition thereto, he shall discharge all duties which may be prescribed by this charter or by the Manager.

HORTICULTURAL COMMISSIONER

Sec. 80. There shall be a Horticultural Commissioner, who shall be appointed by the Manager. He shall receive such compensation as may be prescribed by the Metropolitan Council. He shall have all powers conferred and discharge all duties imposed upon horticultural commissioners of counties, and cities and counties by the laws of the State of California, except as otherwise provided in this charter. In addition thereto, he shall discharge all duties which may be prescribed by this charter or by the Manager.

EMPLOYEES OF COUNTY OFFICES

Sec. 81. There shall be allowed to the Sheriff, Clerk, Auditor, Treasurer, Tax Collector, Recorder, Assessor, Coroner, Sealer of Weights and Measures, and Horticultural Commissioner, until such time as classification of such offices shall have been made by the Civil Service Commission, such assistance as

shall be provided by the laws of the State of California at the time this charter shall take effect for the Sheriff, County Clerk, Auditor, Treasurer, Tax Collector, Recorder, Assessor, Coroner, Sealer of Weights and Measures, and Horticultural Commissioner of the County of Alameda.

CITY ATTORNEY

Sec. 82. There shall be a City Attorney who shall be appointed by the Manager. He shall receive an annual salary to be fixed by the Metropolitan Council. He shall be a qualified elector of the city and county and must have been such for at least three years next preceding his appointment. He must be an attorney admitted to practice in the courts of the State of California, and must have been engaged in the active practice of law for at least five years next preceding his appointment. He shall be the legal adviser, except in criminal matters, to the Metropolitan Council, the Manager, and all departments, boards and officers of the city and county and of the several boroughs.

The City Attorney must prosecute and defend for the city and county and for the several boroughs all actions at law or in equity, and special proceedings for or against the city and county or any borough, or in which the city and county or any borough may be legally interested, or for any officer of the city and county or of the several boroughs in any action or proceeding when directed so to do by the Manager or the Metropolitan Council or board of trustees of any borough. Whenever any cause of action at law, in equity, or in any special proceeding shall exist in favor of the city and county or any borough, the City Attorney shall commence the same when within his knowledge or when directed so to do by the Metropolitan

Council or Borough Board of Trustees. He shall give his advice or opinion in writing to any officer, board or commission of the city and county or of any of the boroughs when requested in writing so to do by such officer, board or commission.

The City Attorney shall approve by endorsement in writing the form of all official or other bonds required by this charter or by ordinance before the same are submitted to the proper body, board or officer for final approval, and no such bond shall be approved without such endorsement as to form by the City Attorney. He shall approve in writing the draft of all contracts before the same are entered into by or on behalf of the city and county or any borough. He shall not settle or dismiss any litigation for or against the city and county or any borough unless upon written recommendation he is ordered to do so by the Metropolitan Council or the board of trustees of the borough concerned.

The City Attorney shall discharge all other duties imposed upon him by this charter or which may be prescribed by the Manager or the Metropolitan Council.

The City Attorney shall keep on file in his office copies of all written communications and opinions given by him to any officer, board or commission; copies of all papers, briefs and transcripts used in cases wherein he appears, and books of record and registry of all actions or proceedings in his charge.

The City Attorney shall appoint and may suspend or remove such assistants, deputies, clerks, stenographers, and other persons as the Metropolitan Council may provide. Such assistance shall not be subject to the civil service provisions of this charter.

Nothing in this section shall be construed to prevent the Metropolitan Council from employing such special counsel as may from time to time be necessary.

The City Attorney, until such time as the Metropolitan Council shall have provided the necessary assistance for his office, shall be allowed one assistant who shall receive three hundred dollars per month; two deputies who shall receive two hundred and fifty dollars per month each, and two stenographers who shall receive one hundred and twenty-five dollars per month each.

PUBLIC DEFENDER

Sec. 83. Whenever the Metropolitan Council shall have determined that the public welfare requires the services of such an officer there shall be a Public Defender who shall be appointed by the Manager. He shall be a qualified elector of the city and county and must have been such for at least three years next preceding his appointment. He must be an attorney admitted to practice in all the courts of the State of California, and must have been engaged in the active practice of the law for at least three years next preceding his appointment. He must devote all his time to the duties of his office, and shall not engage in the practice of law except in the capacity of Public Defender.

Except as otherwise provided in this charter, the Public Defender shall have and exercise all powers and discharge all duties conferred or imposed by the laws of the State of California on public defenders of counties. In addition thereto, he shall discharge all duties which may be prescribed by this charter or by the Manager.

PURCHASING AGENT

Sec. 84. There shall be a Purchasing Agent who shall be appointed by the Manager. He shall receive an annual salary, to be fixed by the Metropolitan Council, of not less than four thousand dollars. He shall purchase, except as otherwise provided in this charter, all materials, supplies and equipment for all departments, offices, boards, courts, commissions and institutions of the city and county and the several boroughs thereof.

All departments, offices, boards, courts, commissions and institutions shall, as soon as the annual appropriation ordinance shall have been adopted, furnish the Purchasing Agent an estimate of materials, supplies and equipment required by each of them during the ensuing fiscal year.

The Purchasing Agent shall purchase and keep in the city and county store all materials, supplies and equipment which reasonably and advantageously may be kept in such store, and shall issue such materials, supplies and equipment on requisition of the head of the department, office, board, court, commission or institution requiring them, Other materials, supplies and equipment shall be purchased by the Purchasing Agent upon the requisition of the head of the department, office, board, court, commission or institution requiring the same.

STANDARDIZATION OF SUPPLIES

Sec. 85. The Purchasing Agent shall standardize, as far as possible, all materials, supplies and equipment required for the conduct and operation of all departments, offices, boards, courts, commissions and institutions of the city and county and of the several boroughs thereof.

STORE FUND

Sec. 86. The Metropolitan Council shall provide the necessary working capitalrequired for the purchase of materials, supplies and equipment for the city and county store.

REQUISITIONS TO BE WITHIN APPROPRIATIONS

Sec. 87. The Purchasing Agent shall not furnish any materials, supplies or equipment for any department, office, board, court, commission or institution unless there is an unencumbered balance to the credit of such department, office, board, court, commission or institution sufficient to pay therefor.

TRANSFER OF FUNDS

Sec. 88. All materials, supplies and equipment required for the use of any department, office, board, court, commission or institution shall be paid for by the transfer of funds from the fund of the respective department, office, board, court, commission or institution to the credit of the store fund.

ASSISTANCE TO PURCHASING AGENT

Sec. 89. The Metropolitan Council shall provide the Purchasing Agent with the necessary warehouses, offices and assistants.

DEPARTMENT OF PUBLIC WORKS

Sec. 90. The Department of Public Works, except as otherwise provided in this charter, shall have charge of all public work relating to streets, bridges, viaducts, tunnels and subways; street cleaning, lighting and watering; sewers and sewage disposal; garbage and refuse collection and disposal; public buildings; all manner of public work; building

inspection; the making and preservation of all surveys, maps, plans and drawings; the issuance of building permits; fire alarm and police telegraph systems; all electrical work of the city and county, and all other matters which may be assigned to it by this charter or by the Metropolitan Council with full power to order, do or perform all or any of such work.

DIRECTOR OF PUBLIC WORKS

Sec. 91. There shall be a Director of Public Works who shall be appointed by the Manager, and who shall be the head of the Department of Public Works and ex-officio Surveyor and City Engineer. He shall be a civil engineer of not less than five years' practical experience as such. He shall have and exercise all powers conferred and shall discharge all duties imposed upon city engineers and surveyors of counties, and of cities and counties by the laws of the State of California, and in addition thereto he shall discharge such other duties as may be prescribed by this charter or by the Metropolitan Council.

The department shall be organized into a Division of Roads, Streets and Sewers, a Division of Building Permits, a Division of Electricity, and such other divisions as may be deemed necessary for the efficient performance of the duties of the department.

DIVISION OF ROADS, STREETS AND SEWERS

Sec. 92. There shall be a Superintendent of Streets to be appointed by the Director of Public Works, who shall be the head of the Division of Roads, Streets and Sewers. This Division shall have charge of all road, street, bridge and sewer construction, maintenance and repairs, and of cleaning

and watering the roads and streets, and of the collection and disposition of garbage and other refuse within the city and county.

DIVISION OF BUILDING PERMITS AND INSPECTION

Sec. 93. There shall be a Building Inspector to be appointed by the Director of Public Works, who shall be the head of the Division of Building Permits and Inspection. This Division shall have charge of all building permits and the enforcement of all laws and ordinances relating to buildings, except as otherwise provided in this charter.

DIVISION OF ELECTRICITY

Sec. 94. There shall be a Chief Electrician to be appointed by the Director of Public Works, who shall be the head of the Division of Electricity. This Division shall have charge and supervision over the construction and maintenance of the fire alarm and police telegraph systems; shall enforce all rules, regulations, orders and requirements in regard to the inspection and supervision of electrical wires and appliances for furnishing light, heat or power in, under, over or upon the streets and buildings of the city and county; shall have charge of the lighting and power of the city and county; shall make tests and determine the light and heat-giving properties of gas used throughout the city and county, and shall have general charge and supervision over all municipal electrical matters.

SPECIAL ASSESSMENT

Sec. 95. Whenever any part of the cost of the construction, re-construction, repair or maintenance of any structural work in the nature of a public improvement (including a public

utility and work upon public streets) is to be paid for by special assessment on private property, the proceedings therefor shall be in accordance with and be governed by the general laws of the State of California in force and effect at the time such proceedings are initiated, with the following exceptions:

First. All powers conferred and all duties imposed by the general laws of the State of California on city councils shall be performed by the Metropolitan Council.

Second. All powers conferred and all duties imposed by the general laws of the State of California upon the clerk of the city council shall be performed by the Clerk of the city and county.

Third. In street opening and closing proceedings, officers or employees of the Department of Public Works shall be appointed commissioners and secretaries, and they shall serve without additional compensation. No attorney shall be appointed, but all duties imposed on attorneys under the general laws of the State of California shall be performed by the City Attorney.

Fourth. If at any time prior to the award of a contract the Metropolitan Council shall determine that it is for the public interest that the work be done by the city and county and not by contract, it may so order, and thereupon the work shall be done by the city and county under the direction of the Department of Works, and the assessment and warrant therefor shall be issued in the name of the city and county. Assessments made in the name of the city and county shall be enforced in the same manner as are assessments provided for in the general laws of the State of California governing the work.. No assessment under this provision shall be for more than the cost of the

work plus incidental expenses, all as determined by the Superintendent of Streets prior to the making of the assessment.

ROAD DISTRICTS

Sec. 96. The Metropolitan Council shall divide that portion of the city and county not included within the boundaries of any borough into suitable road districts, and may change the boundaries thereof. Such road districts shall be governed as provided by the laws of the State of California, except that the Director of Public Works shall exercise the powers and duties that now are or hereafter may be conferred or imposed by such laws upon road commissioners and county surveyors. The Metropolitan Council shall have all power which now is or hereafter may be conferred upon county boards of supervisors relating to the levy of taxes in such road districts.

CORPORATION YARDS

Sec. 97. The Director of Public Works, with the approval of the Metropolitan Council, shall select, establish and maintain some convenient place or places in the city and county which shall be known as Corporation Yards and wherein shall be kept all materials, supplies, implements and machinery belonging to the city and county to be used in repairing, cleaning or sprinkling the streets, or for any improvement thereon, or for any other necessary municipal construction purpose.

LETTING OF CONTRACTS

Sec. 98. The Metropolitan Council shall prescribe the method of letting contracts for all public work required by law to be let by contract.

POLICE DEPARTMENT

Sec. 99. There is hereby created a Police Department of the city and county, which shall consist of a Chief of Police and as many subordinate officers and such policemen and employees as may be prescribed in the manner provided by this charter.

The Chief of Police shall be appointed by and shall hold office at the pleasure of the Manager.

POWERS AND DUTIES OF CHIEF OF POLICE

Sec. 100. The Chief of Police shall be the head of the Police Department and shall be charged with the management and direction of the Police Department, with full power to detail any of the members of the Department to such public service as he may direct; he shall have and exercise such other powers and duties connected with the office as may be assigned to him by the Metropolitan Council. The jurisdiction of all officers and employees of the Police Department shall extend throughout the city and county.

SALARIES

Sec. 101. Salaries of all of the employees of the Department shall be uniform for each rank and grade in the Department as classified by the Civil Service Commission, and shall be fixed by the Metropolitan Council.

PRESENT POLICE OFFICERS TO CONTINUE IN FORCE

Sec. 102. The members of the police force of the municipalities of Emeryville, Oakland and Piedmont, on the thirtieth day of June, 1923, shall be retained in the same grade or like grades and at the same salaries then existing until they shall have been reclassified, promoted, demoted, or removed, as provided in this charter.

WOMEN'S DIVISION

Sec. 103. The Chief of Police shall organize a Women's Division in the Police Department. All cases involving women, either as plaintiff, defendant, or complaining witness, must be referred immediately to the Women's Division. The Manager shall appoint a woman as Director of the Women's Division. In all cases involving women she shall have and exercise all the powers conferred and discharge all the duties imposed upon inspectors of the Police Department. The Director of the Women's Division may appoint, subject to the civil service provisions of this charter, such assistants as may be allowed by the Metropolitan Council.

FIRE DEPARTMENT

Sec. 104. There is hereby created a Fire Department of the city and county, which shall consist of a Fire Chief and as many subordinate officers and such firemen and employees as may be prescribed in the manner provided in this charter.

The Fire Chief shall be appointed by and shall hold office at the pleasure of the Manager.

The Fire Chief shall be the head of the Fire Department and shall be charged with the management and direction of the Fire Department, with full power to detail any of the members of the Department to such public service as he may direct; he shall have and exercise such other powers and duties connected with his office as may be assigned to him by the Metropolitan Council. The jurisdiction of all officers and employees of the Fire Department shall extend throughout the city and county.

There shall be such fire houses, engines and other apparatus and equipment, and such firemen and other employees of the Department as shall be determined by the Metropolitan Council. Salaries of all of the employees of the Department

shall be uniform for each rank and grade in the Department as classified by the Civil Service Commission and shall be fixed by the Metropolitan Council.

Nothing in this charter shall be taken to prevent the Fire Chief from making use of volunteer firemen, whose organization and discipline shall be regulated by ordinance.

The Metropolitan Council, upon the recommendation of the Fire Chief, shall adopt rules for the government, equipment and uniform of the officers, employees and members of the Fire Department.

SALARIED MEMBERS OF THE FIRE DEPARTMENT
CONTINUED IN FORCE

Sec. 105. Salaried members of the fire departments of the municipalities of Emeryville, Oakland and Piedmont, on the thirtieth day of June, 1923, shall be retained in the same grade or like grades and at the same salaries then existing until they shall have been reclassified, promoted, demoted, or removed, as provided in this charter.

CIVIL SERVICE COMMISSION

Sec. 106. There is hereby created a Civil Service Commission consisting of three electors of the city and county who shall serve without compensation. The Mayor first elected after the adoption of this charter, shall, within two weeks after taking office, appoint three electors of the city and county as members of the Commission, one to serve for two years, one for four years, and one for six years, to take office as soon as appointed and qualified. Thereafter members of the Commission shall be appointed by the Mayor to serve for terms of six years and until their successors shall have been appointed and shall have qualified. If a vacancy shall occur

in the office of Commissioner it shall be filled by appointment by the Mayor for the unexpired term.

OFFICERS OF THE CIVIL SERVICE COMMISSION

Sec. 107. The Commission shall designate one of its members as President, shall appoint a chief examiner who shall be ex-officio secretary, and may appoint such other employees as the Commission may deem necessary. The salaries of the chief examiner and all other employees of the Commission shall be fixed by the Commission.

CLASSIFICATION OF CIVIL SERVICE

Sec. 108. The civil service of the city and county is hereby divided into the unclassified and the classified service.

The unclassified service shall include:

1. All officers elected by the people.
2. The Manager.
3. All heads of departments.
4. The members of all appointed boards and commissions.
5. All persons serving the city and county without compensation.
6. All assistants, deputies and other employees in the offices of the District Attorney and of the City Attorney.
7. All officers of election.
8. All deputies and secretaries of the Manager.
9. The secretary to the Mayor.
10. All borough clerks.

The classified civil service shall comprise all positions not specifically included by this charter in the unclassified service; provided, that in case of a vacancy requiring peculiar and exceptional qualifications of a scientific, professional or expert character, upon satisfactory evidence that competition

is impracticable and that the position can best be filled by the selection of a person of recognized attainments, the Commission, upon the recommendation of the Metropolitan Council or of the Manager, may suspend competition, but no such suspension shall be general in its application to such position, and all such cases of suspension shall be reported by the Commission, together with the reasons therefor, to the Metropolitan Council.

DUTIES OF THE CIVIL SERVICE COMMISSION

Sec. 109. It shall be the duty of the Civil Service Commission:

1. To provide for the standardization and classification of all positions in the classified civil service. The classification into groups and subdivisions shall be based upon and graded according to the duties and responsibilities of such positions, and shall be so arranged as to permit the filling of the higher grades through promotion. All salaries shall be uniform for like service in each grade as the same shall be classified and standardized by the Commission. No standardization or classification of salaries shall become final until approved by the Metropolitan Council, and no salaries shall be paid except in accordance with such standardization and classification. The Metropolitan Council shall not approve any standardization or classification of salaries until at least thirty days after it shall have been submitted to the Metropolitan Council by the Commission. For the purpose of making the initial standardization and classification, the Metropolitan Council, upon the request of the Commission, shall furnish to the Commission such assistance as may be necessary.

2. To prepare and hold open competitive examinations in order to test the relative fitness of all applicants for

appointment to the classified civil service.

CIVIL SERVICE APPOINTMENTS

Sec. 110. Whenever a position in the competitive classified civil service is to be filled, the appointing authority shall notify the Commission of that fact, and the Commission shall certify to such authority the names and addresses of the three candidates standing highest on the eligible list for the class or grade to which such position belongs. The appointing authority shall appoint to such position one of the three persons certified to him.

CIVIL SERVICE EMPLOYEES

Sec. 111. All persons in the employ of the County of Alameda or of any municipality therein at the time this charter shall take effect, whose positions it is designed by this charter to include in the classified civil service, shall, unless otherwise provided in this charter, and subject to demotion, suspension, and removal, continue to hold their respective positions pending the classification thereof and the determination of the class and grade of said employees.

PREFERENCE

Sec. 112. Whenever in a competitive examination the total rating of any person who has engaged in the military or naval service of the United States during the Civil War, Spanish-American war, Philippine insurrection, China Relief Expedition, or war against Germany and Austria, and has been honorably discharged from such service, is equal to that of others passing the examination who have not engaged in said service, then that person shall have preference over all others of the same rating, and the appointing authority shall be required to follow such preference in appointing to the position

in question.

REMOVAL AND SUSPENSION

Sec. 113. Any officer or employee in the classified civil service may be removed or suspended by the Manager or other appointing authority, and may be suspended for a period not to exceed three days by the head of the department in which he is employed, but said officer or employee, within five days after such removal or suspension, shall be furnished, upon his demand, with a written statement of the reasons therefor, and a copy of such statement shall be filed with the Commission and be made a part of the records thereof.

POLITICAL ACTIVITY

Sec. 114. No officer or employee of the city and county shall directly or indirectly make, solicit or receive, or be in any manner concerned in making, soliciting or receiving any assessment, subscription, or contribution for any political party or any political purpose whatsoever. No person holding a position in the classified civil service shall take any part in political management or affairs in any political campaign or election, or in any campaign to adopt or reject any initiative or referendum measure other than to cast his vote or privately to express his opinion. Any employee violating the provisions of this section shall be removed forthwith from office.

INVESTIGATION BY CIVIL SERVICE COMMISSION

Sec. 115. The Commission, for the purpose of carrying into effect the civil service provisions of this charter, shall have power to investigate the conduct and operation of any department or board, and to subpoena and require the attendance of witnesses and the production of books and papers and to

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administer oaths. Any person failing to obey its subpoena or refusing to testify or produce books or papers required of him shall be deemed to be in contempt, and the Commission shall have power to take such proceedings in the punishment thereof as may be taken by boards of supervisors as provided by the laws of the State of California.

RULES OF CIVIL SERVICE COMMISSION

Sec. 116. The Commission shall have power to adopt such rules as may be necessary and proper for the enforcement of the foregoing provisions of this charter.

SCHOOL DISTRICTS

Sec. 117. All school districts, high school districts, union high school districts, and joint union high school districts, existing within the territory constituting the City and County of Oakland at the time this charter shall take effect, are hereby continued in existence. All of said districts shall be governed by one Board of Education and one Superintendent of Schools, chosen as hereinafter provided. The boundaries of any or all of said districts may be changed, or any or all of said districts may be consolidated, or new districts may be organized in the manner provided by the laws of the State of California.

BOARD OF EDUCATION

Sec. 118. There is hereby created a Board of Education which, except as otherwise provided in this charter, shall be the governing body of all school, high school, union high school, and joint union high school districts within the city and county. For this purpose, except as otherwise provided in this charter, the Board of Education shall have and possess all powers and be charged with all duties now or hereafter conferred or imposed

by the Constitution and laws of the State of California upon county boards of education, trustees of common school districts, boards of education in city school or city high school districts, and governing boards in high school, union high school, and joint union high school districts.

COMPOSITION OF BOARD OF EDUCATION

Sec. 119. The Board of Education shall consist of nine School Directors who shall be appointed by the Mayor, one from each council district, and two at large from the entire city and county. All School Directors shall serve without compensation. Of those School Directors first appointed under the provisions of this charter, three shall be appointed to serve and hold office until 12 o'clock noon on the first Monday after the first day of January, 1925; three to serve and hold office until 12 o'clock noon on the first Monday after the first day of January, 1927, and three to serve and hold office until 12 o'clock noon on the first Monday after the first day of January, 1929. Thereafter, as the terms of the School Directors expire, their successors shall be appointed by the Mayor for terms of six years and shall hold office until their successors shall have been appointed and shall have qualified. If a vacancy shall occur in the office of School Director, it shall be filled by appointment by the Mayor for the remainder of the unexpired term. Such appointee must be a resident of the council district in which the vacancy occurs, unless the vacancy shall have occurred in the office of School Director at Large, in which case such appointee may be a resident of any district in the city and county. Each School Director must have been an elector of the city and county for not less than one year next preceding his appointment.

MEETINGS OF BOARD OF EDUCATION

Sec. 120. The Board of Education first appointed under the provisions of this charter shall hold its first meeting in the rooms of the Board of Education in the City Hall of the present City of Oakland at 10 o'clock a.m. on the second Monday following its appointment by the Mayor. At such meeting the Board of Education shall organize and provide for a time and place for the holding of regular meetings. All meetings of the Board of Education shall be open to the public, and the minutes and all books of the Board of Education shall be open at all reasonable times for public inspection. No meetings shall be held except at such regular place of meeting.

Absence from three consecutive regular meetings, unless excused by the Board of Education, shall operate to vacate the office of any School Director so absent.

Special meetings may be called at any time by the President of the Board of Education, or by any two School Directors, upon written notice to each School Director, served personally upon him or left at the place designated by him on the books of the secretary (which designation must be made to and a record thereof kept by the secretary) at least twenty-four hours before the time of the proposed meeting. Each notice must specify the subjects to be considered, and no other business shall be transacted at such meeting.

QUORUM OF BOARD OF EDUCATION

Sec. 121. A majority of the Board of Education shall constitute a quorum for the transaction of business, but no act of the Board of Education shall be valid unless a majority of all the School Directors concur therein.

PROCEDURE OF BOARD OF EDUCATION

Sec. 122. The Board of Education, except as otherwise provided in this charter, shall determine its rules of procedure. It shall keep minutes of its proceedings. The vote upon all matters coming before the Board of Education shall be taken by ayes and noes and entered upon its minutes.

OFFICERS OF BOARD OF EDUCATION

Sec. 123. The Board of Education shall elect one School Director as President of the Board. The President first elected under the provisions of this charter shall hold office until the first Monday after the first day of January, 1924, and thereafter the President shall be elected by the Board for the term of one year.

The Board of Education shall also elect a Superintendent of Schools who shall be ex-officio secretary of the Board of Education. No School Director shall be chosen as Superintendent of Schools during the term of office for which he shall have been appointed. During the absence or disability of the Superintendent of Schools the Board of Education shall designate some properly qualified person to perform his duties.

POWERS OF SUPERINTENDENT OF SCHOOLS

Sec. 124. The Superintendent of Schools shall be the executive officer of the Board of Education and, except as otherwise provided in this charter, he shall possess all powers and be charged with all duties now or hereafter conferred or imposed by the Constitution and laws of the State of California upon county superintendents of schools and superintendents of schools of city school districts, high school districts, union high school districts, and joint union high school districts,

and such other duties as may be prescribed by the Board of Education. He shall be responsible to the Board of Education for the proper and efficient conduct and operation of all public schools and for the efficient administration of all the offices of the Board of Education. No appointment, transfer or dismissal of any employee of the Board of Education shall be made by the Board except upon recommendation of the Superintendent of Schools. It shall be the duty of the Superintendent of Schools to make annually to the Mayor a financial report, segregated by districts, and such other reports as the Board of Education may require, which reports shall be published in pamphlet form for general distribution.

SCHOOL BUDGET

Sec. 125. The Superintendent of Schools, at such time as the Board of Education may direct, shall submit to the Board a detailed estimate of the expenditures required for the proper support of education for the ensuing year of each of the school districts, high school districts, union high school districts, and joint union high school districts, into which the city and county may be divided, which estimate shall include the expenditures required to be made on account of the Board of Education and the office of the Superintendent of Schools, and all other sums estimated to be required for outlay for new buildings, repair of buildings and grounds, including equipment, and for increasing generally the school facilities of the several districts, and such other items as may be required by the Board of Education.

The Board of Education thereupon shall examine said estimate and adopt the same with or without amendments as it may deem proper, and certify the same to the Auditor.

Claims to be paid from the school fund must be based on vouchers approved by the Board of Education.

CIVIL SERVICE IN SCHOOL DEPARTMENT

Sec. 126. The Superintendent of Schools, all assistant Superintendents of Schools, and all employees of the Board of Education who are now or hereafter may be required by law or by rule of the said Board to have teaching certificates, shall be included in the unclassified civil service, shall be appointed by the Board, and may be suspended, demoted, or removed by the Board. All other employees of the Board shall be included in the classified civil service and shall be appointed by the Board.

SCHOOL BUILDINGS

Sec. 127. Whenever the Board of Education shall have determined upon the construction, alteration or repair of any school building or addition to any school building, the Board shall file with the Department of Public Works a detailed requisition for such construction, alteration or repair.

The Department of Public Works thereupon shall prepare, in accordance with the requisition, the necessary plans, specifications and estimates and submit the same to the Board of Education for approval.

The Board of Education then may approve or reject such plans, specifications and estimates. If not approved, such plans, specifications and estimates shall be referred to the Department of Public Works, which shall make the necessary changes and corrections and shall re-submit to the Board of Education the plans, specifications and estimates, as corrected.

When the Board of Education shall have approved such

plans, specifications and estimates, and such approval shall have been endorsed thereon, they shall be filed with the Department of Public Works, which shall proceed immediately to perform the necessary work in accordance therewith within the limits of appropriations made therefor by the Metropolitan Council.

The Department of Public Works, upon the completion of said work, shall notify the Board of Education of such completion, and said Board thereupon shall examine such work. If the work conforms to the plans, specifications and estimates approved by the Board, the work shall be accepted by the Board, and the cost of the work, including supervision thereof, shall be charged to the proper school fund of the district in which the work was performed.

PURCHASE OF SUPPLIES AND EQUIPMENT

Sec. 128. The purchase of all materials, supplies and equipment shall be made by the Purchasing Agent of the city and county upon detailed requisitions of the Board of Education.

BOARD OF LIBRARY TRUSTEES

Sec. 129. There is hereby created a Board of Library Trustees, which shall consist of seven members who shall be appointed by the Manager, and who shall serve without compensation. Of those library trustees first appointed under the provisions of this charter two shall be appointed to serve and hold office until 12 o'clock noon on the first Monday after the first day of January, 1925; two to serve and hold office until 12 o'clock noon on the first Monday after the first day of January, 1927, and three to serve and hold office until 12 o'clock noon on the first Monday after the first day

of January, 1929. Thereafter, as the terms of the library trustees expire, their successors shall be appointed by the Manager to serve and hold office for terms of six years and until their successors shall have been appointed and shall have qualified. If a vacancy shall occur in the office of library trustee it shall be filled by appointment by the Manager for the remainder of the unexpired term. Each library trustee must have been an elector of the city and county for not less than one year preceding his appointment.

POWERS AND DUTIES OF BOARD OF LIBRARY TRUSTEES

Sec. 130. The Board of Library Trustees shall have the exclusive management and control of all libraries, reading rooms, museums and art galleries belonging to or operated by the city and county or any borough thereof. The Board shall have the power to make and enforce such rules and regulations, not inconsistent with the provisions of this charter, as it may deem necessary for the efficient performance of its duties.

With respect to all libraries, reading rooms, museums and art galleries under its direction, the Board shall have and exercise all powers and shall be charged with all duties now or hereafter conferred or imposed by the Constitution and laws of the State of California upon boards of library trustees of counties, cities, cities and counties and towns, so far as such laws are not inconsistent with the provisions of this charter.

All professional employees of the Board shall be included in the unclassified civil service, their number and salaries shall be fixed by the Board within the limits of the appropriations made by the Metropolitan Council for libraries, reading rooms, museums and art galleries, and they shall be appointed by the Board and may be suspended, demoted, or removed

by it. All other officers and employees of the Board, subject to the civil service provisions of this charter, shall be appointed by the Board, and may be suspended , demoted, or removed by it.

The purchase of all materials, supplies and equipment for libraries, reading rooms, museums and art galleries in the city and county, excepting manuscripts, pictures, prints, statuary and other works of art, curios and objects of exhibition, shall be made by the Purchasing Agent of the city and county upon detailed requisitions of the Board of Library Trustees.

The Board shall have power at any time to sell or exchange books, periodicals, manuscripts, pictures, prints, statuary or other works of art, exhibits, curios or other objects of exhibition, and all moneys received from such sales or exchanges shall be paid into the library fund.

LIBRARY BUILDINGS

Sec. 131. Whenever the Board of Library Trustees shall have determined upon the construction, alteration or repair of any library, reading room, museum or art gallery, or any addition thereto, the Board shall file with the Department of Public Works a detailed requisition for such construction, alterations or repairs.

The Department of Public Works shall thereupon prepare, in accordance with such requisition, the necessary plans, specifications and estimates and submit the same to the Board of Library Trustees for approval.

The Board of Library Trustees may then approve or reject such plans, specifications and estimates. If not approved, said plans, specifications and estimates shall be referred to the Department of Public Works, which shall make the necessary

[illegible]

[illegible] 121. All other officers and employees of the board, including in the civil service classification of this chapter, shall be appointed by the board, and may be dismissed, demoted, or removed by it.

The provisions of all laws relating to [illegible] the library, including laws, ordinances and resolutions in the city and county, governing permanently, directors, trustees, [illegible] and other moneys or art, service and objects of consideration, shall be made by the succeeding board of the city and county upon certain revisions of the board of library trustees.

[illegible] 122. Any time to sell or dispose [illegible], manuscripts, pictures, [illegible] or other works of art, curios or other objects of consideration, and all moneys received from such sales or exchanges shall be used under the library board.

Duties [illegible]

[illegible] 123. Whenever the board of library trustees shall have determined upon the necessity of, or relocation or repair of the library, [illegible] or of [illegible], or any additions thereto, the board shall [illegible] the department of public works [illegible] such construction, alterations or repairs.

The department of public works shall thereupon prepare in accordance with such instructions, the necessary plans, specifications and estimates and submit the same to the board of library trustees for approval.

The board of library trustees may [illegible] or reject such plans, specifications and estimates. If the [illegible], plans, specifications and estimates shall be returned to the department of public works, which shall make the necessary

changes and corrections and shall re-submit the plans, specifications and estimates as corrected to the Board of Library Trustees.

When the Board of Library Trustees shall have approved such plans, specifications and estimates, and such approval shall have been endorsed thereon, they shall be filed with the Department of Public Works, which immediately shall proceed to perform the necessary work in accordance therewith within the limits of appropriations made therefor by the Metropolitan Council.

Upon the completion of said work, the Department of Public Works shall notify the Board of Library Trustees of said completion, and said Board shall thereupon examine such work. If the work conforms to the plans, specifications and estimates approved by the Board, the work shall be accepted by the Board, and the cost of the work, including supervision thereof, shall be charged to the library fund.

DEPARTMENT OF PUBLIC HEALTH, HOSPITALS AND SOCIAL WELFARE

Sec. 132. There is hereby created a Department of Health, Hospitals and Social Welfare which shall be under the exclusive management and control of a Board of Health, Hospitals and Social Welfare. Said Board shall consist of seven members who shall be appointed by the Manager and who shall serve without compensation.

Of those members first appointed under the provisions of this charter, three shall be appointed to serve and hold office until 12 o'clock noon on the first Monday after the first day of January, 1925, and four to serve and hold office until 12 o'clock noon on the first Monday after the first day of January, 1927. Thereafter, as the terms of the members expire, their

successors shall be appointed by the Manager for terms of four years and shall hold office until their successors shall have been appointed and shall have qualified. If a vacancy shall occur in the office of a member of the Board, it shall be filled by appointment by the Manager for the unexpired term.

The Board shall organize the department into a Division of Public Health, a Division of Social Welfare, and a Division of Hospitals.

The Board shall have power to make and enforce such rules and regulations as it may deem necessary for the efficient performance of its duties, and to create other divisions of the work under its jurisdiction. All officers and employees of the department shall be included in the unclassified civil service and their number and salaries shall be fixed by the Board with the approval of the Metropolitan Council. Said officers and employees shall be appointed by the Board and may be suspended, disciplined, demoted, or removed by it.

DIVISION OF PUBLIC HEALTH

Sec. 133. There shall be a Health Officer who shall be ex-officio head of the Division of Public Health. He shall be a graduate of a reputable medical college or shall have received a degree or certificate in public health from the University of California or an institution of like standing. He shall have practiced medicine or shall have been actively engaged in public health work for at least five years prior to his appointment.

The Health Officer shall be the chief executive officer of the Division of Public Health, and shall have general supervision over all its functions. He shall be specially charged with the execution within the city and county of the laws of the State of California and the rules and regulations of the

State Board of Health thereof in all matters pertaining to the public health, including the inspection of plumbing. Under the direction of the Board of Health, Hospitals and Social Welfare, he shall have such powers and duties as may be conferred upon health officers and boards of health by the laws of the State of California, or as may be prescribed by ordinance of the Metropolitan Council. The Health Officer and such employees of the Division as shall be designated by him shall have, in respect to violation of the health regulations of the State and of the city and county, all powers of police officers of the city and county.

DIVISION OF SOCIAL WELFARE

Sec. 134. There shall be a Director of Social Welfare who shall be the head of the Division of Social Welfare.

Under the direction of the Board of Health, Hospitals and Social Welfare, this division shall investigate, determine and supervise the giving of relief to all persons applying for county aid and shall devise ways and means for restoring them to self-support when possible, and may receive and expend private funds or bequests for charitable purposes; shall have charge of the administration of State aid within the city and county; shall have charge of all municipal lodging houses and woodyards; shall have power to inspect and make regulations for boarding homes for children, child-placing agencies, maternity hospitals, and all other private institutions of similar character; may investigate all charities dependent upon public appeal or general solicitation for support, provided that nothing in this section shall apply to appeals made for funds by or for church organizations, and shall cooperate with the juvenile court, the probation office and the probation committee, and act as a co-ordinating agency for all

relief and other welfare societies in the city and county. All standards of investigation, record and care shall be in accord with those required by the State Board of Charities and Corrections.

All supplies distributed under the direction of the Division of Social Welfare may be purchased, at the discretion of the Director of Social Welfare, either in the open market or through the Purchasing Agent.

DIVISION OF HOSPITALS

Sec. 135. There shall be a Director of Hospitals who shall be the head of the Division of Hospitals. He shall be a graduate of a reputable medical college and shall have practiced medicine for at least five years prior to his appointment.

Under the direction of the Board of Health, Hospitals and Social Welfare, this division shall have the exclusive management and control of all hospitals, infirmaries, sanitoria and health centers supported by funds of the city and county.

CITY PLANNING COMMISSION

Sec. 136. Whenever, in the opinion of the Manager, the public welfare shall require the services of such a commission he may appoint a City Planning Commission to consist of three members, who shall serve without compensation. It shall be the duty of such City Planning Commission to advise and recommend to the Manager the design and location of works of art which may become the property of the city and county; to advise the Metropolitan Council as to the plan, design and location of public buildings, bridges, viaducts, street fixtures, and other structures and appurtenances, the removal, re-location and alteration of any such works belonging to the city and county,

the location, extension and platting of streets, parks and other public places and of new areas, and the preparation of plans for the future physical development and improvement of the city and county.

PARK COMMISSION

Sec. 137. There is hereby created a Park Commission which shall consist of five members who shall be appointed by the Manager and shall serve without compensation. Of those members first appointed under the provisions of this charter, two shall be appointed to serve and hold office until 12 o'clock noon on the first Monday after the first day of January, 1925, and three until 12 o'clock noon on the first Monday after the first day of January, 1926. Thereafter, as their terms expire, commissioners shall be appointed to serve for terms of two years, or until their successors are appointed and have qualified. If a vacancy shall occur in the office of commissioner it shall be filled by appointment by the Manager for the unexpired term.

The Commission shall annually elect one of its members president, who shall hold office for one year, or until a successor is appointed and has qualified.

The Commission shall hold regular meetings and shall establish rules and regulations for the performance of its duties.

POWERS OF PARK COMMISSION

Sec. 138. Except as otherwise provided in this charter, all land and water parks, public pleasure grounds, reservations, boulevards, parkways and all grounds surrounding public buildings within the territorial limits of the City and County of Oakland, now owned or controlled by the County of Alameda or

by any incorporated city or town, or that hereafter may be established or acquired by the said city and county or any borough thereof (excepting properties that now are or hereafter may be set apart for play or recreation centers), also the planting, care, maintenance and control of all sidewalk areas or borders of roads wherein or whereon trees, shrubs or other plants are now or hereafter may be grown, shall be under the exclusive management and control of the Park Commission.

The Commission shall have power, subject to the rules and regulations of the Civil Service Commission, to appoint and discharge such officers and employees of the Park Commission as may be provided by the Metropolitan Council.

The Commission may adopt and enforce such rules and regulations, not inconsistent with the provisions of this charter, as it may deem necessary for the efficient performance of its duties, and shall have the exclusive management and control of all funds legally apportioned to or otherwise received by the Park Commission, except that such fund or funds may not be used for the purchase of water parks or land for park purposes until authorized by the Metropolitan Council.

The Commission shall have the exclusive right to cause to be erected on property under its jurisdiction buildings and structures for park purposes; provided, however, that, with the approval of the Park Commission, the Metropolitan Council may erect, or cause to be erected, any municipal building thereon.

The Commission shall have power to grant any concession in any park or parks under its jurisdiction for a period not to exceed one year where, in the opinion of the Commission, the granting of such concession will promote the use of said

park or parks for pleasure purposes.

RECREATION COMMISSION

Sec. 139. There is hereby created a Recreation Commission shich shall consist of five members who shall be appointed by the Manager and shall serve without compensation. Of those commissioners first appointed under the provisions of this charter, two shall be appointed to serve and hold office until 12 o'clock noon on the first Monday after the first day of January, 1925, and three until 12 o'clock noon on the first Monday after the first day of January, 1926. Thereafter, as their terms expire, commissioners shall be appointed to serve for terms of two years or until their successors shall have been appointed and shall have qualified. If a vacancy shall occur in the office of commissioner, it shall be filled by appointment by the Manager for the unexpired term.

The Commission shall annually elect one of its members as president, who shall hold office for one year or until a successor shall have been appointed and shall have qualified.

The Commission shall hold regular meetings and shall establish rules and regulations for the performance of its duties.

POWERS OF RECREATION COMMISSION

Sec. 140. All playgrounds, summer camps, recreation centers and bathing beaches within the territorial limits of the City and County of Oakland, now owned or controlled by the County of Alameda; all playgrounds, summer camps, recreation centers and bathing beaches now owned or controlled by the Municipalities of Emeryville, Oakland and Piedmont, or that hereafter may be established or acquired by the city and county or any borough thereof, whether such playgrounds, summer camps,

recreation centers or bathing beaches be situated within or without the city and county; also those portions of public parks or water parks and grounds around public buildings which now are or hereafter may be assigned to the Recreation Commission, shall be under the exclusive control and management of the Recreation Commission.

The Commission shall have the right to use, at any time, for play, recreation, or boating purposes the surface of the water park of Lake Merritt, provided, that the Park Commission may reserve such portions of the northeastern arm of said lake as it may deem necessary for the protection of wild fowl.

The Commission shall have the right to use for play, recreation, or boating purposes such structures on the shores of Lake Merritt as now are used for play, recreation, or boating purposes.

The Commission shall have power to appoint and to suspend, demote, or remove such officers and employees of the Commission as may be provided by the Metropolitan Council. Such officers and employees shall be included in the unclassified civil service.

The Commission shall have power to grant concessions in or upon any playground, summer camp, recreation center or bathing beach for a period not to exceed one year where, in its opinion, the granting of such concession will promote the use of such playground, summer camp, recreation center or bathing beach for play or recreation purposes.

In addition to the powers hereinabove conferred, the Commission shall have power to conduct walking and outing excursions to points within or without the limits of the city and county; to organize and conduct play and recreation activities,

leagues, tournaments and pageants in or upon any playground, summer camp, recreation center or bathing beach, or in or upon any athletic field, gymnasium, swimming pool or other suitable place, the temporary use of which may have been loaned or leased to the Commission for play or recreation purposes, and to conduct summer camps within or without the city and county, provided, however, that no money shall be expended for permanent improvements without the limits of the city and county unless it shall have been specifically appropriated for that purpose by the Metropolitan Council.

The Commission may adopt and enforce such rules and regulations, not inconsistent with the provisions of this charter, as it may deem necessary for the efficient performance of its duties.

DEPARTMENT OF PUBLIC SERVICE

ACQUISITION OF ESSENTIAL PROPERTIES

Sec. 141. It is hereby declared to be the intention of the people of the city and county to acquire by suitable action through purchase, condemnation, construction, or otherwise, all the properties essential to supply themselves with light, power, water, transportation, or other utility facilities whenever it appears that the public interest will be thereby served.

ORGANIZATION

Sec. 142. There is hereby created a Department of Public Service which shall be under the management and control of a Board of Public Service Commissioners. Said Board shall consist of five members who shall be appointed by the Manager and who

shall serve without compensation. Of those members first appointed under the provisions of this charter, two shall be appointed to serve and hold office until 12 o'clock noon on the first Monday after the first day of January, 1926, and three to serve and hold office until 12 o'clock noon on the first Monday after the first day of January, 1929. Thereafter, as the terms of the members expire, their successors shall be appointed by the Manager for terms of six years and until their successors shall have been appointed and shall have qualified. Vacancies on said Board shall be filled by appointment by the Manager for the unexpired term.

POWERS

Sec. 143. The Board shall have power to make and enforce such rules and regulations as it may deem necessary for the efficient performance of its duties, and shall organize the department into such divisions as the work under its jurisdiction may require. It shall have power, when directed by the Metropolitan Council, to make preliminary investigations regarding the acquisition of local facilities and of alternative sources of supplementary or principal supply to provide the inhabitants of the city and county with an ample supply of water for their fire protection or for their domestic, industrial, municipal or other uses authorized by law.

The Board shall have power, except as otherwise provided in this charter, to acquire and construct utilities with the consent and approval of the Metropolitan Council; to operate, maintain, manage and control every utility (excepting those under the jurisdiction of the Board of Harbor Commissioners) owned by the city and county, whether wholly within or without, or partly within and partly without, the city and

county; to fix rates (subject to ratification or modification by ordinance of the Metropolitan Council), rentals, charges and classifications; to make and enforce rules and regulations, contracts, practices and schedules for or in connection with any service, product or commodity owned or controlled by the city and county; and to exercise and perform such other powers and duties as may be conferred or imposed by this charter or by the Metropolitan Council.

It shall have power, subject to the civil service provisions of this charter, to appoint and to suspend or remove such officers and employees of the Department of Public Service as may be provided by the Metropolitan Council.

The Board shall have power, with the approval of the Metropolitan Council, to sell, supply or distribute any surplus product of any utility operated by the city and county, not required for use therein, to consumers outside of the city and county, and to enter into contracts for that purpose.

The Board shall have power, with the approval of the Metropolitan Council, to enter into a contract or contracts with any other city, city and county, or district owning a suitable and adequate water supply, for the joint construction, maintenance and operation of the works necessary to develop and transmit said supply, and for the delivery to the city and county of such portions of said jointly owned supply as shall be in accordance with its present and future needs, or for the purchase at wholesale rates, under an agreement with any city, city and county, or district, of water in sufficient quantity for the present and future needs of the city and county under satisfactory guarantees of delivery.

REVENUE FROM UTILITIES

Sec. 144. All moneys received, collected or arising from the exercise of the powers herein conferred upon the Board of Public Service Commissioners shall be deposited in the city and county treasury to the credit of a fund to be known by the name of the utility operated, and shall be kept separate and apart from other moneys of the city and county. No money shall be drawn from such fund or funds except upon the order of the Board of Public Service Commissioners, except as herein otherwise provided in this charter.

EXISTING MUNICIPAL UTILITIES

Sec. 145. All public utilities within the territorial limits of the City and County of Oakland, owned, operated or conducted by any municipality therein or by the County of Alameda at the time this charter shall take effect, shall be subject to the jurisdiction of the respective boards of trustees of the boroughs in which such utilities may be situated, and shall continue to be subject to such jurisdiction, under rules and regulations prescribed by such boards of trustees unless and until acquired by the city and county at an agreed price, ratified by a majority vote of the qualified electors of such boroughs. All revenue earned by such utilities while under the jurisdiction of said boards of trustees shall be deposited in the treasury of the city and county as and when directed by said boards of trustees, and shall be held in separate funds and shall be drawn out only upon warrants countersigned by the officials duly authorized by the respective boards of trustees.

HARBOR DEPARTMENT

Sec. 146. There is hereby created a Harbor Department which shall be under the management and control of the Board of Harbor Commissioners. Said Board shall consist of five members who shall be appointed by the Manager and who shall serve without compensation. Of those members first appointed under the provisions of this charter, two shall be appointed to serve and hold office until 12 o'clock noon on the first Monday after the first day of January, 1924, and three to serve and hold office until 12 o'clock noon on the first Monday after the first day of January, 1925. Thereafter, as the terms of the members expire, their successors shall be appointed by the Manager for terms of two years, and shall hold office until their successors shall have been appointed and shall have qualified. Vacancies on said Board shall be filled by appointment by the Manager for the unexpired term.

The Board shall have the power to make and enforce such rules and regulations as it may deem necessary for the efficient performance of its duties, and may organize such divisions of the department as the work under its jurisdiction may require.

The Board of Harbor Commissioners shall have and exercise full control and management of the waterfront, harbor, and navigable waters of the city and county and all property contiguous to the waterfront owned or controlled by the city and county, including the power to establish zones and fairways; to fix and collect rates, tolls, dockage and all other charges; to grant licenses and privileges; to construct or to acquire by purchase and to maintain and operate belt lines of railroad along the waterfront or elsewhere in the city and county, with the necessary spurs and connections for the purpose

Section 2 (Continued):

Sec. 110. There is hereby created a Harbor Department which shall be under the supervision and control of the Board of Harbor Commissioners. The Board shall consist of five members who shall be appointed by the Mayor and who shall serve without compensation. Of those members first appointed under the provisions of this chapter, two shall be appointed to serve one half office until the first day of January, 1954, and three to serve one half office until the first day of January, 1955, and thereafter the terms of the members appointed shall be appointed on the Monday after the first day of January, 1955. Thereafter, the terms of the members appointed shall be appointed for terms of two years, and shall hold office until their successors shall have been appointed and shall take office. No more than three members shall be filled by appointment by the Mayor for the unexpired term.

The Board shall have the power to make and enforce such rules and regulations as it may deem necessary for the efficient performance of its duties, and shall appoint such officers of the department as the work under its jurisdiction may require.

The Board of Harbor Commissioners shall have and exercise full control and management of the port, harbor, and navigable waters of the city and county and of property contiguous to the waterfront owned or controlled by the city and county, including the power to establish docks and wharves, to fix and collect tolls, rents, dockage and all other charges to grant licenses and privileges to operators or to operate its docks and to maintain and operate rail lines or railroad cars and locomotives or engines to the city and county, with the power to lease or concession for the purpose

of connecting railroads, warehouses, factories, or other business industries and enterprises, with each other and with docks; to provide a plan for the development of the waterfront, harbor and navigable waters of the city and county and all property contiguous to the waterfront owned or controlled by the city and county; to exercise all powers necessary or convenient for the development, control and management thereof, and to exercise such other powers and perform such other duties as may be conferred or imposed by this charter or by the Metropolitan Council.

The Board shall have power, upon approval by ordinance of the Metropolitan Council, to lease any portion of the waterfront or harbor of the city and county or property contiguous to the waterfront owned or controlled by the city and county. No lease, license or privilege shall be granted of that portion of such waterfront, harbor or property contiguous thereto , lying between the Southern Pacific and Western Pacific piers. No lease, license or privilege of unimproved waterfront or harbor property, or property contiguous to the waterfront owned or controlled by the city and county shall be granted for a term exceeding fifty years, and no lease, license or privilege of improved waterfront or harbor property, or property contiguous to the waterfront owned or controlled by the city and county shall be granted for a term exceeding five years unless such lease, license or privilege shall first be approved by a majority vote of the electors of the city and county voting upon said proposition at a general or special election.

All moneys received or collected or arising from the exercise of the powers herein conferred upon the Board of Harbor Commissioners shall be deposited in the city and

county treasury to the credit of the harbor fund, and shall be kept separate and apart from all other moneys of the city and county. Moneys shall be drawn from said harbor fund only upon the order of the Board of Harbor Commissioners, except as otherwise provided in this charter.

The Board of Harbor Commissioners shall have power, subject to the civil service provisions of this charter, to appoint, and to suspend or remove such officers and employees of the Harbor Department as may be provided by the Metropolitan Council.

PUBLIC UTILITY BOARD

Sec. 147. In the event that the people of the city and county re-invest themselves with the power to fix rates now exercised by the State Railroad Commission, the Metropolitan Council shall have power to create a Public Utility Board whenever, in the opinion of said Metropolitan Council, the public welfare demands the services of such a board. Said Board shall consist of three members who shall be appointed by the Manager and who shall serve without compensation. The Board first appointed shall so classify themselves by lot that one member shall hold office for two years, one for four years, and one for six years. Thereafter members of the Board shall be appointed for terms of six years. Vacancies shall be filled by appointment by the Manager for the unexpired term. The Board shall organize by electing one of its members president, who shall hold office for one year and until his successor is elected.

POWERS AND DUTIES

Sec. 148. The powers and duties of the Board of Public Utilities shall be as follows:

(1) To make and enforce such rules and regulations as it may deem necessary for the efficient performance of its

duties.

(2) To fix, subject to approval, change or modification by the Metropolitan Council, the rates to be charged and collected by all persons, firms and corporations operating or maintaining public utilities within the city and county (excepting wharves, docks, warehouses and other utilities pertaining to the waterfront, the harbor, or to other navigable waters in the city and county), such rates to be so fixed for such periods as may be prescribed by law or ordinance, but in no event for a period less than one year or for a period longer than three years.

(3) In addition thereto, such Board shall discharge all duties which may be prescribed by this charter or by the Metropolitan Council.

LEASE OF LANDS

Sec. 149. The Metropolitan Council may provide for the lease of lands now or hereafter owned or controlled by the city and county. All leases (excepting those applicable to the waterfront, harbor and navigable waters of the city and county, and all property contiguous to the waterfront) shall be granted by ordinance adopted by a five-sevenths vote of the Metropolitan Council to the person, firm or corporation offering to pay the highest rent therefor to the city and county during the term of the lease; said offers shall be received only at public auction, after publication of notice thereof for five days, which publication shall state explicitly the terms and conditions of the proposed lease.

PROPERTY RIGHTS INALIENABLE

Sec. 150. The rights of the city and county in and to its waterfront, wharf property, land under water, public

buildings, wharves, docks, streets, highways, public parks and all other public places, except as otherwise provided in this charter, are hereby declared inalienable.

GRANT OF FRANCHISE

Sec. 151. No person, firm or corporation shall exercise any franchise, permit or privilege mentioned in this charter, except in so far as he or it may be entitled to do so by previous grant thereof lawfully made, or by direct authority of the Constitution of California or of the Constitution or laws of the United States, in, upon, over, under or along any street, highway or other public place in the city and county unless he or it shall have obtained a grant therefor in accordance with the provisions of this charter.

Every franchise, permit or privilege to erect or lay telegraph or telephone wires, to construct, maintain or operate street, suburban or interurban railroads, to operate and maintain automotive transportation, to lay pipes for the purpose of providing heat, light or power, to erect or install poles or wires for transmitting electric energy along, upon, over, under, in or across any street, lane, alley, court, highway, road, park or public place, or in any pipe or conduit in this city and county, or to exercise any other privilege whatever hereafter proposed to be granted by the Metropolitan Council, shall be granted upon the terms and conditions in this charter provided, and upon such further and other terms and conditions, not inconsistent with the provisions hereof, as the Metropolitan Council shall prescribe.

APPLICATION FOR FRANCHISES

Sec. 152. The applicant for any franchise, above mentioned, shall file with the Metropolitan Council an application

therefor, and thereupon said Metropolitan Council shall advertise the fact that said application has been made, once a day for ten consecutive days in one or more newspapers published and circulated in the city and county, which publication must be completed not less than twenty, nor more than thirty, days before any further action can be taken thereon.

CONDITIONS OF GRANT

Sec. 153. The advertisement must state the character of the franchise proposed to be granted, the term for which it is granted, and the route to be traversed; that sealed bids will be received therefor and will be opened at a stated time and place, and that the franchise will be awarded to the bidder offering to pay the city and county, during the life of the franchise, the highest percentage of the net annual receipts arising from the use, operation or possession of the same; provided, that such net annual receipts shall be determined by deducting from the gross annual receipts collected from any and all sources under and by virtue of such franchise all operating and maintenance costs, taxes, insurance and a reasonable depreciation, estimated on the value of the property of the grantee used or useful in the public service.

COMPUTATION OF PERCENTAGE RECEIPTS
FOR CERTAIN RAILROADS

Sec. 154. If the franchise is for a street, suburban, or interurban railroad, or for automotive transportation, which shall extend beyond the limits of the city and county, then, and in that case, the percentage of the net annual receipts herein specified shall be computed or reckoned as follows:

The total length of the said railroad, or routes traversed, within and without the city and county shall be compared with

the length of the railroad, or route traversed, covered by the franchise proposed to be granted, the length in each case being estimated in equivalent single track mileage. From the total length of the said railroad, or route traversed, within and without the city and county shall be taken the length of the railroad, or route traversed, covered by the franchise proposed to be granted, and that proportion of the net annual receipts of the entire railroad, or route traversed, which the entire length of the railroad, or route traversed, has to the length of that portion then covered by the proposed franchise, shall be taken as the net receipts upon which the percentage bid for said franchise shall be computed and paid.

BIDDING FOR FRANCHISES

Sec. 155. At the time of opening the sealed bids, any responsible person, firm or corporation may bid for such franchise not less than one-half of one percent of the net annual receipts for the entire term of the franchise above the highest sealed bid therefor, and such bids so made may be raised not less than one-half of one percent of said net annual receipts for such entire term by any other responsible bidder, and such bidding may continue until finally such franchise shall be struck off, sold and awarded by the Metropolitan Council to the person, firm or corporation offering the highest percentage of the said net annual receipts arising from the use, operation or possession of said franchise, provided, that if, in the judgment of the Metropolitan Council, no adequate or responsible bid has been made, the Metropolitan Council may withdraw such franchise from sale or advertise for new bids, and, provided, further, that no bid for the payment of less than two percent of said net annual receipts shall be accepted.

DEPOSIT AS GUARANTY

Sec. 156. Every application for a franchise under this charter and every bid except that of the applicant shall be accompanied by a cash deposit of two thousand dollars or a certified check for said amount, payable to the Clerk of the city and county and certified to by some responsible bank, as a guaranty of the good faith of the applicant or bidder, and as a fund out of which to pay all expenses connected with such application and the granting of such franchise.

If no award is made, all expenses incurred by the city and county in connection with such application shall be paid out of the deposit of such applicant, and if an award is made such expenses shall be paid out of the deposit of the successful bidder and the balance, if any, returned.

BOND OF EACH BIDDER

Sec. 157. The successful bidder for any franchise struck off, sold and awarded under this charter shall file a bond, running to the city and county, executed by a surety company authorized to act as sole surety, under the laws of the State of California, to be approved by the Metropolitan Council, in a penal sum to be by it prescribed and set forth in the advertisement for bids, conditioned that such successful bidder shall well and truly observe, fulfill and perform each and every term and condition of such franchise, and that in case of any breach of any condition of such bond the whole amount of the penal sum therein named shall be taken and deemed to be liquidated damages and shall be recoverable from the principal and surety upon said bond. Said bond shall be filed with the Metropolitan Council within ten days after such franchise is awarded, and upon the filing and approval of such bond, the said franchise shall be granted by said

Metropolitan Council by ordinance, subject to the referendum provisions of this charter, to the person, firm or corporation to whom it has been struck off, sold and awarded, and in case such bond shall not be so filed, said franchise shall be set aside and any money deposited in connection with the application for the franchise shall be forfeited, and the franchise, in the discretion of said Metropolitan Council, shall be re-advertised and again offered for sale in the same manner and under the same restrictions as were prescribed for the granting of said franchise in the first instance.

FREE COMPETITION IN BIDDING

Sec. 158. No clause or condition of any kind shall be inserted in any franchise offered or sold under the terms of this charter which shall directly or indirectly restrict free and open competition in bidding therefor, and no clause or provision shall be inserted in any franchise offered for sale which shall in any wise favor one person, firm or corporation as against another in bidding for the purchase thereof.

LIFE OF FRANCHISE

Sec. 159. Every franchise may be granted, either for a determinate or an indeterminate period, subject always to the right of the city and county to acquire, purchase and possess the property of the grantee, as hereinafter provided.

COMMENCEMENT AND COMPLETION OF WORK

Sec. 160. Work to erect or lay telegraph or telephone wires, to construct street, suburban or interurban railroads, to lay gas pipes for the purpose of carrying gas for heat, light or power, to erect or lay wires for transmitting electric heat, light or power, or to exercise any other privilege whatever for which a franchise shall have been granted in

accordance with the terms and conditions of this charter, shall be commenced in good faith within not more than eight months from the granting of any such franchise, and if not so commenced within said time said franchise so granted shall be declared forfeited, and shall be completed not more than two years thereafter, and if not so completed within said time, said franchise so granted shall be forfeited, provided, that for good cause shown, the Metropolitan Council may, by resolution, extend the time for completing the same.

RIGHT OF CITY AND COUNTY TO PURCHASE

Sec. 161. Every franchise shall be granted upon the express condition that the city and county may, at a valuation fixed and determined as hereinafter provided, assume ownership by purchase and take over to itself the property used and useful of the franchise grantee, his or its successors and assigns, and upon giving said grantee, his or its successors and assigns six months' written notice of its intention so to purchase and take over said property, which written notice shall be given only when authorized by ordinance of the Metropolitan Council. The valuation of such property used and useful and owned by the grantee, his or its successors and assigns at the time of the giving of said six months' written notice, as aforesaid, shall be fixed by the Railroad Commission of the State of California, or its successors in interest, provided, that in fixing the valuation, no allowance shall be made for the franchise or for good will or going-concern value. To this valuation shall be added the cost of all additions, extensions and betterments, and from this valuation shall be deducted the value of property sold or abandoned and depreciation, as determined and fixed by the said Railroad Commission, or its successors in interest, during the time

elapsed between the giving of said notice and the actual taking over of said properties, which final valuation so determined and computed shall be the valuation at which such property may be acquired by the city and county.

NO CONVEYANCE NECESSARY FOR CITY AND COUNTY OWNERSHIP

Sec. 162. Every ordinance granting any franchise shall provide that the city and county may take over to itself and become the owner of the property and plant of any grantee, as provided in this charter, without the execution of any instrument or conveyance. The granting of the franchise shall be set forth in all ordinances granting franchises as a valuable consideration, for which the grantee, his successors and assigns agree to conform to the terms and conditions of the said ordinance.

LEASE OR ASSIGNMENT OF FRANCHISE

Sec. 163. No franchise granted by the city and county shall be, in whole or in part, leased, assigned, or otherwise disposed of, or transferred without the express consent of the city and county, and no dealings with anyone on the part of the city and county to require the performance of any act or payment of any compensation by anyone shall be deemed to operate as such consent; provided, that nothing herein shall be construed to prevent the grantee of such franchise from the city and county from including it in a mortgage or trust deed executed for the purpose of obtaining money for corporate business.

STREET SPRINKLING AND PAVING

Sec. 164. Every grant of any franchise in, over, under or along any street, highway or public place in the city and county for railroad, street railway, suburban or interurban

railway purposes, shall be subject to the conditions that the persons, firm or corporation exercising or enjoying the same shall sprinkle, plank or re-plank, pave or re-pave, macadamize or re-macadamize the entire length of the street, highway or other public place used by the track or tracks of such railroad or railway, and between the rails, and for two feet on each side thereof, and between the tracks, if there be more than one, and keep the same constantly in repair, flush with the street, and with good crossings; and such street work shall be done with the kind of materials and in such manner as the Metropolitan Council may direct at the same time and as a part of the same operation as the work on the remainder in width of said street, highway or other public place to the satisfaction of the superintendent of streets, provided, however, that, when in the opinion of the Metropolitan Council the space between the rails and tracks of the grantee and two feet on each side thereof, or any portion of the same, is not required for purposes other than railway traffic, the same need not be paved in like manner as the remainder of the street, highway or public place, but shall be treated as the Metropolitan Council may direct.

EXAMINATION OF COMPANY'S BOOKS: AUDIT

Sec. 165. All ordinances granting franchises shall provide that the grantee, his successors and assigns shall keep vouchers, records, and books of accounts so as to clearly exhibit the net annual receipts of such grantee. The city and county, by and through its Manager, or such other agent as may, from time to time, be appointed by the Manager or Metropolitan Council, shall have the right at all reasonable times to examine all the books, vouchers, records and other papers of all persons, firms or corporations exercising or

enjoying any franchise. A refusal to keep said books, vouchers, records and other papers in the manner provided above or to produce for inspection in the city and county said books, vouchers, records and other papers at all reasonable times for examination by the Manager, or other agents appointed by the Manager or Metropolitan Council, shall work a forfeiture of the said franchise.

ANNUAL REPORTS OF COMPANY

Sec. 166. Every person, firm or corporation operating any business under a franchise shall file annually with the Manager on such date as shall be fixed by the Metropolitan Council a report for the preceding year.

Such report shall be in writing, verified by the affidavit of such person or persons or officer of the corporation, as the Metropolitan Council shall direct, and shall contain a statement, in such form and details as from time to time shall be prescribed by the Metropolitan Council, of all the net receipts arising from all the business done by said person, firm or corporation under said franchise within the city and county for the year immediately preceding such report. Such report shall contain such further statements as may be required by the Metropolitan Council concerning the character and amount of business done under said franchise.

BOOKS OF RECORD AND REFERENCE

Sec. 167. The Manager shall provide and cause to be kept in the office of the Clerk of the city and county a franchise record, indexed and of proper form, in which shall be transcribed accurate and correct copies of all franchises granted by the city and county to any person, firm or corporation owning or operating any public utility. The index of said record shall give the name

of the grantee and thereafer the name of any assignee thereof. Said record shall be a complete history of all franchises granted by the city and county and shall include a comprehensive and convenient reference to actions, contests or proceedings at law, if any, affecting the same.

PAYMENT OF NET RECEIPTS

Sec. 168. The stipulated percentage of net annual receipts provided in this charter to be paid for the use and enjoyment of any franchise shall be paid on the first day of July of each and every year. Failure to pay such percentage shall work a forfeiture of the franchise at the option of the Metropolitan Council.

FORFEITURE FOR NON-COMPLIANCE

Sec. 169. Every ordinance granting any franchise shall provide for the termination and forfeiture thereof for any breach or failure to comply with any of the terms, limitations or conditions thereof, and in all such cases the Metropolitan Council shall have power to declare the termination and forfeiture of any such franchise the same as though in each instance such power was expressly reserved; and wherever the charter shall provide that any ordinance granting a franchise shall contain any terms or conditions whatsoever, the said terms and conditions shall be considered as included in said franchise, whether or not specified in the ordinance granting said franchise.

LIMITATIONS ON WATERFRONT FRANCHISES

Sec. 170. No exclusive franchise, except for the purpose of constructing or maintaining or operating railroads, wharves, docks, slips, quays, drydocks, graving docks, shipyards or marine railways or the appurtenances necessary to each and all

of them, shall be granted by the city and county or the Metropolitan Council to, in, on, over or upon any portion of the bed of the Bay of San Francisco or of the Estuary of San Antonio or of the Bay of San Leandro. All franchises for railroads to, in, on, over or upon any portion of the bed of the Bay of San Francisco or the Estuary of San Antonio or the Bay of San Leandro shall be subject to the right of any and all other railroads or railroad companies to have their cars switched and transported by the operators of railroads, under such franchises, to designated points and for designated purposes, onto and over all tracks operated under said franchises, upon payment of a reasonable compensation for such switching and transportation;

Provided, however, that no waterfront franchise shall be advertised for sale or granted by the Metropolitan Council unless such proposed franchise shall have been approved by the Board of Harbor Commissioners and said Board shall have recommended to the Metropolitan Council that said franchise be granted.

SWITCHING RIGHTS

Sec. 171. All franchises for the construction or maintenance or operation of any railroad other than street railroads shall contain a stipulation and condition that all other persons, firms or corporations building or maintaining or operating other railroads (not street railroads) in the city and county, and all persons, firms or corporations desiring to avail themselves of the benefits, privileges and rights conferred by any such franchise shall have a common right to have their cars switched and transported by the holder or holders of such franchise on railroad tracks constructed or maintained or operated under the terms of such franchise;

and such tracks shall be operated on equal and reasonable pro-rata rates with equal facilities for such purposes, and such rights, rates and facilities shall be extended without discrimination to all persons, firms or corporations desiring the same.

FRANCHISES NOT IN USE FORFEITED

Sec. 172. All franchises within the territorial limits of the City and County of Oakland, heretofore granted by the County of Alameda or any municipality therein, which are not in actual use or enjoyment or which the grantees thereof have not in good faith commenced to exercise, shall be and become forfeited and invalid, unless such grantees or their assigns shall, within six months after this charter shall take effect, in good faith commence the exercise and enjoyment of such franchise.

OTHER CONDITIONS MAY BE IMPOSED BY
METROPOLITAN COUNCIL

Sec. 173. Nothing in this charter shall be construed as prohibiting the Metropolitan Council from inserting in any ordinance granting any franchise such other conditions or requirements, not inconsistent with the provisions of this charter, as the Metropolitan Council may desire to insert therein or the people may by the initiative indicate their desire to have so inserted.

FRANCHISES FOR RAILROADS OTHER THAN STREET,
SUBURBAN OR INTERURBAN RAILROADS

Sec. 174. The Metropolitan Council may grant franchises for the construction, maintenance and operation of railroads other than street railroads, suburban railroads or interurban railroads along, upon, over, in, under or across any street

or streets or other public place in the city and county, but only in the manner and upon the terms and conditions next hereinafter set forth, that is to say:

The provisions of Section 150, relating to property rights of the city and county; of Section 152, relating to applications for franchises; of Section 159, relating to life of franchises; of Section 160, relating to commencement and completion of work; of Section 161, relating to the right of the city and county to purchase; of Section 162, relating to conveyances; of Section 163, relating to leases and assignments of franchises; of Section 164, relating to street sprinkling, cleaning and paving; of Section 167, relating to books of record and reference; of Section 169, relating to forfeiture for non-compliance; of Section 170, relating to limitations on waterfront franchises; of Section 171, relating to switching rights; of Section 172, relating to forfeiture of franchises not in use; and of Section 173, relating to additional conditions, shall apply to and govern all franchises granted for the construction, maintenance or operation of any railroad, including railroads other than street railroads, suburban railroads and interurban railroads;

Provided, that the application of the provisions of said Section 152 (relating to applications for franchises) to the granting of franchises for railroads other than street railroads, suburban or interurban railroads, shall be subject to this exception, that is to say: that instead of receiving bids for a percentage of the net annual receipts , as provided for in Section 152, the franchise shall be awarded to the bidder offering to pay to the city and county, during the life of the franchise, the highest average annual rental, and the advertisement shall so state, and that in the raising of bids

above the amount of the highest sealed bid the first increased bid must be at least five per cent greater than the amount of the highest sealed bid;

And, provided, that in the application for the granting of any franchise for railroads other than street railroads, suburban or interurban railroads, the provisions of said Section 161 (relating to rights of the city and county to purchase) shall not be construed as requiring such franchise to permit the city and county to take over to itself any of the rolling stock or other movable property of the grantee, his successors or assigns used in the enjoyment of such franchise.

RE-SETTLEMENT FRANCHISE

Sec. 175. The Metropolitan Council is hereby empowered to provide for a general re-settlement of the franchise rights of, and to grant re-settlement franchise or franchises to, any person, firm or corporation actually engaged in operating street, suburban or interurban railroads in said city and county, upon written application therefor, and upon such terms and conditions as are in this charter provided, and upon such further and other terms and conditions, not inconsistent with the provisions hereof, as it shall prescribe.

PASSAGE AND APPROVAL OF RE-SETTLEMENT FRANCHISE

Sec. 176. Every such re-settlement franchise shall be granted after such publication and upon such notice as in this charter is prescribed for the granting of franchises generally. After the final passage of the ordinance granting such re-settlement franchise, the same shall be referred and submitted by ordinance to the vote of the electors of the city and county at any general or special election next ensuing within not less than twenty days after the passage of such ordinance; or, if no

general or special election is to be held in the city and county within a period of not less than twenty days, and not more than ninety days after such final passage, the Metropolitan Council may call a special election for the purpose of submitting said ordinance to the electors, as aforesaid. Said special election shall be held not less than thirty days and not more than ninety days after such final passage. No such re-settlement franchise ordinance shall go into effect until ten days after the final approval thereof by a majority of the electors voting thereon at any general or special election at which the same shall have been submitted for such approval, nor shall such re-settlement ordinance become effective unless accepted in writing by the grantee thereof prior to the expiration of said period of ten days.

PAYMENT OF NET ANNUAL RECEIPTS FOR
RE-SETTLEMENT FRANCHISES

Sec. 177. Every such re-settlement franchise or franchises shall confer upon the grantee thereof the right to occupy the roads, streets, highways, avenues, lanes, alleys, courts and other public places of the city and county, particularly set out and described in the ordinance granting the same, for the purpose of conducting, operating and maintaining thereon street, suburban or interurban railroads, subject to the right of the city and county to acquire and possess, by purchase, the property of said grantee as provided herein; provided, however, that said grantee shall, on the first day of July of each and every year, pay to the city and county such percentage of the net annual receipts collected from any and all sources under and by virtue of such franchise or franchises as shall be agreed upon and fixed in the ordinance granting such franchise. Such net annual receipts shall be determined

by deducting from the gross annual receipts received from all sources under said re-settlement franchise all operating and maintenance costs, taxes, insurance and a reasonable depreciation allowance upon the value of such properties as are used or useful in the operation of said railroad.

NEW FRANCHISES AND EXTENSIONS

Sec. 178. The Metropolitan Council may, in such re-settlement franchise, provide that any new franchise granted to the holder of such re-settlement franchise shall be considered as part of such re-settlement franchise.

CONSOLIDATED OR ANNEXED TERRITORY

Sec. 179. The Metropolitan Council may, in such re-settlement franchise, provide, in the case of consolidation or annexation to the city and county of any territory not included in said city and county at the date said re-settlement franchise is granted, that any franchise to operate such street, suburban or interurban railroad, or any part thereof, held or claimed by the holder of such re-settlement franchise, for any portion of such consolidated or annexed territory, shall thereupon be surrendered to the city and county, and the rights and obligations of such re-settlement franchise shall thereupon automatically extend to such additional territory, and that a valuation, for the purpose of public acquisition of the properties used and useful in the operation of said street, suburban or interurban railroad in the area so consolidated or annexed and not included in the capital valuation already fixed in the ordinance granting such re-settlement franchise, shall be added to the capital amount of such re-settlement franchise at the valuation fixed by the Railroad Commission of the State of California, or its successors in interest, and otherwise

determined as provided in this charter.

SURRENDER OF EXISTING FRANCHISES

Sec. 180. Every re-settlement franchise shall provide that the grantee thereof shall surrender all franchises or rights owned or claimed by the grantee to occupy such portion of the roads, streets, highways, avenues, lanes, alleys, courts and places as it is proposed such street, suburban or interurban railroad shall thereafter occupy under the provisions of such re-settlement franchise, and that the grantee shall accept, in lieu thereof, the rights and privileges granted by such re-settlement franchise as a franchise for the continued operation of such street, suburban or interurban railroad within the limits of the city and county, or such portion thereof as had theretofore been operated under the franchise or franchises surrendered.

LIFE OF RE-SETTLEMENT FRANCHISES

Sec. 181. Every such re-settlement franchise may be granted for an indeterminate or determinate period, subject always to the right of the city and county to acquire and possess the property of the grantee as herein provided.

PURCHASE BY CITY AND COUNTY UNDER
RE-SETTLEMENT FRANCHISES

Sec. 182. Every re-settlement franchise shall be granted upon the express condition that the city and county may, at a valuation fixed and determined as hereinafter provided, assume ownership by purchase and take over and possess the property used and useful of the franchise grantee, his or its successors and assigns, upon giving such grantee, his or its successors and assigns six months' written notice of its intention to purchase and take over said property, which written notice shall be given

only when authorized by ordinance of the Metropolitan Council. The valuation, for the purpose of public acquisition of such property used and useful and owned by the grantee at the time application is made for such re-settlement franchise, shall be fixed, on application of the city and county, or of the applicant for said franchise, by the Railroad Commission of the State of California, or its successors in interest; provided, that in fixing the valuation no allowance shall be made for the franchise or for good will or going-concern value. The valuation of such property, as fixed by the Railroad Commission of the State of California, or its successors in interest, shall be set forth in the ordinance granting such re-settlement franchise, in which case readjustment from time to time of said valuation may be made, to which valuation shall be added the cost of all additions, extensions and betterments, and from which valuation shall be deducted the value of property sold or abandoned, and depreciation to be determined and fixed, in accordance with the provisions of the ordinance granting the franchise, and annually charged to the capital value of said property. All expenses of such valuation by the Railroad Commission of the State of California, or its successors in interest, shall be paid by the applicant for such re-settlement franchise.

AMENDMENT OF RE-SETTLEMENT FRANCHISE

Sec. 183. Any re-settlement franchise may be amended from time to time in the manner hereinabove prescribed for the granting of a re-settlement franchise, provided, that such amendment shall not be effective unless accepted in writing by the grantee of such re-settlement franchise.

GRANT OF OTHER FRANCHISES

Sec. 184. Nothing in this charter shall be construed as a prohibition against the city and county granting other franchises for transportation of passengers by means other than street, suburban or interurban railroads, and nothing in this charter shall be construed as prohibiting the city and county from itself constructing, operating and maintaining street, suburban or interurban railroads, or from constructing, operating and maintaining other means and methods of transporting passengers and freight than by street, suburban or interurban railroads.

REVENUE AND TAXATION

FISCAL YEAR

Sec. 185. The fiscal year mentioned in this charter shall commence on the first day of July of each year.

ESTIMATES OF ANNUAL REQUIREMENTS IN EACH DEPARTMENT

Sec. 186. On or before the first Monday in April of each year the head of every department, office, court, district, board and commission of the city and county and of each borough shall file with the Auditor an estimate, in writing, of the expenditures for the ensuing fiscal year, specifying in detail the objects thereof, required in such department, office, court, district, board, commission or borough, including a statement of all salaries.

AUDITOR'S ANNUAL ESTIMATE OF REVENUE AND EXPENDITURES

Sec. 187. On or before the last Monday in April of each year the Auditor shall transmit to the Manager an estimate, in

writing, of the expenditures of the city and county and of the several boroughs thereof for the next ensuing fiscal year, as determined by the reports filed as provided by the preceding section. Said estimate shall contain an estimate of the probable revenue of the city and county and of the several boroughs thereof, exclusive of taxes upon property, classified in detail according to sources, the amounts necessary to meet the interest and principal of all bonded indebtedness, and the following information arranged in parallel columns:

(a) Detailed estimate of the expense of conducting each borough, department, office, court, district, board and commission as submitted by the respective boroughs, departments, offices, courts, districts, boards and commissions.

(b) Expenditures for corresponding items for the last two fiscal years.

(c) Expenditures for corresponding items for the current fiscal year, including adjustments due to transfers between appropriations plus an estimate of the expenditures necessary to complete the current fiscal year.

(d) Such other information as the Manager may require.

Said estimate also shall include an estimate of the probable amount required to be levied and raised by taxation.

The estimates required by clauses (a), (b) and (c), above, shall, in accordance with standard forms and classifications prepared by the Auditor for this purpose, be so segregated and classified as to show, separately, the estimated expenditures of each borough, department, office, court, district, board and commission, including each public utility owned or operated by the city and county or any borough thereof, according to:

(1) Organization units.

(2) Functions performed.

(3) Character of expenditures, i.e., whether capital outlay or operating expense.

(4) Detailed objects of expenditures.

MANAGER'S ANNUAL ESTIMATE OF REVENUE AND EXPENDITURES

Sec. 188. The Manager, on or before the third Monday in May of each year, shall submit to the Metropolitan Council and to the board of trustees of each borough a budget for the ensuing fiscal year covering the estimated revenue and expenditures of the city and county and of each of the boroughs thereof, separately. Said budget shall set forth the estimated amount required to maintain each of the following departments or functions of government:

Police, fire, cleaning and maintenance of streets, sewers and storm drains, lighting of streets, garbage disposal, libraries, parks and playgrounds. It shall also set forth the estimated expense of maintaining any borough property and the amounts necessary to pay the interest and to meet the sinking fund and redemption obligations on outstanding bonded indebtedness in each borough or district.

The said budget shall also set forth an estimate of all expenses of government classified by departments or functions other than or in addition to those specified in this section.

Said budget shall also include the estimates prepared by the Auditor, as provided in the preceding section, and, in addition thereto, the following information arranged in parallel columns:

(a) An inventory of all supplies and materials on hand.

(b) The recommendation of the Manager as to the estimate submitted to the Auditor by each borough, department, office, court, district, board and commission.

(c) Such other information as the Metropolitan Council may require.

The Manager shall provide sufficient copies of the budget to furnish one for each councilman and each member of the board of trustees of each borough, and to place copies in the office of the Manager and of the Auditor and at one public place in each borough for the inspection of the public, and such number of additional copies as he may deem necessary.

BOROUGHS' CONSIDERATION OF BUDGET

Sec. 189. The board of trustees of each borough, upon the receipt of the budget, shall proceed with the consideration of said budget at public hearings, notice of which shall be given in the manner prescribed by the board.

The board of trustees of each borough shall return such budget to the Metropolitan Council on or before the first Monday in June of each year, together with such recommendations, expressed by resolution, as to changes and alterations in said budget as it may deem advisable. It may also recommend the addition to said budget of any sums of money it may desire to have expended for any purpose, said sums to be provided by a special tax on the taxable property within said borough and to be expended solely for the purpose designated by said borough board of trustees.

ANNUAL APPROPRIATION ORDINANCE

Sec. 190. The Metropolitan Council, upon receipt of the budget from the Manager, shall proceed to the consideration thereof at public hearings, notice of which shall be given in the manner prescribed by the Metropolitan Council.

The Metropolitan Council, on the last Monday in June of each year shall finally pass the annual appropriation ordinance,

which ordinance shall provide for the entire cost of the city and county government and of the governments of the several boroughs.

The Metropolitan Council may adopt or reject any of the recommendations of the board of trustees of any borough, provided, however, that it must adopt and embody in said appropriation ordinance, without change or modification, any recommendation for the expenditure of any additional sums voted by such board of trustees, to be expended for a defined purpose and to be provided by a special tax on the taxable property in said borough.

APPROPRIATIONS FOR HIGHWAYS

Sec. 191. The Metropolitan Council must , in said appropriation ordinance, provide within each road district such sum as may be authorized by the laws of the State of California to be expended for road purposes within the district in which it is collected.

The Metropolitan Council shall appropriate annually from the general fund of the city and county an amount sufficient, in conjunction with the road district funds and any moneys which may accrue from the apportionment of the State Motor Vehicle Fund or from any other source to provide for the lighting, sprinkling, maintenance, repair, construction and re-construction of roads, bridges and culverts within the city and county, not included within the boundaries of any borough therein.

APPROPRIATION FOR SPECIAL DISTRICTS

Sec. 192. Said annual appropriation ordinance shall include provisions for the maintenance and support of any legal subdivision or district of the city and county existing under the laws of the State of California, the tax for which shall

be levied against all the taxable property within the limits of such legal subdivision or district.

METHOD FOR LEVY OF TAX

Sec. 193. The Metropolitan Council, on the first Tuesday after the first Monday in September of each year, must fix the rate of taxes, designating the number of cents levied on each one hundred dollars of taxable property, and levy taxes upon the taxable property within said city and county sufficient, in conjunction with other sources of income, to raise the amounts required by the annual appropriation ordinance of the city and county. Said levy shall be made as follows:

(a) There shall be levied a tax upon the taxable property within each of the boroughs sufficient to provide for the maintenance of borough property, the amounts necessary to pay the interest and to meet the sinking fund and redemption obligations on anyoutstanding bonded indebtedness of any borough, and to provide such additional sums of money as may have been voted by the board of trustees of any borough to be expended for a defined purpose.

(b) There shall be levied a tax upon the taxable property within the territory included within the several boroughs sufficient to maintain the following departments or functions of government:

Police, fire, cleaning and maintenance of streets, sewers and storm drains, lighting of streets, garbage disposal, libraries, parks and playgrounds.

(c) There shall be levied upon the taxable property within each road district such road taxes as are now or hereafter may be provided by the laws of the State of California.

(d) There shall be levied upon the taxable property within the limits of any legal subdivision or district of the

city and county existing under the laws of the State of California, a tax sufficient for the maintenance and support of such legal subdivision or district.

(e) There shall be levied upon the taxable property of the city and county and of the several school districts therein, as the case may be, such school taxes as now are or hereafter may be provided by the laws of the State of California.

(f) There shall be levied upon the taxable property within the entire city and county a tax sufficient, in conjunction with other sources of revenue, to provide for all expenses of government not included in the foregoing subdivisionsof this section.

URGENT NECESSITIES

Sec. 194. The Metropolitan Council may appropriate a sum not to exceed fifty thousand dollars a year for urgent necessities not otherwise provided by law. No money shall be paid out of this appropriation unless authorized by a five-sevenths vote of the Metropolitan Council.

CASH BASIS FUND

Sec. 195. The Metropolitan Council shall create and maintain a permanent revolving fund to be known as the cash basis fund for the purpose of putting the payment of the operating expenses of the city and county on a cash basis. For this purpose the Metropolitan Council shall provide that, from the money collected from the annual tax levy and from money received from other sources, a sum equal to not less than two and one-half cents on each one hundred dollars of assessed valuation of all property within the city and county shall be placed in such fund until the accumulated amount in such fund shall be sufficient to meet all legal demands against the

treasury for the first four months, or other necessary period, of the succeeding fiscal year.

The Metropolitan Council shall have power to transfer from the cash basis fund to any other fund or funds such sum or sums as may be required for the purpose of placing such fund or funds, as nearly as possible, on a cash basis. It shall be the duty of the Metropolitan Council to provide that all money so transferred from the cash basis fund be returned thereto before the end of the current fiscal year.

EXPENDITURES LIMITED TO APPROPRIATIONS

Sec. 196. No expenditures shall be made unless a specific appropriation shall have been made therefor in the annual appropriation ordinance, except as may be otherwise provided in this charter.

UNEXPENDED BALANCE

Sec. 197. At the close of each fiscal year the unexpended balance of each appropriation against which no salaries or contracts for work or supplies are outstanding shall revert to the general fund, borough fund, school fund, library fund, or district fund, as the case may be, except as otherwise provided in this charter. Any money in the general fund otherwise unappropriated may be appropriated by the Metropolitan Council at any time by ordinance; the board of trustees of any borough and the Board of Education shall have the same power with regard to moneys in the respective borough, school, or school district funds.

DISBURSEMENTS

Sec. 198. The Metropolitan Council shall authorize the disbursement of all public moneys, except as otherwise specifically provided in this charter.

WARRANTS

Sec. 199. No warrant shall be drawn except upon an unexhausted specific appropriation.

SEPARATE FUNDS

Sec. 200. All revenues, fees and commissions paid into the treasury shall be at once apportioned to and kept in separate funds. It shall not be lawful, except as otherwise provided in this charter, to transfer any moneys from one fund to another, or to use the same in payment of demands upon another fund.

The general fund shall consist of all moneys received into the treasury and not specifically apportioned to any other fund.

REGISTRATION OF WARRANTS

Sec. 201. When any warrant is presented to the Treasurer for payment and the same is not paid for want of funds, the Treasurer must endorse thereon "Not paid for want of funds", with the date of presentation. He shall number said warrants serially and sign his name thereto, and thereafter they shall bear such rate of interest as may be fixed by the Metropolitan Council, not to exceed five percent per annum, and shall be paid in sequence in the order of their numbering. When there are sufficient moneys in the treasury to pay the warrants so registered, the Treasurer shall post at the Court House door a notice stating that he is ready to pay such warrants and, from the date of the posting of such notice, such warrants shall cease to draw interest.

PAYMENT OF REGISTERED WARRANTS

Sec. 202. Any warrant on the treasury or on any fund thereof which may remain unpaid at the end of the fiscal year

for lack of money applicable to its payment may be paid out of any money which subsequently may come into the proper fund from delinquent taxes or other uncollected income or revenue for such year. Such warrants shall be paid out of such delinquent revenue, when collected, in the order of their registration.

BONDED INDEBTEDNESS

Sec. 203. Whenever in the opinion of the Metropolitan Council it is necessary, for the purpose of carrying out any of the powers vested in said city and county, including the acquisition, construction or completion of any public utility or utilities, to incur a bonded indebtedness, it shall, by ordinance, submit to the electors of said city and county, at an election held for that purpose, a proposition or propositions for the creation of such bonded indebtedness, which proposition or propositions shall specify the amount or amounts and the purpose or purposes for which they are created, the term of said bonds and the rate of interest thereon. No such bonded indebtedness shall be created unless two-thirds of the electors voting at such election shall authorize the same.

CONTRACTS FOR OFFICIAL ADVERTISING

Sec. 204. The Manager shall advertise annually for five consecutive days for sealed proposals for official advertising for the ensuing fiscal year. Such advertising shall call for separate bids for publishing:

(1) The delinquent tax list.

(2) All other official advertising of the city and county.

He shall advertise at the same time for separate proposals for the official advertising of each borough. Such advertise-

for less or some equivalents in its amount may be paid out of any fund which subsequently may come into the treasury from additional taxes, or other authorized income or revenue for such year. Such warrants shall be paid out of such allotment revenue, when collected, in the order of their registration.

BONDED INDEBTEDNESS

Sec. 105. Whenever in the opinion of the metropolitan council it is necessary, for the purpose of carrying out the power vested in such city and county, including the acquisition, construction or completion of any public utility or utilities, to incur a bonded indebtedness, it shall, by ordinance, submit to the electors of said city and county, at an election held for that purpose, a proposition or propositions for the creation of such bonded indebtedness, which propositions or propositions shall specify the amount or amounts for the purpose or purposes for which they are created, the term of such bonds and the rate of interest thereon. No such bonded indebtedness shall be created unless two-thirds of the electors voting at such election shall authorize the same.

CONTROL AND OFFICIAL ADVERTISING

Sec. 106. The mayor shall exercise control for the corporation over the radio program. The official advertising of the municipal fiscal year. Such advertising shall cost for municipal bids for publication:

(1) The maximum for first:

(2) All other official advertising of the city and county, he shall advertise at the same time for bids for newspapers proposals for the official advertising of such newspaper. Such advertising

ment shall call for bids per square of 150 ems nonpareil (six-point type), and shall specify the type and spacing to be used.

Proposals for city and county advertising shall be received only from responsible persons, firms and corporations publishing, within the city and county, newspapers of general circulation, each of which must have a bona fide general circulation in this city and county of at least twenty-five hundred copies, and must have been published regularly for one year prior to the date of the first insertion of the Manager's advertisement.

Proposals for borough advertising may be received from newspapers of general circulation published in the several boroughs, or, if there be no newspaper of general circulation published in any borough, then from newspapers of general circulation published in adjacent boroughs.

The proposals for city and county advertising shall be opened in the presence of the Metropolitan Council, which shall award separate contracts for publishing the delinquent tax list and for publishing other city and county advertising to the respective lowest responsible bidders publishing newspapers within the city and county; provided, however, that the Metropolitan Council may reject any or all bids and order the Manager to advertise for new bids.

The proposals for borough advertising shall be opened in the presence of the several borough boards of trustees, and each borough board of trustees thereupon shall award to the lowest responsible bidder the contract for publishing the advertising of the borough; provided, that any borough board of trustees may reject any or all bids and order the Manager to advertise for new bids.

No award of advertising shall be made by the Metropolitan

Council or by the board of trustees of any borough at a rate in excess of the ordinary and regular advertising rates charged to individuals, firms or corporations for similar character of advertising.

The newspaper to which the contract is awarded for publishing the official advertising of the city and county, other than the delinquent tax list, shall be known as "The Official Newspaper of the City and County", and the several newspapers awarded the contracts for borough advertising shall be known as the official newspapers of the respective boroughs.

EMPLOYEES' PENSION AND INSURANCE FUND

Sec. 205. The Metropolitan Council shall provide for the continuance of all pension and relief funds in existence at the time this charter shall take effect. The Metropolitan Council may provide by ordinance, adopted by a five-sevenths vote, for the establishment and maintenance of an employees' pension and insurance fund or funds.

FEES

Sec. 206. All officers of the city and county and of the several boroughs to whom fees are paid for the performance of official duties, and all officers or employees collecting or receiving any moneys pertaining to or for the use of the city and county, or a borough thereof, shall make regular settlements and accounts of their collections monthly, or otherwise as may be required by law.

Such money shall be transmitted or paid to the Treasurer daily, and the Treasurer and the Auditor shall credit such officer or employee with the amount so paid without apportioning the same to any specific fund. Such officer or employee shall, upon his regular settlement, be credited with all amounts

so paid to the Treasurer and not included in his previous settlements, as so much cash.

SALARIES IN FULL COMPENSATION

Sec. 207. The salaries provided for all officers and employees of the city and county and the several boroughs shall be in full compensation for all services required of them by this charter or by virtue of their office.

NO PERSONAL INTEREST IN CONTRACTS

Sec. 208. No elective or appointive officer or employee of the city and county, or of the several boroughs thereof, shall hold any other public office of profit, except the office of notary public or an office in the National Guard of the State of California, or be interested, directly or indirectly, in any contract or transaction with the city and county, or a borough thereof, or become surety on any bond given to the city and county, or any borough thereof. No officer or employee shall receive any commission, money, or thing of value, or derive any profit, benefit or advantage, directly or indirectly, from or by reason of any dealings with or service for the city and county, or any borough thereof, by himself or others, except his lawful compensation as such officer or employee.

It shall be the duty of every officer and employee who shall have knowledge of any violation of the provisions of this section to report immediately such violation to the Metropolitan Council, and every officer and employee who shall violate any of the provisions of this section shall forthwith forfeit his office or employment. Any violation of the provisions of this section shall render the contract or transaction involved voidable at the option of the Metropolitan Council.

OFFICE HOURS

Sec. 209. All offices of the city and county shall be kept open for the transaction of business from 9 o'clock a.m. until 5 o'clock p.m. every day in the year, except Sundays and holidays.

OATH OF OFFICE

Sec. 210. Every elective and appointive officer of the city and county and of the several boroughs, before entering upon the duties of his office, shall take the oath of office provided for by the Constitution of the State of California and file the same with the Clerk. Every such officer must also, within ten days after his election or appointment, and before entering upon the duties of his office, execute the bond, if any, required by the provisions of this charter, by the Metropolitan Council, or by any borough board of trustees.

OFFICIAL BONDS

Sec. 211. The following officers respectively shall execute official bonds to the city and county in the following amounts:

Manager	$25,000.00
Auditor	25,000.00
Treasurer	100,000.00
Tax Collector	50,000.00
Assessor	20,000.00
Clerk	20,000.00
Recorder	10,000.00
Sheriff	20,000.00
District Attorney	5,000.00
City Attorney	5,000.00
Public Administrator	25,000.00

OTHER FEES

Sec. 320. All officers of the city and county shall be entitled to the compensation or emoluments from a private source, which a citizen may receive in the form, except counsel fees and salaries.

FEES TO OFFICE

Sec. 321. Every deputy and appointee attached to the city and county and of the district courts, before entering upon the duties of his office, shall take the oath of office provided for by the Constitution of the State of California, and file the same with the Clerk. Every such officer must also, within ten days after his election or appointment, and before entering upon the duties of his office, execute the bond, if required by the provisions of this charter, to the Mayor-Auditor Council, or by any certain bond or trustees.

CONTROLLER FEES

Sec. 322. The following salaries, respectively shall constitute the annual salaries to the city and county in the following amounts:

Auditor	$[illegible]
Treasurer	$[illegible]
Tax Collector	$[illegible]
Assessor	$[illegible]
Coroner	$[illegible]
Sheriff	$[illegible]
District Attorney	$[illegible]
City Attorney	$[illegible]
Public Defender	$[illegible]

Judges of Municipal Court....	$ 2,000.00 each
Coroner.....	5,000.00
Fish and Game Warden.....	1,000.00
Horticultural Commissioner...	1,000.00

The Metropolitan Council may require a bond to be filed by any other officer or employee and may fix the penal sum thereof. The board of trustees of each borough may require a bond to be filed by any officer or employee of such borough and may fix the penal sum thereof. All bonds, except that of the Auditor, which shall be filed in the office of the Clerk, shall be filed with the Auditor. Every official bond shall be secured by a surety company authorized to act as sole surety under the laws of the State of California. No official bond shall be received or filed until it has been approved as to form by the City Attorney, and as to sufficiency by the Auditor, except the official bond of the Auditor, which shall be approved as to sufficiency by the Metropolitan Council.

The official bonds of all officers and employees of boroughs shall be approved as to sufficiency by the board of trustees of such borough. The Metropolitan Council, by ordinance, may increase the amount of bonds required from any officer or employee. If such officer or employee does not file a sufficient bond for the increased amount within fifteen days after notification of such increase, his office thereupon shall become vacant.

The premium on all official bonds shall be paid by the city and county, or borough, as the case may be.

APPRAISAL OF REAL PROPERTY

Sec. 212. In preparation for the assessment of taxes for the fiscal year 1925-1926, and at intervals of five years

thereafter, the Metropolitan Council shall provide for a scientific appraisal by a recognized expert of all the real property in the city and county, but, if such appraisal shall have been provided for by the Board of Supervisors of Alameda County before this charter shall take effect, a new appraisal shall be required only at intervals of five years beginning with such previous appraisal. This appraisal shall be made as of the first Monday in March of the fiscal year preceding that for which the appraisal is hereby required, and shall be used by the Assessor as the basis for assessments. The Assessor shall revise his valuation on property in each intervening year.

CONSTRUCTION OF CHARTER

Sec. 213. This charter shall be liberally construed, The invalidity of any clause or part of this charter shall not be deemed to affect the validity of any other part thereof, nor shall any clause, provision or part of this charter be deemed invalid because it cannot constitutionally be effective to the full extent warranted by its language.

APPLICABILITY OF GENERAL LAWS

Sec. 214. Whenever in this charter reference is made to any law of the State of California, said law shall be construed to include all acts amendatory thereof or supplementary thereto.

DEFINITIONS

Sec. 215. The following words have in this charter the respective significations attached to them in this section, unless otherwise apparent from the context;

The words "City", "County" and "City and County" mean the City and County of Oakland.

The terms "Borough Board" and "Borough Board of Trustees" mean the Board of Trustees of a Borough.

The word "Council" means the Metropolitan Council.

The word "Councilman" signifies a member of the Metropolitan Council.

The word "franchise" includes franchise, permit or privilege.

The term "heads of departments" includes the Sheriff, Clerk, Treasurer, Tax Collector, Recorder, Coroner, Public Administrator, Sealer of Weights and Measures, Fish and Game Warden, Live Stock Inspector, Horticultural Commissioner, City Attorney, Public Defender, Purchasing Agent, Director of Public Works, Chief of Police, Fire Chief, Superintendent of Streets, Building Inspector, Chief Electrician, Chief Examiner of the Civil Service Commission, and the head of each division of the Department of Public Service.

The term "public service" means the conduct and management of any public utility owned and operated by the city and county, or any borough.

CERTAIN ELECTIVE OFFICERS CONTINUED IN FORCE

Sec. 216. The District Attorney, Sheriff, County Clerk, Assessor, Auditor, Treasurer, Recorder, Tax Collector and ex-officio License Collector, Public Administrator, and Coroner of the County of Alameda, in office on the thirtieth day of June, 1923, shall continue in office as officers of the City and County of Oakland and shall continue to perform, without interruption, the duties, and to receive the compensation of their respective offices until the expiration of the terms for which they were elected. The salaries of all such officers who continue to serve both the City and County of Oakland and the County of Alameda shall be pro-rated in the manner prescribed by the Constitution.

Upon the expiration of said terms, said offices shall be filled in the manner provided in this charter. The terms of all elective officers of the several municipalities, townships and districts within the territorial limits of the City and County of Oakland shall terminate at 12 o'clock midnight on the thirtieth day of June, 1923.

PRESENT EMPLOYEES CONTINUED IN FORCE

Sec. 217. Except as otherwise provided in this charter, all persons, other than elective officers, holding office on the thirtieth day of June, 1923, shall continue in office and in the performance of their duties until provision shall have been made otherwise in accordance with this charter for the performance or discontinuance of the duties of any such office. When such provision shall have been made the term and employment of any such person shall expire and the office be deemed abolished.

CONTINUANCE OF CONTRACTS

Sec. 218. All contracts entered into by the County of Alameda and the several municipalities, townships and districts within the territorial limits of the City and County of Oakland prior to the first day of July, 1923, shall continue in full force and effect. All public work begun prior to said day shall be continued and perfected hereunder. Public improvements for which legislative steps shall have been taken under laws in force at the time this charter shall take effect may be carried to completion in accordance with the provisions of such laws.

ORDINANCES CONTINUED IN FORCE

Sec. 219. All ordinances, resolutions and regulations of the County of Alameda and of the several municipalities and

districts within the territorial limits of the City and County of Oakland, in force at the time this charter shall take effect and not inconsistent with its provisions, shall continue in force until amended or repealed.

SUCCESSION

Sec. 220. All property, real and personal, of the Municipalities of Emeryville, Oakland and Piedmont and of all districts therein, except school districts, shall become the property of the city and county.

All moneys on hand or due or to become due to the Municipalities of Emeryville, Oakland and Piedmont shall become the property of the Boroughs of Emeryville, Oakland and Piedmont, respectively.

All franchises, rights, liabilities, obligations, suits, actions, prosecutions, claims and contracts of the several municipalities and districts within the territorial limits of the City and County of Oakland shall remain and continue in full force and effect as if the form of government had not been changed and this charter adopted. For the purpose of carrying out and enforcing such franchises, rights, liabilities, obligations, suits, actions, prosecutions, claims and contracts, the Metropolitan Council, officers, boards and authorities of the city and county shall succeed to all powers and duties relating thereto of the several officers, councils, boards and authorities of said municipalities and districts, respectively.

All liabilities of the several municipalities and districts within the territorial limits of the City and County of Oakland, existing at the time this charter shall take effect, shall be paid out of the moneys transferred to the funds of the several boroughs, as herein provided. If said funds are insufficient for such purposes, the Metropolitan Council shall levy a special tax upon the property within the boundaries of the municipality or district affected sufficient to pay such indebtedness.

TAKING EFFECT OF THIS CHARTER

Sec. 221. For the purpose of nominating and electing the councilmen, trustees of the several boroughs, and the judges of the Municipal Court, and for the purpose of superseding all existing provisions authorizing the election of officers of the several districts and municipal corporations within the city and county, this charter shall take effect immediately upon its approval by the Legislature. The Board of Supervisors of the County of Alameda, in office at the time of such approval, shall provide for the holding of the first election of councilmen, trustees of each borough, and judges of the Municipal Court under this charter, and shall canvass the votes and declare the result. Such election shall be held at the earliest practicable date.

For all other purposes this charter shall take effect on the first day of July, 1923.

APPOINTMENT OF FIRST MANAGER

Sec. 222. The Metropolitan Council, immediately upon its organization, shall proceed to the selection of a Manager of the city and county.

Appointments may be made by the Mayor or by the Manager, pursuant to the provisions of this charter, prior to and to take effect on the first day of July, 1923, except as otherwise provided in this charter.

BUDGET FOR FIRST FISCAL YEAR

Sec. 223. The estimate of revenue and expenditures required by this charter shall be dispensed with for the fiscal year beginning July 1, 1923, and the Metropolitan Council, by resolution, shall prescribe the procedure to be employed in the preparation of the annual appropriation ordinance for that year.

CERTIFICATE

WHEREAS, the County of Alameda, a county organized under the general laws of the State of California, and having a population of over two hundred thousand inhabitants, as ascertained by the census of 1920, taken under authority of the Congress of the United States, and having within its territorial boundaries ten incorporated cities and towns, did, on the third day of February, 1921, under and in accordance with the provisions of Section 7½a of Article XI of the Constitution of the State of California, elect Arthur W. Beam, Annie Florence Brown, William Cavalier, Leon A. Clark, Samuel J. Donohue, W. Herbert Graham, Lewis A. Hicks, Harriet M. Kearney, Greene Majors, Joseph O. McKown, Orrin K. McMurray, Blanche Morse, Benjamin H. Pendleton, Charles H. Spear and Orlando E. Swain, a Board of Freeholders, to prepare and propose a charter for a consolidated city and county; and

WHEREAS, on February 10, 1921, the Board of Supervisors of said County of Alameda declared the result of said election; and

WHEREAS, in pursuance of said provisions of the Constitution, and within a period of one hundred and eighty days after the result of said election was declared by said Board of Supervisors, said Board of Freeholders did prepare, propose and file a charter for a consolidated city and county government of said County of Alameda; and

WHEREAS, pursuant to said provisions of the Constitution of the State of California, said Board of Freeholders did propose, in the alternative, that a lesser area than that of the whole County of Alameda might be formed into a consolidated city and county government to be governed by the charter framed by said

Board of Freeholders; said lesser area to consist of the City of Oakland, which citywas named and designated as necessary and essential to effect city and county consolidation, also those incorporated cities and towns which, as provided in said Constitution, by a majority vote of the qualified electors voting thereon, separately, should vote in favor of the consolidation of the whole of said County of Alameda, together with the other incorporated cities and towns provided by said Constitution to be included into a consolidation of such lesser area, together with any unincorporated territory within the county proposed to be added, as provided for in said Constitution; said lesser area also to have the combined powers of a city and county, as provided in said Constitution for a consolidated city and county government; and

WHEREAS, the said Board of Supervisors did call a separate election in each of the incorporated cities and towns within the County of Alameda for submitting said proposal for consolidation to the electors thereof; and

WHEREAS, the said Board of Supervisors did canvass the votes cast at said election so called, and did, on the twenty-eighth day of November, 1921, certify to this Board of Freeholders that said proposal for consolidation did not receive a majority of the votes cast in any of the cities and towns within said County of Alameda, exclusive of the City of Oakland, and that in the City of Oakland said proposal did receive the favorable vote of a majority of the electors voting thereon; and

WHEREAS, said Board of Supervisors did fix Monday, December 5th, 1921, as the day for the re-convening and meeting of said Board of Freeholders; and

WHEREAS, on the twelfth day of December, 1921, said Board of Supervisors did give and grant unto said Board of Freeholders an additional ten days' time from and after December 15th, 1921,

within which to complete its labors pursuant to said provisions of the Constitution of the State of California;

BE IT KNOWN that said Board of Freeholders did re-convene and meet upon said fifth day of December, 1921, and, pursuant to the provisions of Section 7½a, Article XI, of the Constitution of the State of California, has amended the proposed charter, as originally prepared, published and filed in the office of the County Clerk of the County of Alameda, by rearranging and defining the boundaries of the proposed new city and county, changing the number of boroughs, by reduction thereof, rearranging councilmanic districts, providing lesser salaries to be paid to certain officers of the proposed city and county, and correcting mistakes, clerical and typographical errors; and said Board of Freeholders does propose the foregoing as and for a charter for the City and County of Oakland.

IN WITNESS WHEREOF, we have hereunto set our hands in triplicate this twenty-second day of December, One Thousand Nine Hundred and Twenty-one.

Leon A. Clark
President

Greene Majors
Secretary

Orlando E. Swain

Arthur W. Beam

Charles H. Spear

Orrin K. McMurray

W. Herbert Graham

Samuel J. Donohue

Joseph O. McKown

Harriet M. Kearney

Annie Florence Brown

William Cavalier

Blanche Morse

Benjamin H. Pendleton

ATTEST: R. H. Chamberlain, Jr.
Assistant Secretary