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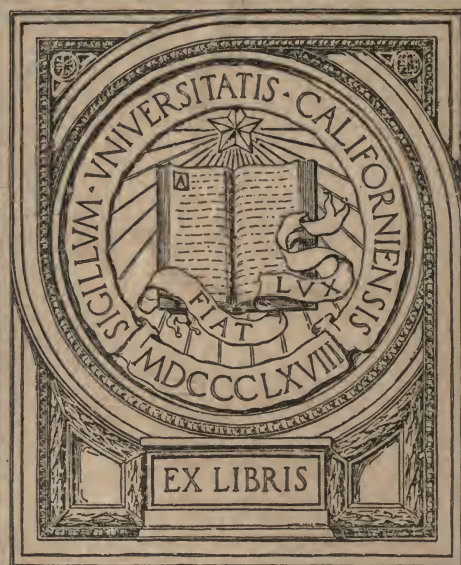
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PROPOSED

New Charter

FOR

City of Alhambra

CALIFORNIA



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Proposed New Charter for City of Alhambra, California

PREPARED AND PROPOSED BY A BOARD OF FREEHOLDERS ELECTED
APRIL 13, 1914, IN PURSUANCE OF THE PROVISIONS OF
SECTION 8, ARTICLE XI, OF THE CONSTITUTION
OF THE STATE OF CALIFORNIA

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ARTICLE I.

NAME AND RIGHTS OF CITY

Section 1. The municipal corporation now existing and known as the City of Alhambra shall remain and continue a body politic and corporate in name and in fact by the name of "City of Alhambra," and by such name shall have perpetual succession.

Sec. 2. The city of Alhambra shall remain vested with and continue to have, hold and enjoy all property, rights of property and rights of action of every nature and description now pertaining to this municipality, and is hereby declared to be the successor of the same. It shall be subject to all the liabilities that now exist against this municipality.

ARTICLE II.

BOUNDARIES AND DISTRICTS OF THE CITY

Sec. 3. The boundaries of the city of Alhambra shall continue as now established until changed in some manner authorized by law.

Sec. 4. For municipal purposes the city of Alhambra is hereby divided into four districts, which shall be designated respectively, the first district, the second district, the third district and the fourth district and be constituted and described as follows:

First district—All that portion of the city lying east of the center line of Wilson avenue and north of the center line of Main street.

Second district—All that portion of the city lying east of the center line of Wilson avenue and south of the center line of Main street.

Third district—All that portion of the city lying west of the center line of Wilson avenue and north of the center line of Main street.

Fourth district—All that portion of the city lying west of the center line of Wilson avenue and south of the center line of Main street.

Sec. 5. The boundary line of any of said districts may be changed hereafter by ordinance passed by a four-fifths (4-5) vote of the commission; provided, that said districts shall be kept as nearly equal in population as possible; and provided further, that except where the city boundary is changed either by annexation or exclusion of territory, such change of district lines shall not be made oftener than once in two years nor within a period of ninety days prior to any general municipal election.

Sec. 6. Whenever any territory shall hereafter be annexed to the city of Alhambra, upon the completion of such annexation, the commission shall, by ordinance, assign such annexed territory to one or more districts contiguous thereto, so as to retain, as nearly as possible, such equality of population.

ARTICLE III.

GENERAL PROVISIONS RELATING TO OFFICERS

Sec. 7. The elective officers of the city of Alhambra shall be five commissioners, one of whom shall be elected as president of the commission; a city auditor, who shall be ex-officio city clerk and clerk of the board of equalization; a city treasurer, who shall be ex-officio city assessor and city tax and license collector; a city attorney, and five members of the board of education, all of whom shall be elected at the general municipal election on a general ticket from the city at large; provided, that all qualified electors of Alhambra city school district shall also have the right to vote at such elections for members of the board of education; and provided also, that of the four commissioners, other than the president of the commission, one shall be nominated by the qualified electors of each district, of which the commissioner so nominated must have been a resident not less than four months preceding the date of his election. The office of commissioner of each district shall constitute a separate office.

Sec. 8. The chief appointive officers shall be as hereinafter named, and shall be under the jurisdiction of the respective departments to which they are severally assigned, to-wit: city engineer and street superintendent hereby assigned to the department of public works; building inspector, plumbing inspector, electrical inspector, police judge, chief of police, chief of fire division and health officer hereby assigned to the department of public safety. Each such chief appointive officer shall be appointed by the head of such respective department to which he is assigned, subject to confirmation of each appointment by the commission.

Sec. 9. Other appointive officers shall be five library trustees hereby assigned to the department of public affairs, to be appointed as hereinafter provided, and such other officers as the commission shall under this charter have power to create, which last named officers shall be appointed by the head of the respective department to which the same shall be assigned by the commission or by this charter.

Sec. 10. The commission shall consist of five commissioners, each of whom, including the president, shall have a vote on all questions coming before the commission.

To be eligible to the office of commissioner a person must be a qualified elector of the city of Alhambra and shall have resided in said city for at least three years next preceding the date of his election or appointment.

To be eligible to the office of auditor, treasurer or attorney, a person must be a qualified elector of the city of Alhambra and shall have resided in said city for at least one year next preceding the date of his election or appointment.

Sec. 11. The president of the commission, auditor, treasurer and attorney shall each hold office for a term of two years from and after the first day of July following their election and until their successors are respectively elected and qualified; provided that the auditor and treasurer elected at the first election held under this charter shall hold office until the first day of July, 1918, and thereafter their successors shall hold office for terms of two years each. Members of the commission, except the president thereof, shall each hold office for a term of four years from and after the first day of July following their election and until their successors are elected and qualified; provided that the commissioner first elected under this charter from the first district shall hold office for one year, the commissioner first elected under this charter from the second district shall hold office for two years, the commissioner first elected under this charter from the third district shall hold office for three years and the commissioner first elected under this charter from the fourth district shall hold office for four years respectively from the first day of July following such first election.

Sec. 12. In case any commissioner shall change his residence from the district in which he resided at the time of his election or appointment, his office shall immediately become vacant and be filled as directed in this charter; provided, however, that in case the boundaries of any district are changed, no commissioner whose residence is thereby included within a different district from that in which he resided at the time of his election or appointment shall lose his office by reason of such change, and provided also, that the president of the commission shall not forfeit his office by reason of any change of his residence within the city limits.

An elective office becomes vacant when the incumbent thereof fails to qualify within ten days from the time he receives his certificate of election or appointment, dies, resigns, is removed from office, is adjudged incompetent, convicted of a felony, or of an offense involving a violation of his official duties or forfeits his office under any provision of this charter, or ceases to be a resident of the city or district as required by the preceding paragraph of this section; or shall have been absent from the city without leave of the commission, for more than thirty consecutive days or, if a member of the commission or a board, fails to attend the meetings of the commission

or board of which he is a member for a like period, without being excused therefrom by the commission, or, if any other officer than a member of the commission or a board, shall absent himself from his office for more than fifteen days consecutively, without such leave.

Sec. 13. If a vacancy shall occur in the office of commissioner, auditor, treasurer or city attorney, the commission shall appoint a person to fill such vacancy, but such appointee, if a commissioner other than the president thereof, must be a resident and qualified elector of the district in which the former commissioner resided at the time of his election or appointment, and such appointee shall hold office, subject to the provisions of this charter, only until the next general municipal election.

Sec. 14. Officers and employees of the city before entering upon the discharge of their official duties, shall give and execute to the city such official bonds as may be required by general law, this charter, or ordinance. All such official bonds must be given by some lawfully authorized and approved surety company, and the city shall pay the premium therefor; provided, that the premium paid shall not exceed one-half of one per cent. per annum; and provided, further, that if the commission deems the premium charge to be excessive, then, in that event, the commission may accept bonds, with approved personal sureties.

Sec. 15. Every bond shall contain the condition that the principal will well, truly, honestly and faithfully perform the duties of his office, and all bonds must be approved by the commission, after first being approved as to form by the city attorney.

Approval of such official bond must be endorsed thereon and signed by the officers approving the same. Each bond, when so approved, shall be filed with the auditor, except the bond of the auditor, which shall be filed with the president of the commission. All provisions of any law of this state, relating to official bonds, not inconsistent with this charter, shall be complied with.

Sec. 16. The commission may at any time, by ordinance, change the penal sum of any official bond.

Sec. 17. Every officer of the city, before entering upon the duties of his office, shall take the oath of office, as provided for in the constitution of this state, and shall file the same with the city clerk.

Sec. 18. Each commissioner shall receive an annual salary of \$300.00, payable in equal monthly installments. Except where such power to fix is otherwise given by this charter, the commission shall fix, by ordinance, the salary of all other officers herein created or hereafter created by ordinance whose salaries are not herein fixed or otherwise provided for.

Sec. 19. The salary of an elective officer may be changed by ordinance of the commission, but such ordinance must be adopted at least ninety days previous to an election at which an incumbent of such office is to be elected and shall not take effect until such incumbent takes office after such election.

Sec. 20. Whoever, being a city officer or being in nomination for, or while seeking nomination or appointment for any city office, shall use or promise to use, whether directly or indirectly, any official authority or influence, whether then possessed or merely anticipated, to aid any other person to secure any office or appointment in the service of the city or any nomination or increase of salary, upon the condition that his vote or political influence shall be given or used in behalf of any candidate, officer or political party or association, or upon any corrupt condition, shall be deemed guilty of a misdemeanor, and every person found guilty of such misdemeanor, as aforesaid shall, upon conviction thereof, be liable to be punished by a fine of not less than one hundred dollars or more than five hundred dollars, or to be imprisoned not less than ten days or more than six months, or to both said fine and said imprisonment in the discretion of the court. If the person convicted be a public officer, he shall, in addition to any other punishment imposed, be deprived of his office and be forever debarred and disqualified from holding any position in the service of the city.

Sec. 21. No officer or employee of the city shall become a party worker or solicitor in any city election, except in his own behalf. A violation of any of the provisions of this section shall be sufficient cause for his removal from office.

Sec. 22. All officers and members of the commission or any board provided for in this charter shall have power to administer oaths and affirmations, and every such officer, commission or board shall have power to issue subpoenas, to compel by subpoena attendance of witnesses, production of books, papers and documents, and take and hear testimony concerning any matter or thing pending before such officer, commission or board. If any person so subpoenaed neglect or refuse to appear, or to produce any book, paper or document as required by such subpoena, or shall refuse to testify before any such officer, commission or board or to answer any question which any officer, or a majority of such commission or board shall decide to be

proper and pertinent, he shall be deemed in contempt, and any such officer, commission or board shall have power to take the proceedings in that behalf provided by the general laws of this state. The chief of police must, on request of such officer, or of any member of such commission or board serve such subpoena or cause the same to be served.

ARTICLE IV.

THE PRESIDENT OF THE COMMISSION

Sec. 23. The president of the commission shall see that all city ordinances are duly enforced. He shall, subject to the provisions of this charter, be charged with the general oversight of the several departments of the municipal government, and shall see that all contracts made with the city are faithfully performed.

The president shall be the presiding officer of the commission. He may call special meetings of the commission, and must do so upon request in writing of a majority of its members. He shall sign the minutes of each of its meetings after they have been entered in the journal by the city clerk and approved by the commission, and he shall have the right to be present at the meetings of all of its standing and special committees; he shall sign all conveyances made by the city and all contracts to which it is a party, except as otherwise herein provided, and shall acknowledge execution of all instruments executed by the city which require acknowledgment.

Sec. 24. During the temporary absence or disability of the president, the vice-president of the commission shall act as president pro tempore. In case of the temporary absence or disability of both the president and vice-president, the commission shall elect one of its members to be president pro tempore. In case of vacancy in the office of the president, the vice-president of the commission shall act as president until such vacancy can be filled as provided in this charter.

Sec. 25. The president shall annually and from time to time give the commission information relative to the affairs of the city, and recommend to its consideration such matters as he may deem expedient.

Sec. 26. The president shall keep himself fully informed as to the compliance by all public utility companies in all respects with law or ordinance, and he shall see that all provisions of all franchises, permits and privileges granted by the city are faithfully observed.

The president or the commission may, and, on written request of the city manager, the commission shall cause to be instituted on behalf of the city, such actions or proceedings as may be necessary to prosecute persons, firms or corporations owning, controlling or operating public utilities, for violations of law or ordinances, and as may be necessary to revoke, cancel, annual or regulate the exercise of any franchises, permits or privileges that may have been granted by the city to any person, firm or corporation, which have become forfeitable in whole or in part or which for any reason are illegal or void or voidable or negligently exercised. The city attorney, on direction of the president or of the commission, must institute and prosecute the necessary actions to enforce the provisions of this section.

Sec. 27. The president shall exercise such other powers and perform such other duties as may be prescribed by law or ordinance.

ARTICLE V.

EXECUTIVE AND ADMINISTRATIVE DEPARTMENTS

Sec. 28. The executive and administrative powers, authority and duties of the city, not otherwise provided for, shall be distributed among and assigned to five departments as follows:

1. Department of public affairs.
2. Department of finance.
3. Department of public works.
4. Department of public safety.
5. Department of supplies.

and the department of public affairs shall be under the supervision of the president of the commission, subject to the provisions of this charter, and each of the other departments shall be under the supervision of one of the other commissioners, according and subject to the provisions of this charter.

Sec. 29. The commission, at its first meeting in July of each year, or within ten days thereafter, shall designate and assign by a majority vote, one commissioner to be commissioner of the department of finance; one to be commissioner of the department of public works; one to be commissioner of the department of public safety, and one to be commissioner of the department of supplies. If within ten days after such meeting, the commission is so unable to agree on any such assignment, then the president shall have the authority to, and shall make such designation and assignment. Upon such assignment, each commissioner shall immediately assume supervision over the department to which he is assigned. The commission may change such designation and assignment by ordinance whenever it may deem such change for the benefit of the public service. Each commissioner, including the president, during any vacancy in the office of city manager,

as in this charter provided, shall take the active management and control of the affairs of his respective department and be vested with all powers and perform all duties of city manager as to such respective department, but immediately upon the induction into office of such city manager, all management, control and exercise of power and duties vested in and held by such commissioner during such vacancy shall cease and the same and all thereof shall be vested in and exercised by said city manager, subject to the provisions of this charter, and such commissioner shall then act only in an advisory capacity in all matters arising in his respective department (except where such matters are herein excepted from the supervision and control of the city manager), and each commissioner shall keep himself informed of all conditions of such respective department and report the same to the commission.

Sec. 30. Of such powers, authority and duties of the city, there are hereby distributed among and assigned to such respective departments, as follows:

Department of public affairs shall have charge and supervision of:

1. The relations of the city with the government of the United States, and states of the union, counties and other municipalities.
2. All civic functions, celebrations, receptions and courtesies.
3. All matters pertaining to the public library.

The above powers, authority and duties, assigned to the department of public affairs shall not be subject to the supervision and control of the city manager.

4. Construction and operation of all public utilities other than those owned or operated by the city.

Department of finance shall have charge and supervision of:

1. All financial matters of the city, except as otherwise provided by this charter.

Department of public works shall have charge and supervision of:

1. All parks, playgrounds and public buildings and grounds other than school buildings and grounds.

2. All public streets, highways, alleys and other public places, other than school grounds, including all construction therein or thereon and improvements thereof.

3. All municipally owned or operated public utilities.

Such supervision shall include supervision of all construction, maintenance, repair and operation.

Department of public safety shall have charge and supervision of:

1. Enforcement of all police, health, safety and sanitary ordinances and regulations.

2. The police, fire and health divisions.

3. Construction and maintenance of all works necessary for the disposition or destruction of garbage, the disposition and treatment of sewage and refuse matter.

4. The public pound.

Department of supplies shall have charge and supervision of:

1. The purchasing of all supplies and materials used in or required by the several departments of the city, subject to the limitations prescribed by this charter, and to the general laws of the state of California.

All of the powers, authority and duties of the city hereby or hereafter assigned to the several departments of the city, except as in this section specified and except as otherwise provided for, shall be under the supervision and control of the city manager.

The commission shall, by ordinance, assign to the several departments, and may change such assignment of, any of the powers, authority and duties of the city not by this charter distributed or assigned, but no such assignment or change shall operate to take the same or any thereof from the supervision or control of the city manager, except where so specifically provided by this charter.

Except by this charter or otherwise provided, the commission shall have power by ordinance to create such offices, and employments other than those provided by this charter and prescribe the duties thereof as they may deem necessary, and when created shall assign the same to some department; shall prescribe the powers and duties of all officers and employees; upon request of the city manager may assign particular officers and employees to one or more departments and require the performance by such officer or employee of duties in such departments, and upon like request, may by ordinance consolidate and place in charge of one officer the functions and duties of two or more of such officers; and make such other rules and regulations as may be necessary or proper for the efficient and economical conduct of the business of the city.

Sec. 31. If a vacancy shall occur in the office of commissioner, other than president, then the president, during such vacancy, shall be commis-

sioner of the department of which such commissioner, whose office so becomes vacant, was commissioner.

Sec. 32. The commission shall employ, for a stipulated compensation, a competent public accountant who shall examine, at least once each year, the books, records and reports of all officers and employees who receive or disburse city moneys; and the books, records and reports of such officers, boards and departments as the commission may direct, and make duplicate reports of such examination and file one with the president of the commission and the other with the city clerk. One of said yearly examinations shall be made and completed just prior to the expiration of each fiscal year. Such accountant shall have unlimited privilege of investigation, to examine under oath or otherwise, all officers, clerks and employees of the city, and every such officer, clerk and employee shall give all required assistance and information to such accountant, and submit to him 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.

Sec. 33. Each department and board shall annually, on such date as may be fixed by the commission, render to the president of the commission a full report of all the operations of such department or board for the year.

Sec. 34. The commission may provide for the publication, in pamphlet form or otherwise, of the annual reports of the president of the commission and of the several departments and boards.

Sec. 35. Except the commissioner of the department of supplies, who may be purchasing agent of the city, no member of the commission shall hold at the same time any other municipal office, the compensation of which is paid out of the municipal moneys; or be elected or appointed to any office created or the compensation of which is increased by the commission while he was a member thereof, until one year after the expiration of the term for which he was elected.

Sec. 36. No commissioner or other city officer shall be interested, directly or indirectly, in any contract to which the city is a party, or made by any officer of the city in its behalf. Any violation of this section shall be a misdemeanor, and upon conviction thereof, besides the penalties that may be imposed by a court of competent jurisdiction, the commission shall declare the office vacant, and any person convicted of a violation of this section shall be forever disqualified from holding any office under this charter. Nor shall any officer of the city be a surety on any bond given to the city, or to any person for the benefit of the city.

ARTICLE VI.

THE COMMISSION

Sec. 37. All powers herein granted to and vested in the city of Alhambra shall, except as otherwise provided, be exercised by a commission to be designated the commission of the city of Alhambra. Said commission shall be the governing body of the city, and, subject to the express limitations of this charter, shall be vested with all powers of legislation in municipal affairs adequate to a complete system of local government consistent with the constitution of the state, which power shall be exercised by ordinance, except when otherwise provided by law.

Sec. 38. The president of the commission shall preside at its meetings. The commission shall elect one of its number to be vice-president.

Sec. 39. The commission shall, by ordinance, provide for the time and place of holding its meetings and the manner in which its special meetings may be called.

Sec. 40. All legislative sessions of the commission, whether regular or special, shall be open to the public.

Sec. 41. A majority of the commission shall constitute a quorum for the transaction of business, but a less number may adjourn from time to time.

Sec. 42. The commission shall judge the qualifications of its members and of all election returns and determine contested elections of all city officers, and shall also determine its own rules of procedure, may punish its members for disorderly conduct and compel their attendance at any meeting.

Sec. 43. The commission shall act in legislative matters only by ordinance or resolution; other action of the commission may be by resolution or order upon motion.

Sec. 44. The ayes and noes shall be taken upon the passage of all ordinances and resolutions; on final action upon appointment or removal of officers, making of contracts, ordering supplies furnished, disposing of city property, or incurring of a debt by the city, and the record thereof entered upon the journal of proceedings of the commission. Upon the request of any member, the ayes and noes shall be taken and recorded on any vote. Every member, when present, must vote.

Sec. 45. No ordinance or resolution shall be passed or become effective without receiving the affirmative votes of at least three members of the commission.

Sec. 46. Every ordinance shall be preceded by a brief title which shall

indicate the subject and purpose thereof.

Sec. 47. The enacting clause of all ordinances adopted by the commission shall be, "The commission of the city of Alhambra do ordain as follows:" and the enacting clause of all ordinances adopted in accordance with the provisions of Article XXIII shall be, "The people of the city of Alhambra do ordain as follows:".

Sec. 48. No ordinance for any purpose shall be passed by the commission on the day of its introduction, nor within five days thereafter, nor at any other than a regular or an adjourned regular meeting.

No resolution or order for the payment of money shall be passed at any other time than at a regular meeting or an adjourned regular meeting.

No resolution or ordinance granting any franchise shall be put upon its final passage within thirty days after its introduction, and no franchise shall be renewed before one year prior to its expiration.

Sec. 49. No action providing for any specific improvement or the appropriation or expenditure of any public money, except a sum not exceeding one thousand dollars; for the appropriation, acquisition, sale or lease of public property; for levying any tax or assessment; granting any franchise; for establishing or changing fire limits or districts, or for imposing any penalty, shall be taken except by ordinance, except in cases where the commission takes action in pursuance of a general law of the state.

Sec. 50. When any ordinance is put upon its final passage and fails to pass, and a motion is made to reconsider, the vote upon such motion shall not be taken unless by unanimous consent of all the commission or at a meeting of the commission, held not less than one week after the meeting at which such motion was made.

Sec. 51. All resolutions and ordinances shall be signed by the president of the commission and attested by the city clerk and before taking effect, all ordinances shall be published at least once in a newspaper published in said city, or posted in at least three public places therein for a period of ten days.

Sec. 52. No ordinance shall be revised, re-enacted or amended by reference to its title only; but the revised ordinance or the amended section or sections thereof, or the new section or sections to be added thereto, shall be set forth and adopted in the method provided in this article for the adoption of ordinances.

Sec. 53. No ordinance or section thereof shall be repealed except by ordinance adopted in the manner provided in this article.

Sec. 54. A true and correct copy of all ordinances shall be kept and certified to by the city clerk in a book marked "City Ordinances." Such record copy, with such certificate, or the original ordinance shall be prima facie evidence of the contents of the ordinance and of the due passage and publication or posting of the same, and shall be admissible as such in any court or proceeding. Such records shall not be filed in any case, but shall be returned to the custody of the city clerk. Nothing herein contained shall be construed to prevent the proof of the passage and publication or posting of an ordinance in the usual way.

Sec. 55. No final action shall be taken in any matter concerning the department assigned to any absent commissioner unless such business has been made a special order of the meeting by action at a previous meeting of the commission, or such action is taken at a regular meeting of the commission.

Sec. 56. The commission shall not create, audit, allow or permit to accrue any debt or liability in excess of the available money in the treasury that may be legally apportioned and appropriated for such purpose, except in the manner provided in this charter, for incurring indebtedness. No warrant shall be drawn or evidence of indebtedness be issued unless there is at the time sufficient money in the treasury legally applicable to the payment of the same, except as in this charter provided.

Sec. 57. The commission shall cause all ordinances to be properly classified and indexed and kept at the city hall, in a form readily accessible to all persons interested therein, and may from time to time cause the charter of the city and the ordinances in force, either together or separately, to be published in book form.

Sec. 58. The commission shall cause to be prepared and published within thirty days after the end of each fiscal year, a report showing the financial transactions and financial condition of the city for such year.

Sec. 58a. The commission shall from time to time provide for the appointment of such deputies as may be necessary in the offices of the city auditor, city treasurer and city attorney, and fix their compensation. Except as otherwise provided by law, ordinance, or this charter, any such deputy shall have and exercise in the name of his principal, all of the powers of such principal, including those exercised by the principal in any **ex-officio capacity**; and shall be appointed by said principal, subject to the approval of the city manager and thereafter of the commission.

ARTICLE VII. POWERS OF THE CITY AND OF THE COMMISSION

Sec. 59. The city of Alhambra, in addition to any other powers now held by or that may hereafter be granted to it under the constitution or laws of the state, shall have the right and power—

1. To have perpetual succession.
2. To exercise the right of eminent domain for the purpose of acquiring real or personal property of every kind for public use.
3. To acquire private property by excess condemnation when the same shall be permitted by the constitution or laws of the state.
4. To erect and maintain buildings for municipal purposes, and provide by purchase, lease, condemnation, construction or otherwise, and to establish, own, equip, maintain, conduct and operate libraries, reading rooms, art galleries, assembly halls, museums, schools, kindergartens, parks, playgrounds, gymnasiums, places of recreation, baths, public toilets and comfort stations, markets, market houses, abattoirs, dairies, municipal tenements, dispensaries, infirmaries, hospitals, charitable institutions, jails, houses of correction and farm schools, work houses, detention homes, morgues, cemeteries, crematories, garbage collection, garbage disposal and garbage reduction works, street cleaning, street paving and sprinkling plants, quarries, and any and all buildings, establishments, institutions and places, whether situated inside or outside of the city limits, which are necessary or convenient for the transaction of public business, or for promoting the health, morals, education or welfare of the inhabitants of the city or for their benefit.
5. To acquire by purchase, condemnation or otherwise, and to establish, maintain, equip, own and operate water works, gas works, electric light, heat and power works, or any other works for the production of a public utility, within or without the city, and to supply therefrom or purchase and supply the city and its inhabitants and also persons, firms and corporations outside the city, with water, gas and electricity, and the product of any other public utility.
6. To acquire by purchase, lease, condemnation, construction or otherwise, and to establish, own, equip, maintain and operate telephone and telegraph systems, cable, electric, steam, or other railways, and transportation service of any kind within or without the city.
7. To acquire by purchase, condemnation, construction, lease or otherwise, and to establish, maintain, equip and operate tunnels and conduits through or under any street, right of way or any public property, for carrying wires, pipes or other means of conduct for public utilities, and to use or lease or rent to persons the use of such tunnels and conduits; provided, however, that the exclusive use of any tunnel or conduit shall never be leased or rented to any one person, firm or corporation.
8. To sell, within or without the city, gas, water, electric current and any form of light, heat or power and all products of, or service by, any public utility conducted or operated by the city.
9. To acquire by purchase, condemnation or otherwise, such lands or other property within or without the city, as may be necessary or convenient for the establishment, maintenance and operation of any public utility or to provide for and effectuate any other public purpose, and to hold, use, improve, operate, control, lease, convey or otherwise dispose of the same for the benefit of the city.
10. To lease to persons, firms or corporations for the purpose of maintenance, operation or use, any public utility owned or controlled by the city, and to provide for the leasing of any lands now or hereafter owned by the city, except lands donated, purchased or used as public parks, provided that any such lease shall be made only by ordinance to the highest bidder, for a term not exceeding ten years, and provided further, that the commission may, at its discretion, reject any and all bids.
11. To join with one or more other municipal or public corporations for the purpose of the acquisition, development, construction and joint ownership, operation, control or use, whether within or without, or partly within and partly without the city limits, of parks and public utilities of every kind, including a source or sources of water supply, water, or the use of water; works, property or appliances for the disposition or destruction of garbage, the disposition and treatment of sewage or refuse matter, or the disposition of storm water, upon the terms and conditions and to the extent provided by general law or by ordinance; to enter into contracts or agreements of any nature with persons, firms or corporations, to effectuate the purposes hereof; to incur bonded indebtedness for any of such purposes, provided that the city shall not so join for any of such purposes without the assent of a majority of the qualified electors of the city voting on the question at a general or special election at which such question shall be submitted.
12. To acquire by purchase or lease from any municipal corporation contiguous thereto, water or the use of water, electricity or the use of electricity for light, heat, or power, upon such terms and conditions, for such compensation and during such period of time as is now or may hereafter

be prescribed by charters or laws then in force; to enter into contracts or agreements of any nature to effectuate the acquisition of or right to use water or electricity for any of said purposes, and the distribution, sale or disposal of such water or electricity; to acquire or construct, equip, maintain, operate and use a distributing system and works necessary to supply therefrom the city and its inhabitants and also persons, firms and corporations outside the city with water or electricity for light, heat or power; and to incur bonded indebtedness for any of said purposes.

13. To receive bequests, gifts and donations of lands in fee simple, in trust, or otherwise, and of all other kinds of property, for charitable or other uses, and to manage, sell, lease or otherwise dispose of the same absolutely or in accordance with the terms of such bequest, gift, donation or trust, and to do whatever may be necessary to fulfill the purpose thereof.

14. To create, subject to the restrictions and limitations of the constitution and general laws of the State of California and of this charter, indebtedness not to exceed in all fifteen per cent. of the assessed valuation of all the real and personal property of the city, to pay the costs of municipal improvements, the acquisition of public utilities, or for any lawful purpose whatever, requiring an expenditure greater than the amount which can be appropriated for such purpose out of the annual tax levy.

15. To levy and collect taxes upon all property subject to taxation, for municipal purposes, subject to the provisions of this charter, and to levy taxes exceeding the limit fixed by this charter, provided the proposition to make such levy shall have been authorized by two-thirds of the qualified electors voting thereon at a general or special election. At such election the commission may be authorized in cases where public necessity requires the expenditure of any sum so voted before the next succeeding tax levy, to borrow such sum and provide in the next succeeding tax levy for its repayment with interest at not exceeding five per cent. per annum. Or the commission may be authorized to levy a special tax each year for a period of years not exceeding three years in all, for any permanent municipal improvement and the money so raised may be expended for such permanent municipal improvement each year after the same is collected and available.

16. To levy and collect, or cause to be levied and collected, assessments upon property according to frontage, or upon property in districts according to benefits, to pay for the opening, widening, vacating or improvement of streets, or for the construction in any public street, alley or other public place, or in any right-of-way owned by the city, of sewers, drains, water or gas mains, and lines and conduits for transmitting electric current, and other pipes, mains, lines and conduits, or for other public improvement.

17. To sue and defend in all courts and places and in all actions and proceedings.

Sec. 60. The qualified electors of the city shall have power through the initiative or otherwise, as provided by this charter and the general laws of the state, to enact appropriate legislation to carry out and enforce any of the general powers of the city or any of the specified powers of the commission.

Sec. 61. Except as herein otherwise expressly provided, the commission shall exercise all the general powers of the city herein set forth, and all powers now held by or that may hereafter be given to the city under the constitution or laws of the state; but only in the manner and under the conditions of this charter, and subject to all its provisions.

In addition to all such powers, the commission, subject to the provisions and restrictions of this charter, shall have power:

1. To make and pass all ordinances, resolutions and orders not repugnant to the constitution of the United States or the state of California, or to the provisions of this charter, necessary for the municipal government and the management of the affairs of the city, for the execution of the powers vested in the city, and for carrying into effect the provisions of this charter, and shall exercise all municipal powers necessary to the complete and efficient management and control of the municipal property, and for the efficient administration of the municipal government, whether such powers be expressly enumerated herein or not.

2. To make and enforce within its limits, such local, police, sanitary and other regulations as are deemed expedient to maintain the public peace, protect property, promote public morals and preserve health of its inhabitants.

3. To provide a corporate seal, with appropriate device, to be affixed to all instruments or writings needing authentication.

4. To provide for the holding of municipal elections, give notice thereof, establish and alter election precincts, as provided in this charter, and appoint necessary election officers.

5. To prescribe fines, forfeitures and penalties for the violation of any provision of this charter or of any ordinance; to make the violation of any of the city ordinances a misdemeanor and to prescribe the punishment thereof, by fine or imprisonment, or by both fine and imprisonment; but no such

penalty or punishment shall exceed for each offense, five hundred dollars or six months imprisonment, or both.

6. To cause persons imprisoned for violation of any ordinance or of any provision of this charter, to labor on the streets or other public property or works within or without the city.

7. To declare what shall constitute a nuisance and to provide for the summary abatement of the same at the expense of the person or persons creating, causing, committing or maintaining such nuisance, and all remedies which are or may be given by law, for the prevention and abatement of nuisances, shall apply thereto; to make such expense a lien and charge upon the property whereon such nuisance exists, and to make provision for the enforcement of such lien by the sale of such property or otherwise.

8. To organize, provide, maintain and operate police, fire and health divisions; erect necessary buildings and acquire all implements and apparatus necessary therefor, subject to the provisions of this charter.

9. To establish, operate and maintain a fire alarm and police telegraph or telephone system, and to manage and control the same, with the right to use the poles placed in the streets by public utility companies, whether such right has been set forth and reserved in their franchise or not.

10. To regulate or prohibit the manufacture, keeping, storage and use of gun cotton, nitro glycerine, powder, dynamite, fireworks and other explosive materials and substances within the limits of the city, or any specified part thereof.

11. To regulate the storage of hay, straw, gasoline, benzine, oil and other inflammable and combustible materials.

12. To regulate the use of steam engines, gas engines, steam boilers, electric motors and all other means of generating heat or power, and to prohibit their use in localities where in the judgment of the commission the public health, comfort, or safety would be endangered, and to provide for the examination and licensing of all persons engaged in operating the same.

13. To prescribe fire limits and determine the character and height of buildings that may be erected therein and the nature of the materials to be used in the construction, alteration or repair of such buildings or in the repair or alteration of existing buildings within such fire limits.

14. To regulate the construction of and the materials used in all buildings, chimneys, stacks, scaffolding, staging, false work, and other structures; to prevent the erection and maintenance of insecure or unsafe buildings, walls, chimneys, stacks, or other structures, and to provide for their summary abatement or destruction; to regulate the materials used in and the method of construction of foundations and foundation walls, the manner of construction and location of drains and sewers, the materials and methods used in wiring buildings or other structures for the use of electricity for lighting, power, heat, and other purposes, and materials and methods used for piping buildings or other structures for the purpose of supplying the same with water, steam, oil or gas, and the manner of so doing; to regulate and prescribe all methods and materials used for the plumbing of all buildings and to prohibit the construction of buildings and structures which do not conform to such regulations.

15. To require the owners and lessees of buildings or other structures to place upon them or in them fire escapes and appliances for protection against fire and for the extinguishment of fires.

16. To prevent the construction and to cause the removal of dangerous chimneys, fireplaces, hearths, stoves, stove pipes, ovens, boilers, apparatus and machinery used or existing in any building or place in the city; to regulate the carrying on of manufactories liable to cause fire; to prevent the depositing of ashes, the accumulation of shavings, rubbish, or any combustible or explosive material in unsafe places, and to make other provisions to guard against fires.

17. To regulate the size, position and construction of entrance to and exits from, and the size and position of aisles, open places and stairways in all theatres, lecture rooms, halls, schools, churches and other places for public gatherings of every kind, and to prohibit the placing of seats, chairs, benches or other obstructions in the hallways, aisles or open places therein.

18. To regulate the speed of railroad trains, engines and cars, street, inter-urban and other railroad cars in or passing through the city, and to require persons, firms or corporations operating street, interurban or other railroads in the city to station flagmen, install gates and maintain bells, signals or other safety devices or appliances, and construct and use bridges, viaducts, tunnels or subways at street crossings and at railroad crossings as the commission may deem proper. To require street cars and all local trains to be provided with fenders or other appliances for the better protection of the public. To prohibit the making up of railroad trains on any of the streets, street crossings or street intersections of the city, and to prohibit cars standing on any street and to prohibit the making of any flying switch upon or across any street, alley or other public place within the city. To

regulate the speed with which and the manner in which persons may ride or drive or propel bicycles, automobiles or other vehicles along or upon any of the streets or highways of the city.

19. To provide for the naming of streets and the numbering of houses; to regulate or prohibit the exhibition, posting or carrying of banners, placards, or advertisements, and the distribution of handbills in the streets, sidewalks, or other public places; regulate or prohibit the flying of banners, flags or signs across the street or from buildings; to regulate or prohibit traffic and sales in the streets and public places; to prevent encroachments upon or obstructions in the streets and to require their removal; to regulate street speaking and gatherings; to regulate all public meetings and gatherings, parades and processions in the streets or parks, and to determine what public meetings, gatherings, parades or processions upon the streets or parks shall be unlawful and to declare the same nuisances.

20. To require owners of real property in the city to remove grass, weeds, rubbish or other obstructions from the public sidewalks, parkings, streets and alleys in front thereof, or upon which said property abuts, and upon their default, to cause such work to be done, and the cost thereof to be made a lien and charge upon any such real property, and to make provision for enforcement of such lien by sale of such property or otherwise.

21. To require or provide by ordinance for the removal from property, lands or lots, of all weeds, rubbish or any other material which may endanger or injure neighboring property, or the health, safety or welfare of the residents of the vicinity, and to make the cost thereof a lien and charge upon such property, lots or lands, and to make provision for the enforcement of such lien by the sale of such property, lots or lands, or otherwise.

22. To require by ordinance the owners of real property fronting upon any street, lane, alley, or other public place in which there are, or in which it is proposed to construct sewers, water or gas mains, or other mains or conduits, to connect their several premises therewith, or to cause such connection to be made and to make the cost thereof a lien and charge upon the property so connected, and to make provision for the enforcement of such lien by sale of such property, or otherwise.

23. Except as otherwise provided in this charter or in the constitution of the state of California, to regulate and control for any and every purpose, the use of streets, lanes, alleys, courts, and sidewalks, and other public places, in the city.

24. To regulate, license or prohibit the construction and use of billboards and signs, on public or private property.

25. To regulate and prevent the running at large of any animals; to provide for the destruction of vicious dogs; to require the payment of license fees by owners or persons having possession of dogs; to impose penalties upon such persons for refusing to pay such license fees, and to establish and maintain a pound and authorize the destruction or other disposition of any animals running at large.

26. To prohibit and punish cruelty to animals and to require the places where they are kept to be maintained in clean and healthful condition.

27. To provide for the care of the sick, the indigent and the helpless; to make and enforce all regulations which may be necessary or expedient for the preservation of health; the suppression of diseases, and the prevention of the introduction into, or spreading through the city, of contagious, malignant, infectious or other diseases; to make and enforce quarantine laws and regulations; to regulate, control and prevent the entry into or spreading throughout the city, of persons, baggage, merchandise, or other property infected with any contagious or communicable disease, or coming from places where infectious or contagious diseases are epidemic or endemic.

28. To regulate the maintenance of chemical works, slaughter houses, wash houses, laundries, stables, tanneries, glue factories, garages, planing mills, foundries, boiler shops, undertaking establishments and business of every description that may endanger the public safety, health or comfort, and to restrict the conduct thereof to such fixed limits as may seem proper, or to exclude such works and business from the city; to make and enforce regulations for the suppression of disagreeable or offensive noises or odors; and to provide for the punishment of all persons violating such regulations, and of all persons who knowingly permit the same to be violated in any building or upon any premises owned or controlled by them.

29. To provide for and regulate the inspection of all things used for food and drink or for human consumption, stored, manufactured, sold, given away, or exchanged in the city and to provide for taking and summarily destroying any such products as are unsound, spoiled, adulterated or unwholesome, and to regulate and prevent bringing into the city or having or keeping within the city any such unsound, spoiled, adulterated or unwholesome products.

30. To provide for and regulate the inspection of all dairies, and other places where a cow or cows are kept, either within or without the city limits,

that offer for sale or sell any of their products in the city; also to provide for the inspection of slaughter houses, vegetable and fruit gardens whose products are sold in the city.

31. To regulate hotels, lodging, tenement and apartment houses, and to prevent the overcrowding of the same, and to require that they be put and kept in proper sanitary condition.

32. To regulate or prohibit the construction, repair and use of sewers, sinks, gutters, wells, cesspools, and vaults, and to compel the connecting, draining, cleaning or emptying of the same, and to designate the time and manner in which the work of draining, cleaning or emptying the same shall be done.

33. To provide for the collection and disposal of garbage, ashes, animal and vegetable refuse, dead animals, animal offal, rubbish and waste matter.

34. To license for purposes of regulation and revenue all and every kind of business not prohibited by law, ordinance or this charter, to be transacted or carried on in the city; to fix the rates of licenses upon the same, and to provide for the collection thereof by suit or otherwise.

35. To establish stands for hacks, public carriages, automobiles, express wagons, and other public vehicles for hire, and regulate the charges of such hacks, public carriages, automobiles, express wagons, and other public vehicles, and to require schedules of such charges to be conspicuously posted in or upon such public vehicles, and to provide penalties for collecting charges in excess of such schedules.

36. To provide for the inspection and sealing of all weights and measures used in the city, and to enforce the keeping and use by dealers of proper weights and measures duly tested and sealed; and to provide for the summary seizure and destruction of all false weights and measures found in use within the city; and to regulate the sale and quality of all oils and gasoline offered for sale within said city, and provide for the testing thereof.

37. To regulate the use, distribution, quality, pressure, and sale of water, gas, electric light, heat, power and other light, heat, and power within the city; to fix and determine the price thereof, and to provide for the inspection and connection of all meters used in the measurements of said commodities.

38. To license, regulate, restrain or prohibit all exhibitions, public shows, games and amusements; to prevent and prohibit all descriptions of gambling or fraudulent devices, and practices; all playing of cards, dice, or other games of chance for the purpose of gambling; the keeping or operating of card machines, slot machines, or other contrivances upon or into which money is staked, hazarded, deposited, or paid upon chance, and the selling of pools on races, and to authorize the confiscation and destruction of all instruments used for the purpose of gambling.

39. To restrain and punish vagrants, mendicants, lewd persons and prostitutes; to prevent and punish drunkenness, prize fights, vagrancy, mendicancy, prostitution, and all offensive, immoral, indecent and disorderly conduct and practices in the city.

40. To levy and collect taxes upon all real and personal property within the city, subject to the limitations elsewhere in this charter provided.

41. To provide for the repayment by the treasurer of any taxes, percentages or costs erroneously or illegally collected.

42. To fix the fees and charges for all official services not otherwise provided for in this charter.

43. To provide an urgent necessity fund not exceeding five hundred dollars a year, to be expended by or under the direction of the president of the commission.

44. To provide for the purchase of property levied upon or sold under execution in favor of the city, but the amount bid on such purchase shall not exceed the amount of judgment, interest, if any, and costs.

45. To provide for the sale at public auction upon five days' published notice, of personal property unfit or unnecessary for the use of the city.

46. To provide for the execution of all trusts confided to the city.

47. To offer rewards not exceeding Two Hundred Fifty Dollars in any one instance for the apprehension and conviction of any person who commits a felony in the city, and to authorize the payment thereof.

48. To provide by ordinance for the planting, maintenance, or care of shade and ornamental trees in streets and other public places, and for the removal of unsightly and dead trees therefrom; to make the cost thereof a lien and charge upon the abutting property, and to make provision for the enforcement of such lien, and upon a petition of the owners of the majority of the frontage abutting upon any street or part thereof, by ordinance to require, or provide, or adopt general law or laws for the planting, maintenance or care of grass plots between the sidewalk and roadway in such street or part thereof, and to make the cost thereof a lien and charge upon the abutting property, and to make provision for the enforcement of such liens by the sale of property or otherwise.

49. To establish or change the grade of any street or public place.

50. To order the whole or any part of any street, avenue, lane, alley, court or public place within the city of Alhambra to be graded or regraded to the official grade, planked or replanked, paved or repaved, macadamized or remacadamized, graveled or regraveled, piled or repiled, capped or recapped, sewerred or resewerred, and to order sidewalks, manholes, culverts, cesspools, gutters, tunnels, curbing and crosswalks to be constructed therein or thereon, and to order levees or walls of rock or other material to protect the same and also any other work or improvement therein or thereon, and also to order drainage or sanitary sewers or storm water sewers to be constructed on or through private property.

Whenever, in the judgment of the commission, the cost and expense of any of the foregoing improvements should be paid in whole or in part by special assessments on private property under the provisions of the general laws of the state of California, then in force, such general laws shall thereupon govern and control, and all proceedings for such improvement shall be in conformity thereto.

51. To order the opening, extending, widening, vacating, straightening or closing in whole or in part of any street, lane, alley, court, or public place within the city, and to condemn and acquire any and all property necessary or convenient for that purpose.

Whenever, in the judgment of the commission, the cost and expense of any of the foregoing improvements should be paid in whole or in part by special assessments on private property under the provisions of the general laws of the state of California, then in force, such general laws shall thereupon govern and control, and all proceedings for such improvement shall be in conformity thereto.

52. Whenever in the judgment of the commission public necessity requires, to require by ordinance any person, firm or corporation operating a public utility within said city for the distribution and furnishing of water, gas or electricity to construct, maintain and operate in or along any street, lane, alley or public place in said city, mains, pipe lines or conduits for the carriage and distribution of water, gas or electricity, including suitable lateral pipes or conduits extending from the main pipes or conduits to the property lines of each lot fronting on said street or other public place, to carry water, gas or electricity to said property and to require the entire cost and expense of such construction to be borne and paid by the person, firm or corporation operating such public utility, and also to require such person, firm or corporation to furnish and maintain service of the product of such public utility through said mains, pipes or conduits and the commission shall have all remedies for the enforcement of the provisions of this section.

53. To set apart as a boulevard or boulevards any street or streets over which there is no existing franchise for any railroad and to regulate and prevent heavy teaming thereon; and when any such street shall have been set aside as a boulevard, no franchise for a railroad, interurban railway or street railway of any kind shall be granted upon such boulevard and no railroad track of any kind shall ever be laid thereon, except to cross the same, unless a franchise therefor shall have been duly granted by vote of the people.

54. To construct, establish and maintain drains and sewers; to build and repair bridges.

55. To prohibit the diversion or drainage into a public sewer of any refuse or waste material from gas works, chemical works or refineries, or other sources destructive to the use of sewer pipe or conduit, and to prohibit the diversion or drainage into any public sewer of any matter that will render the sewage unfit for irrigation.

56. To prescribe sewerage districts, and to require and compel the owners of all buildings and dwellings situated within such districts to connect the same with the city sewer system and in case of default on the part of such owners to cause such work to be done and the cost thereof to be made a lien and charge against such property and to provide for the enforcement of such lien.

57. To form, out of any territory within said city, storm water districts, and provide that the real estate in each district so formed be assessed to pay the expenses of constructing storm drains and acquiring rights of way therefor, for the purpose of diverting, conducting and caring for storm water and protecting property therein from injury therefrom, provided no such district shall be formed if a protest, signed by the owners of two-thirds in assessed value of all the real property in such proposed district as it appears on the last equalized assessment roll as assessed for city purposes be filed before the final passage of the resolution or ordinance providing for the formation thereof; provided notice of such proposed passage must be published once in each week for three weeks prior thereto.

58. To provide for the lighting of the streets, alleys, highways, public places, and public buildings and for supplying the city with water for municipal purposes.

59. To fix and determine by ordinance in the month of February of each year, to take effect on the first day of July thereafter, the rates or compensation to be collected by any person, firm or corporation in the city, for the use of water, heat, light, power or telephone service or other public utility supplied to the city or to the inhabitants thereof, and to prescribe the character and quality of the service.

60. To regulate street railroads, their tracks and cars; to compel the owners of two or more such street railroads using the same street to use the same tracks and to divide equitably between them the cost of construction and the cost of maintenance thereof.

61. To require any person, firm or corporation, exercising or enjoying any franchise, permit or privilege in, over, under, or along any of the streets, highways or public places in the city for railway purposes, to sprinkle, clean, plank or replank, pave or repave, macadamize or remacadamize, the entire length of the street, highway or other public place used by the track or tracks of said railway, and between the rails, and for two feet on each side thereof, and between the tracks, if there be more than one, and to keep the same constantly in repair, flush with the street, and with good crossings, and to require such street work to be done with such kind of materials and in such manner as the commission may by ordinance 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.

62. To permit the laying down of spur or side tracks and running cars thereon for the purpose of connecting warehouses, manufactories, or other business industries and enterprises with any line of railroads, which do now or may hereafter enter the city, subject to such regulations and conditions as may be prescribed from time to time by the commission, to be used for the transportation of freight only, and not to be used as a main line or a part thereof; and also for the purpose of excavating or filling in a street or portion of a street or adjoining land during such limited time as may be necessary for such purpose and no longer. Such tracks must be laid level with the street and must be operated under such restrictions as not to interfere with the use of the streets by the public. All permits granted under the provisions of this subdivision shall be revocable at the pleasure of the commission.

63. To cause the removal and placing underground of all telephone, telegraph, electric light or other wires within the city, or within any designated portion thereof, and to regulate or prohibit the placing of poles and suspending of wires along or across any of the streets, alleys, highways and public places in the city and to cause the immediate removal of all anchor posts or anchor wires or any other device now existing for bracing poles, and to prevent the placing of any such devices in the future.

64. To regulate the quality, size and location of all water pipes, gas pipes, mains, fire plugs and all other pipes and conduits laid or constructed in the streets or public places, provide for and regulate the construction, maintenance and repair of pipes, hydrants, fire plugs, cisterns, pumps and such other appliances as may be requisite to effect the distribution of water and gas in the city, and to require the filing of charts and maps showing the size, character and location of such pipes, hydrants, fire plugs, cisterns and conduits.

65. To provide by ordinance a fund from which the expenses of all necessary matters of public entertainment and advertisement shall be met.

66. To provide a suitable procedure for taking over or otherwise acquiring municipal ownership of public utilities.

67. Lastly, this grant of power is to be liberally construed for the purpose of securing the well-being of the municipality and its inhabitants, and in the absence of any procedure for carrying out or effectuating any granted or implied power or authority, the general law of this state where applicable and where not inconsistent with any express provisions of this charter shall prevail and shall be followed.

ARTICLE VIII.

CITY AUDITOR AND EX-OFFICIO CITY CLERK

Sec. 62. The city auditor shall act as the general accountant and fiscal agent of the city, and shall exercise a general superintendence over all of the officers of the city charged in any manner with the receipt, collection or disbursement of the city revenues, and shall prescribe the method of keeping the books and accounts of the city, subject to the approval of the commission.

He shall keep a complete set of books, as prescribed by the commission, in which he shall set forth in a plain and business-like manner, every money transaction of the city, so as to show at all times the state of each fund, from which source the money was derived and for what purpose any money was expended, and also all collections made and paid into the treasury by each officer or any other person.

He shall, on application of any person indebted to the city holding money payable into the city treasury, or desiring to pay money therein, certify to the city treasurer the amount thereof, to what fund applicable, and by whom to be paid. He shall, upon the deposit of the receipt of the city treasurer for money paid into the city treasury, charge the city treasurer with the amount received by him, and gave the person paying the same a receipt therefor.

The auditor shall audit, before payment, all demands against the city and approve the same only when legally due and drawn upon the proper fund. If allowed by him, he shall endorse such warrant with the word "allowed" and the date of said allowance, and sign his name thereto. If in his judgment any demand is incorrect, defective or improperly drawn, he shall return the same to the commission with his objections.

He shall keep a record of all demands audited by him, showing numbers, dates, amounts, names of claimant, purpose and from what fund drawn, whether approved or not.

It shall be his duty to apportion among the several funds all public money at any time in the city treasury, not by law or ordinance specifically apportioned or appropriated, and forthwith notify the city treasurer of such apportionment or appropriation. He shall countersign and deliver to the proper officers all licenses (other than building, electrical and plumbing permits) and all receipts, charging such officers therewith and taking their receipt therefor.

He shall report to the commission at the first regular meeting of each month, and oftener if required by them, the condition of each fund in the city treasury, and also the receipts and disbursements.

He shall make and present a report to the commission on or before July 15th in each year, showing all financial business transactions of the city for the preceding fiscal year.

He shall, on or before the 1st day of August in each year, make and present to the commission a report as to the revenue and expenses of the city for the current fiscal year, in which he shall set forth estimates of (1) the revenue from other sources than taxation; (2) the itemized expenditures; (3) the itemized amounts necessary to be raised by taxation for each fund.

He shall extend the tax roll and charge the total amount of the taxes to the tax collector, delivering the roll to him not later than September 25th of each year.

He shall perform such other duties as are or shall be required of him by this charter or by the laws of this state and ordinances not in conflict with such charter.

CITY CLERK

Sec. 63. The city auditor shall be ex-officio city clerk and clerk of the board of equalization. He shall attend the meetings of the commission and keep a full and accurate record of all the proceedings; he shall have charge and custody of the corporate seal, and all deeds and other evidences of the city's title to property, and all books, papers and records belonging to the city, when not in actual use by other officers or elsewhere by special provision committed to their custody; he shall attest the signatures of other officials and persons making demands for payment of money. He shall attend the meetings of the city board of equalization and keep a full and complete record, in a separate book, of all its proceedings; he shall enter on the assessment roll all changes and corrections made by the board of equalization and deliver the assessment roll to the auditor.

He shall keep separate books in which respectively he shall record all ordinances, contracts and official bonds, and properly index all such books, and shall file and properly index all such ordinances, contracts, bonds and other instruments and papers. He shall perform such other duties as are or shall be required of him by the charter or by the laws of the state and ordinances not in conflict with such charter.

ARTICLE IX. CITY ATTORNEY

Sec. 64. It shall be the duty of the city attorney to act as the legal advisor of the commission, and of any other officer of the city who requests his advice and he shall give such advice or opinion in writing when so requested. He shall prepare all ordinances, contracts, resolutions, bonds and written instruments which may be required of him by the commission, and shall approve the same as to form, in writing.

He shall prosecute all criminal cases arising out of violations of the provisions of this charter and ordinances of the city, and attend to all suits, proceedings and matters in which the city is legally interested; provided, the commission shall have control of all litigation of the city and may employ other attorneys to take charge of any litigation or to assist the city attorney therein.

He shall report to the commission all items of the city's business coming to his knowledge, and perform such other duties as are or shall be required

of him by this charter or by the laws of this state and ordinances not in conflict with such charter.

ARTICLE X.

CITY TREASURER AND EX-OFFICIO ASSESSOR AND TAX AND LICENSE COLLECTOR

Sec. 65. The city treasurer shall receive and safely keep all moneys that shall come to the city by taxation or otherwise, and pay the same out on demands legally audited in the manner provided by this charter; and without such auditing he shall disburse no public moneys whatever, except principal and interest of the municipal debt when payable.

He shall receive no money into the city treasury unless accompanied by the certificate of the city auditor provided for in section 62 hereof.

He shall issue receipts in duplicate to all persons paying money into the treasury, one of which shall be filed with the city auditor.

He shall make a report at the close of each business day to the auditor, showing all moneys received during the day, together with the number of each receipt given by him therefor, for what account and from whom received and to what fund applied.

He shall, on or before the seventh day of each month, make out and present to the commission, a full and complete statement of the receipts and expenditures for the preceding calendar month; and he shall make such special reports from time to time as may be required by the commission.

He shall perform such other duties as are or shall be required of him by this charter or by the laws of this state and ordinances not in conflict with such charter.

CITY ASSESSOR

Sec. 66. The city treasurer shall also be ex-officio city assessor and it shall be his duty as such city assessor, in addition to any duty that may be elsewhere prescribed for him by this charter or by ordinance, to make out annually, within such time as may be prescribed by ordinance of the city, either now or hereafter in force, a full, true and correct list of all property, both real and personal, taxable by law, within the limits of said city, with the valuation thereof, and assess the same to the persons by whom it was owned or claimed, or in whose possession or control it was, at 12 o'clock meridian on the first Monday in March next preceding.

Each tax payer in said city shall make and deliver to the city assessor annually, and at such time as is or shall be provided by ordinance, a statement under oath setting forth specifically all the real and personal property owned by such tax payer, or in his possession or under his control at 12 o'clock meridian on the first Monday in March next preceding.

It shall be the duty of the assessor to collect the taxes on all personal property, when the owner of said property is not seized of real estate in said city sufficient to afford ample security for the collection of said taxes, as is or shall be provided by ordinance; and he shall immediately deposit the taxes so collected with the city treasurer, together with the auditor's certificate therefor.

He shall make up the tax roll showing the valuation of all taxable property and the total thereof and deliver the same to the auditor not later than June 30th of each year.

He shall perform such other duties as shall be required of him by this charter or by the laws of this state and ordinances not in conflict with such charter.

CITY TAX AND LICENSE COLLECTOR

Sec. 67. The city treasurer shall also be ex-officio city tax and license collector, and as such tax and license collector he shall receive and collect all city taxes, general and special, and other branches of the city's revenue not otherwise provided for by this charter or by ordinance.

He shall keep proper books, showing all moneys collected by him as tax or license collector; he shall also keep a book which shall contain a record of every certificate of sale issued or deed given by or on behalf of the city for real estate sold for delinquent taxes or assessments, which said book shall be properly indexed and shall be at all suitable times open to public inspection.

He shall make daily deposits with the city treasurer of all moneys received by him in his capacity as tax or license collector, together with the proper certificate of the auditor.

He shall perform such other duties as are or shall be required of him by this charter or by the laws of this state and ordinances not in conflict with such charter.

ARTICLE XI. POLICE COURT

Sec. 68. The judicial power of the city shall be vested in a police court, which shall be presided over by a police judge. Said police court shall have jurisdiction, concurrently with the justice's courts and courts of inferior

jurisdiction, of all actions and proceedings, civil and criminal, arising within the corporate limits of the city, and which might be tried in such justice's court or court of inferior jurisdiction, and shall have exclusive jurisdiction of all actions for the recovery of any fine, penalty or forfeiture, prescribed for the breach of any city ordinance and all actions founded upon any obligation or liability created by any ordinance and of all prosecutions for any violations of any ordinances. In all civil actions for the recovery of any fine, penalty or forfeiture prescribed for the breach of any ordinance of the city, where the fine, penalty or forfeiture imposed by the ordinance is not more than fifty dollars, the trial must be by the court; in civil actions, where the fine, penalty or forfeiture prescribed for the breach of any ordinance of the city, is over fifty dollars, the defendant is entitled to a trial by jury. Except as in this section otherwise provided, the rules of practice and mode of proceeding in said police court shall be the same as are or may be prescribed by law for justice's courts or courts of inferior jurisdiction in like cases, and appeals may be taken to the superior court of the county in which the city is situated, from all judgments of said police court in like manner and with like effect as in cases of appeals from justice's courts or courts of inferior jurisdiction.

Sec. 69. The police judge shall have the powers and perform the duties of a magistrate. He may administer and certify oaths and affirmations, and take and certify acknowledgments. He shall be entitled to charge and receive for his services such fees as are or may be allowed by law to justices of the peace or judges of courts of inferior jurisdiction for like services, except that for his services in all criminal prosecutions, he shall be entitled to receive only such monthly salary as the commission shall by ordinance prescribe.

Sec. 70. In all cases where the police judge is a party, or in which he is interested, or when he is related to either party in consanguinity or affinity within the third degree, or is otherwise disqualified, or in case of sickness or inability to act, the police judge may call in a justice of the peace or judge of a court of inferior jurisdiction, residing in the city, to act in his place and stead; or if there be no such justice or judge residing in the city, or if all those so residing are likewise disqualified, then he may call in any such justice or judge residing in the county in which the city is situated.

Sec. 71. All fines, penalties and forfeitures collected shall be the property of the city and be deposited weekly with the city treasurer for the use of the city.

Sec. 72. The city shall furnish all dockets, books and supplies necessary for the business of such police court, and a courtroom for the holding thereof. A complete record of all cases shall be entered in the docket of said court.

ARTICLE XII.

CITY MANAGER

Sec. 73. The office of city manager of the city of Alhambra is hereby created, and he shall be the administrative head of the city government and shall have supervision and control of and be head of all of the departments of the city and be responsible for their efficient administration, except as by this charter or otherwise provided.

Sec. 74. The city manager shall be appointed by the commission and hold office at its pleasure and his compensation shall be fixed by ordinance by such commission, provided such compensation shall not be fixed at less than \$2,000.00 per year. Such appointment shall be made as soon as possible after the organization of the first commission elected under this charter and any vacancy in such office shall be filled by it without unnecessary delay. During the absence or temporary disability of the city manager the commission may designate some qualified person to execute the functions of his office.

Sec. 75. Except as otherwise provided by this charter, the powers and duties of the city manager shall be:

1. To see that the laws and ordinances are enforced.
2. To appoint all chief appointive officials, subject to the approval of such appointments by the commission.
3. To appoint all subordinates and employees in the departments assigned to his charge and supervision and, subject to the approval of the commission, to determine their duties and fix their compensation. To remove any appointee and no removal shall be made without his consent.
4. To have supervision and control of all departments, boards and divisions created herein or that may be hereafter created by the commission, except as otherwise provided by this charter.
5. To examine and make to the commission reports in regard to any matters requested by it, and also of his own motion, and recommend to that body for adoption such measures as he may deem necessary or expedient.
6. To sign such contracts, licenses and other public documents and instruments on behalf of the city as the commission may authorize.

7. To attend all meetings of the commission with the right to take part in the discussion but having no vote.

8. To have supervision and charge of the city auditor, city clerk, city treasurer, city assessor, city tax and license collector and city attorney only in so far as their duties pertain to the departments of which he has charge and supervision.

9. To exercise such other powers and perform such other duties as are herein conferred or imposed upon him by this charter or may be conferred or imposed upon him by the commission under the provisions of this charter.

10. Before entering upon the duties of his office he shall take the official oath required by law and execute an official bond in such sum as shall be determined by the commission.

ARTICLE XIII.

POLICE, FIRE AND HEALTH DIVISIONS

Sec. 76. The police division of the city of Alhambra shall consist of a chief of police and such officers and policemen as the commission shall, from time to time, fix and determine.

Sec. 77. The chief of police shall enforce, within the jurisdiction of the city, the execution of all laws and ordinances; and for the suppression of any riot, public tumult, disturbance of the peace or resistance against law or public authorities in the lawful exercise of their functions, he shall have all powers that are now or may hereafter be conferred upon sheriffs by the laws of the state, and shall in all respects be entitled to the same protection, and his lawful orders shall be promptly executed by deputies, police officers and watchmen in the city, and every citizen shall also lend aid, when required, for the arrest of offenders and in maintenance of public order. He shall and is hereby authorized to execute and return all processes issued and directed to him by the police court or judge or other legal authority of said city. Unless otherwise provided by ordinance, he shall receive from the auditor all licenses, collect the same and make weekly deposits with the treasurer, together with the auditor's certificate, of all city funds collected by him. He shall, at the end of each month, file with the auditor a statement of the money so collected and an affidavit stating that the money so deposited is all the funds of the city that he has collected or received during the preceding month. He shall have charge of the city prison and prisoners. He shall devote his entire time to the discharge of the duties of his office; and subject to charter and such rules and regulations as the commission may prescribe, shall have control of the police force. In addition to his duties in this charter specified, he shall discharge all duties required of him by the laws of this state and ordinances not in conflict with this charter.

Sec. 78. The commission, subject to the provisions of this charter, shall have power to organize the police division and change the same and make all necessary rules and regulations for its efficient administration, ordain penalties for violation thereof, establish the number of its members and the amount of their salaries, including that of the chief of police, and do all other acts necessary to the efficient equipment and operation of the police division of the city.

FIRE DIVISION

Sec. 79. The fire division of the city of Alhambra shall consist of a chief and such number of officers and members as the commission shall, from time to time, fix and determine.

Sec. 80. The chief of the fire division shall, subject to the provisions of this charter and such rules and regulations as the commission may prescribe, have entire control of the department. He shall have power to suspend or remove, subject to the approval of the city manager, any member of the fire division for disobedience of any lawful order, for violation of any rule or regulation of the department, for neglect of duty or for conduct unbecoming a member of the force. He shall be charged with the special duty of superintending the extinguishment of fires that endanger the municipality or destroy its property and shall take measures to guard and protect all property imperiled thereby and shall make recommendations to the commission as to any measures required for fire protection and prevention. In addition to the duties in this charter specified, he shall discharge all duties required of him by the ordinances of the city.

Sec. 81. The commission, subject to the provisions of this charter, shall have power to organize the fire division and change the same, make all necessary rules and regulations for its efficient administration, ordain penalties for violations thereof, establish the number of its members and the amount of their salaries, including that of the chief of the fire division, and do all other acts necessary to the efficient equipment and operation of the fire division of the city.

HEALTH DIVISION

Sec. 82. The commission shall appoint a competent person, who shall be a licensed physician, to be health officer, who shall, subject to the provisions of this charter, have such power and perform such duties as are granted or imposed by the general laws of the state or by ordinance, including the powers of a police officer in matters pertaining to his office.

It shall be the duty of the commission to provide by ordinance for a board of health of the city to consist of five persons, which board shall exercise all of the powers conferred by the laws of the state of California upon city boards of health.

ARTICLE XIV BOARD OF EDUCATION

Sec. 83. Alhambra city school district and Alhambra city high school district as now constituted are each hereby continued in existence, with identical boundaries, and each in its respective name shall hold all property, rights and privileges which it now possesses, subject to all existing liabilities, and each shall include such territory outside the limits of the city of Alhambra as may hereafter be annexed to either district for school purposes, all of which territory is herein referred to and included within the term "district", as used in this article.

Sec. 84. All territory included in the limits of Alhambra city school district or Alhambra city high school district or that may hereafter be included within such limits, but not within the city limits shall be deemed a part of said city for the purpose of holding the general municipal elections and shall constitute one or more separate election precincts and the qualified electors therein shall vote only for members of the board of education and on questions pertaining to school matters submitted to a vote at special or general elections, and in all matters connected with the administration or support of the public schools, said outside territory shall be deemed a part of said city.

Sec. 85. The government of the schools in said district shall be vested in a board of education to consist of five members, to be elected from the district at large, as herein provided, who shall serve without compensation and who shall be elected by the qualified electors of the district at the general municipal election and shall hold office for a term of four years from and after the first day of July following their election; provided, that the members of the board of education elected at the first election held under this charter shall at their first meeting so classify themselves by lot that one of their number shall hold office for one year, one for two years, one for three years and two for four years respectively from the first day of July following such first election.

Sec. 86. To be eligible to the office of member of the board of education, a person must be a qualified elector of the school district and shall have resided in said school district for at least two years next preceding the date of his election or appointment.

Sec. 87. The board of education shall have entire control and management of all public schools in said district, in accordance with the constitution and general laws of the state and the provisions of this charter, and said board is hereby vested with all the powers and charged with all the duties provided by this charter and also by general laws of the state for city boards of education.

Sec. 88. The board of education shall appoint a secretary who may or may not be one of their own number, and shall prescribe the duties and fix the salary of such secretary.

Sec. 89. Members of the board of education shall meet annually on the first day of July and shall organize by choosing one of their members as president, who shall serve as president for one year. In case a vacancy should occur on the board of education, the remaining members of the board shall appoint a qualified person to fill such vacancy, and if there be less than a majority of such board then in office, such appointment shall be made by the superintendent of schools of the county in which such district is situated. In either case, such appointee shall serve only until the next general municipal election, when, if the term does not then expire, a person shall be elected to fill the vacancy.

Sec. 90. The board of education shall hold regular meetings at the office of the city superintendent of schools, at least once a month, at such time as it may determine. The board may determine the rules of its proceedings, but all its meetings shall be public and its minutes open to inspection.

Sec. 91. A majority of the members of the board shall constitute a quorum, but the affirmative vote of three members shall be required to authorize any expenditure of public moneys, the election of appointive officers and the election of teachers.

Sec. 92. The board of education shall appoint a superintendent of schools and fix his compensation.

Sec. 93. The superintendent of schools shall be the executive officer of the board of education, shall enforce all rules and regulations adopted by the board and shall give his full time to the duties of his office. He shall be subject only to the board of education and all orders of the board relating to the direction of principals and teachers shall be given through him. He must examine all plans for the construction or re-construction of school buildings and report in writing to the board any objections he may find thereto. He shall have general supervision of the course of instruction and of the discipline and conduct of the schools.

Sec. 94. The superintendent of schools shall nominate and recommend all teachers and principals for election by the board of education. He shall assign all teachers and principals and make all transfers necessary to the successful operation of the schools.

Sec. 95. The board of education shall elect all teachers, but only from a list of candidates nominated and recommended by the superintendent of schools. The board of education may make rules in accordance with which the superintendent must make such nominations and recommendations.

Sec. 96. The secretary of the board shall keep a record of the proceedings of the board, and an account of all expenditures allowed by it, and for what purpose. He shall be the custodian of all books, papers and documents belonging to said district. He shall, in June of each year, make a full and complete detailed report of receipts and expenditures by the board, including an estimate of the available balance that will remain in any fund at the close of the fiscal year. He shall perform such other duties as the board may require of him.

Sec. 97. The city attorney shall be the attorney of the board of education.

Sec. 98. Plenary power and control in all matters of school administration is vested in the board of education, and no reference in this charter to any officer or board of the city shall apply to or affect said board or any member thereof, unless such board of education or member thereof is specifically referred to therein.

ARTICLE XV. PUBLIC LIBRARY

Sec. 99. The public library of the city, now existing, is hereby continued in existence, and together with all branches thereof hereafter established by the city, shall be under the management of a board of five library trustees, who shall be appointed by the president of the commission, subject to the approval thereof by the commission.

The first board of trustees under this charter shall, at their first meeting, so classify themselves by lot that three of their number shall go out of office August 1st, 1917, and two of their number shall go out of office August 1st, 1919, otherwise their term of office shall be for four years. They shall organize by electing one of their number president and some suitable person as secretary, who shall act and hold office at the pleasure of the board.

Sec. 100. Except as provided by this charter or by ordinances not inconsistent therewith, the public library shall be controlled and managed by the board of library trustees in accordance with the provisions of general law.

ARTICLE XVI. ALCOHOLIC LIQUORS

Sec. 101. No person, either as principal, agent, servant or employee, shall open, establish, keep, maintain or carry on within the corporate limits of the city of Alhambra, any tipping-house, dramshop, cellar, saloon, bar, bar-room, sample-room, club-room, or other place where spirituous, vinous, malt or other alcoholic liquors are sold, furnished, divided, distributed or given away.

No person, either as owner, employer, agent, clerk or employee shall sell or deliver any of the liquors in this section mentioned, or solicit such sale, or take orders for the same within the corporate limits of the city, provided that this section shall not apply to the sale of such liquors by regularly licensed druggists upon the written prescription of a practicing physician regularly licensed to practice his profession in the state of California, nor to the sale by such druggists of alcohol for mechanical or scientific uses, under such restrictions and regulations as may be fixed by the commission.

Sec. 102. Any person violating any provision of section 101 of this article shall be guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not more than five hundred dollars or by imprisonment for not more than six months, or by both such fine and imprisonment in the discretion of the court in which such conviction is had.

ARTICLE XVII ELECTIONS

Sec. 103. Elections to be held in said city for the purpose of electing the officers thereof and for all other purposes are of three kinds:

1. General municipal elections.
2. Special elections.
3. Primary nominating elections—when required as provided herein.

Sec. 104. General municipal elections shall be held in said city on the Tuesday following the first Monday in June, 1915, and on the Tuesday following the first Monday in June each year thereafter, at which shall be elected the elective officers provided for by this charter, including members of the board of education, and all such officers shall take office on the first day of July next succeeding the day of their respective election at twelve o'clock noon.

Sec. 105. Special elections shall be held for such municipal purposes and at such times as the commission may determine, or at such times as are elsewhere provided in this charter, except that no special election shall be held less than fifteen days after the passage of an ordinance calling the same. All special elections shall be held and conducted, except as to the date thereof, and the result thereof be made known and declared in the same manner as herein provided for other elections.

Sec. 106. The provisions of the general law of the state governing municipal elections, where the same are held separate from state elections, in force at the time of any city election, are hereby adopted as the law governing such city elections, and the provisions of the general laws of the state governing elections for state and county officers in force at the time of any city election shall govern such city elections in matters for which no provision is made in this charter, and the commission and the city clerk respectively shall exercise the powers and perform the duties conferred on, or imposed by, such laws on boards of supervisors and county clerks concerning elections; provided, that where this charter makes provision relating to any matters contained in such general laws, said charter provisions shall govern.

Sec. 107. All candidates for elective city offices including members of the board of education shall be nominated in the manner provided in Section 1188 of the Political Code of the state of California and succeeding and other sections or laws relating to independent nominations, in force at the time of any general municipal election, except as hereinafter otherwise prescribed; provided, however, that nominating certificates for a commissioner of a district shall be signed by at least fifty qualified electors of the district from and by which the nomination is made and that nominating certificates of members of the board of education shall be signed by at least seventy-five qualified electors of the school district and that all other nominating certificates shall be signed by at least seventy-five qualified electors of the city; and provided further that all nominating certificates shall be filed with the city clerk not more than sixty days nor less than fifty days before the day of the general municipal election.

When candidates for any office are nominated in accordance with the provisions of this section, it is hereby provided and directed that no party name or designation shall appear on the certificate or ballots and that the names of all candidates for each office shall be arranged alphabetically on said ballot.

Sec. 108. If a petition signed by qualified electors of the city equal in number to twenty per cent. of the total number of qualified electors at the time of the last preceding general municipal election shall be filed with the city clerk not less than forty days nor more than fifty days prior to the date of any general municipal election, requesting the commission to call a primary nominating election, the commission shall, after receiving the certificate of the clerk to the effect that the petition has been signed by the requisite number of qualified electors, call such primary election, and the candidates to be voted for at the general municipal election shall be nominated at such primary nominating election in the manner hereinafter prescribed, and no names shall be printed upon the ballot for such general election other than the names of those selected in such manner.

Sec. 109. Such primary election shall be held on the second Tuesday preceding the general municipal election. The officers of election appointed for the general municipal election shall be the officers of the primary election and it shall be held at the same places so far as possible, and the polls shall be opened and closed at the same hours. The names of all candidates nominated in accordance with the provisions of section 107, and no others, shall be printed upon the ballots to be used at such primary election.

Sec. 110. At least seven days prior to the day of said primary election the city clerk shall cause to be published for three consecutive days, in at least one daily newspaper published in the city, or posted if so directed by the commission for three days in three public places in the city designated by the commission, the names of all the persons so nominated, and the offices for which the several candidates were respectively nominated as they will appear upon the primary ballots.

Sec. 111. The clerk shall cause the ballots to be printed, and, except when voting machines are used, numbered and bound, which ballots shall

contain the list of names of candidates and respective offices to be voted for in each municipal precinct as so published or posted, with the following caption:

"Primary nominating election.

City of Alhambra (Inserting date thereof)

"To vote, stamp a cross opposite the name of the candidate voted for, except that when the name of the candidate is written in by a voter the cross shall not be made."

The names of the offices to be filled shall be arranged on the ballots in the order the officers of the city to be elected are named in this charter, and the names of the candidates for each office shall be arranged on the ballot of the primary nominating election in alphabetical order. There shall be nothing on any ballot indicative of the party affiliation, source of candidacy or support of any candidate.

Sec. 112. Each ballot shall contain blank spaces underneath the printed names of candidates for each office, wherein the voter may write the name of any candidate whose name is not printed on the ballot and for whom he may wish to vote, and in such case a cross shall not be stamped opposite such written name.

Sec. 113. Any candidate to fill a vacancy and to serve the remainder of an unexpired term shall be designated on the ballot as a candidate to fill a vacancy.

Sec. 114. The two candidates receiving the highest number of votes for any given office at the primary nominating election shall be the candidates, and the only candidates, for such office whose names shall be printed upon the ballot to be used at the next general municipal election; provided, that where more than one office of the same kind is to be filled, the candidates therefor, equaling in number twice the number of such offices, who receive the highest number of votes at the primary nominating election, shall be the candidates and the only candidates for such offices whose names shall be printed upon the ballot to be used at such general election.

Sec. 115. The ballot at such general election shall be in the same form as for such primary nominating election, so far as applicable, and without any indication as to the party affiliation, source of candidacy or support of any candidate.

Sec. 116. The conduct and carrying on of all city elections shall be under the control of the commission, and it shall, by ordinance, provide for the holding of all such elections, and may district, and subdivide the city and any portion of the school district outside of the city, when participating therein, into municipal election precincts for the holding of municipal elections, and change and alter such precincts and re-district the city and such outside portion of the school district for such elections as often as occasion may require, but no such precinct in the city shall include within its boundaries portions of two districts of the city or any portion of the school district outside of the city. Unless the boundaries of the precincts shall be established, altered or changed, as herein provided, they shall remain as fixed by the board of supervisors of the county for the registration of electors beginning in January of the last even numbered year preceding.

Sec. 117. At each city election each of the election officers shall receive such compensation for his services as the commission shall fix, but not to exceed the sum of five dollars.

Sec. 118. The election returns from each municipal election precinct shall be filed with the city clerk, who shall immediately place them in the safe or vault in his office, and no person shall be permitted to handle, inspect, examine or in any manner interfere with the same until canvassed by the commission. After having been canvassed they shall be sealed up by the city clerk for six months and no person shall have access to them, except on order of a court of general jurisdiction.

Sec. 119. On the first Monday after any election and at their usual hour and place of meeting, the commission shall meet and canvass the returns and declare the result.

Sec. 120. After the result of an election is declared or when an appointment is made, the city clerk under his hand and official seal shall issue a certificate thereof and serve the same personally or by depositing such certificate with the postage and registration fee thereon prepaid and return receipt demanded, in the United States post office in Alhambra, addressed to the person elected or appointed, and such person must, within ten days after receiving such certificate, file his official bond, if a bond is required of him by this charter or the ordinance of the city, and take and subscribe to the oath of office required of him by this charter, which oath must be filed with the city clerk.

ARTICLE XVIII.

FINANCE

Sec. 121. The fiscal year of the city shall commence upon the first day

of July of each year and shall end on the thirtieth day of June of the following year.

Sec. 122. The commission shall, by ordinance, provide a system for the assessment, levy and collection of all city taxes not inconsistent with the provisions of this charter.

Sec. 123. The commission shall have power to avail itself by ordinance of any law of the state of California now or hereafter in force and comply with the requirements thereof whereby assessments may be made by the assessor of the county in which this city is situated and taxes collected by the tax collector of said county for and on behalf of this city. Other provisions of this charter concerning the assessment, levy and collection of taxes shall be subject to the provisions of any such ordinance while the same shall be in force.

Sec. 124. On or before the fifteenth day of July in each year or on such date in each year as shall be fixed by the commission, the city manager, chief appointive officers and other heads of departments, offices, and boards shall send to the auditor a careful estimate, in writing, of the amounts, specifying in detail the objects thereof, required for the business and proper conduct of their respective departments, offices and boards, during such fiscal year.

Sec. 125. The commission shall prior to fixing the tax levy annually make a budget of the estimated amounts required to pay the expenses of conducting the business of the city government for the next ensuing year. The budget shall be prepared in such detail as to the aggregate sum and the items thereof allowed to each department, office, board or commission as the commission may deem advisable.

Sec. 126. The commission shall meet at their usual place of holding meetings on the first Monday in August of each year, at ten o'clock in the forenoon of such day, and sit as a board of equalization, and shall continue in session from day to day for a period of ten days. They shall have power to hear complaints and to correct, modify, strike out or raise any assessment, provided that such notice shall be given to the party whose assessment is to be raised as may be by ordinance provided.

Sec. 127. The commission must finally adopt, not later than the last Tuesday in August, an ordinance levying upon the assessed valuation of the property in the city, subject to the provisions of this charter, a rate of taxation upon each one hundred dollars of valuation sufficient to raise the amounts estimated to be required in the annual budget, less the estimated amount of income from fines, licenses and other sources of revenue. They shall then deliver the assessment roll to the auditor, who shall compute and carry out the amount of the tax so levied upon each parcel of property contained in said assessment roll. The corrected list for each tax shall be the assessment roll of said tax for said year, and it shall be certified by the auditor as being the assessment roll of said tax.

Sec. 128. The tax levy authorized by the commission to meet the municipal expenses for each fiscal year shall not exceed, except as herein provided, the rate of One dollar (\$1.00) on each one hundred dollars of the assessed value of all real and personal property within the city.

Sec. 129. The commission shall have power to levy and collect taxes in addition to the taxes herein authorized to be levied and collected, sufficient to pay the interest and maintain the sinking fund of the bonded indebtedness of the city and to provide a fund not to exceed ten cents (10c) on each one hundred dollars (\$100.00) of the assessed valuation for the establishment and support of public parks and playgrounds, and a fund not to exceed thirty cents (30c) on each one hundred dollars (\$100.00) of such assessed valuation for the maintenance and support of the public library.

Sec. 130. All taxes assessed, together with any percentage imposed for delinquency and the cost of collection, shall constitute liens on the property assessed; every tax upon personal property shall be a lien upon real property of the owner of such personal property. The liens provided for in this section shall attach as of the first Monday in March in each year, and may be enforced by actions in any court of competent jurisdiction to foreclose such liens, or by a sale of the property affected and the execution and delivery of all necessary certificates and deeds therefor, under such regulations as may be prescribed by ordinance, provided, that when real estate is offered for sale for city taxes due thereon, or constituting a lien thereon, the same shall be struck off and sold to the city, in like case and in like manner and with like effect and with like right of redemption, as it may be struck off and sold to the state when offered for sale for state and county taxes; and the commission shall have power to provide for the procedure to be followed in such sales to the city and redemption therefrom.

Sec. 131. Money shall be drawn from the city treasury only upon warrants as by this charter authorized.

Sec. 132. All demands against the city of Alhambra, except as otherwise by this charter provided, shall be presented, to and audited by the

commission in accordance with such regulations as it may by ordinance prescribe; and upon the allowance of any such demand, the president of the commission shall draw a warrant upon the city treasurer for the same, which warrant shall be countersigned by the city clerk.

Sec. 133. The commission shall prescribe uniform forms of accounts which shall be observed by all officers and departments of the city which receive or disburse moneys. Whenever an act shall be passed by the state legislature calling for uniform municipal reports, the city authorities shall be governed thereby.

Sec. 134. Except as otherwise provided by this charter, every officer collecting or receiving any moneys belonging to or for the use of the city shall pay the same to the treasurer accompanied by the auditor's certificate therefor on or before the first Monday of each month, or at more frequent intervals as may be directed by the commission.

Sec. 134a. The commission may by ordinance change the time fixed in this charter for the performance by any officer of any duty in connection with the assessment of property for taxation, the equalization of the tax roll, the determination of a rate of taxation and the levying of tax thereon, or the furnishing of reports relative to any of said matters, except that the assessment must be completed not later than June 30th of each year.

ARTICLE XIX

CONTRACTS

Sec. 135. The city of Alhambra shall not be and is not bound by any contract (except such a contract as is authorized by this charter to be made in behalf of the city by a board or officer of the city) unless the commission shall have first caused notice to be published for not less than five days in a daily newspaper or posted for five days in three public places in the city to be designated by the commission, inviting proposals to perform the same, and thereafter shall have let said contract to the lowest responsible bidder furnishing security for its performance satisfactory to the commission; provided, that any such contract shall not be made or be binding on the city unless first authorized by resolution passed by the commission; that any such contract shall be made in writing, the draft thereof first approved as to form by the city attorney by his endorsement thereon and thereafter approved by the commission, and the same ordered to be, and be signed on behalf of the city by the president of the commission, city manager or some other person authorized thereto by resolution, and must be countersigned by the auditor who shall number and register the same in a book kept for that purpose; provided, further, that the commission may, by resolution, authorize any officer, committee or agent of the city to bind the city for the payment of a sum of money, not exceeding One thousand dollars (\$1,000.00), without a contract in writing and without any previous publication or posting of notice inviting proposals.

It shall be the duty of the city attorney to see that all bonds relating to any such contract and required by resolution, ordinance, this charter or the general laws of the state are properly drawn, executed and delivered.

Sec. 136. When proposals for performing any public work or furnishing materials are invited, the commission may reject any and all bids if deemed advisable and ask for new bids or provide for the work to be done by the department of public works; and in case no bid is received the commission may provide for the work to be done by the department of public works.

No contract shall provide for or authorize or permit the payment of more than seventy-five per cent. of the contract price before the completion of the work done under said contract and the acceptance thereof by the proper officers.

Sec. 137. No contract for lighting streets, public buildings or offices or public places or for furnishing the city with heat or power shall be made for a longer period than one year, except that any such contract may be made with any other municipal corporation for a period not longer than ten years.

Sec. 138. The commission shall annually let contracts for the official advertising for the ensuing fiscal year. For this purpose the commission shall advertise for five consecutive days, setting forth distinctly and specifically the work contemplated to be done, and asking for sealed proposals therefor. The proposals shall specify the type and spacing to be used at the rate or rates named therein. The commission shall award the contract for such official advertising to the lowest responsible bidder publishing a daily newspaper in the city which is a newspaper of general circulation and has been in existence at the time of awarding the contract at least one year; provided, that the commission may reject any and all bids if they deem advisable. The newspaper to which the award of such advertising is made shall be known and designated as the "official newspaper."

Sec. 139. Any officer of the city, or of any department thereof, who

shall aid or assist a bidder in securing a contract to furnish labor, material or supplies at a higher price than that proposed by any other bidder, or who shall favor one bidder over another by giving or withholding information or who shall wilfully mislead any bidder in regard to the character of the material or supplies called for, or who shall knowingly accept materials or supplies of a quality inferior to those called for by the contract, or who shall knowingly certify to a greater amount of labor performed than has been actually performed, or to the receipt of a greater amount or a different kind of material or supplies than has been actually received, shall be deemed guilty of malfeasance and shall be removed from office.

Sec. 140. If at any time it shall be found that the person to whom a contract has been awarded has, in presenting any bid or bids, acted in collusion with any other party or parties for the purpose of preventing any other bid being made, then the contract so awarded shall be null and void, and the commission shall advertise for new bids for said work, or may provide for such work to be done by the department of public works.

Sec. 141. No officer or employee shall be directly or indirectly interested in any contract, work or business of the city, or in the sale of any article, the expense, price or consideration of which is paid for or from the treasury, or by assessments levied by any act or ordinance; nor in the purchase or lease of any real estate or other property belonging to the city or which shall be sold for taxes or assessments or by virtue of legal process at the suit of the city. No officer shall be in the employ of any public utility corporation in the city or of any person having any contract with the city, or of any owner of a franchise granted by the city.

Sec. 142. Every officer or employee of the city is forbidden and prohibited from soliciting, accepting or receiving, directly or indirectly, and every public utility corporation, person having or contemplating any contract with the city or owner of a franchise granted by the city, or agent, officer, attorney or employee thereof, is forbidden and prohibited from offering or giving, directly or indirectly, to any such officer or employee of the city, any commodity or service furnished by such public utility corporation or owner of a franchise, or any reduction in the rate thereof to which the public generally are not entitled, or any present, gift or gratuity of any kind. A violation of any of the provisions of this section shall be deemed a misdemeanor. Every officer or employee of the city who violates any of the provisions of this section shall be guilty of malfeasance and shall be removed from office.

Sec. 143. Any contract or agreement made in contravention of this charter shall be void.

Sec. 144. Any violation of the provisions of this article shall be deemed a misdemeanor.

Sec. 145. The commission shall enforce the provisions of this article by appropriate legislation.

Sec. 146. The maximum time of labor or service required of any laborer, workman or mechanic employed upon any municipal work, whether so employed directly by the city and its officers, or by a contractor or sub-contractor, shall be eight hours during any one calendar day.

ARTICLE XX.

STREETS AND SEWERS

Sec. 147. Except as provided herein and unless otherwise provided by ordinance, the general law of the state of California relative to the improvement of, and work upon streets, lanes, alleys, courts, places and sidewalks, including the construction of sewers and providing for the laying out, opening, extending, widening, straightening or closing up in whole or in part of any street, square, lane, alley, court or place within municipalities, and to condemn and acquire any and all land and property necessary and convenient for that purpose; and for providing a system of street improvement bonds to represent certain assessments for the cost of street work and improvements within municipalities, and to provide for the payment of such bonds; and providing for the planting, maintenance and care of shade trees upon streets, lanes, alleys, courts and places within municipalities, and of hedges upon the lines thereof, and for the eradication of weeds within city limits, now in force, or which may hereafter be adopted by the legislature of this state is hereby made a part of this charter, and shall govern the commission in such matters.

ARTICLE XXI.

FRANCHISES

Sec. 148. Plenary control over all primary and secondary uses of its streets and other public places is vested in the city. Franchises may be granted to persons, firms or corporations, upon such terms, conditions, restrictions or limitations as the commission may prescribe by ordinance; but no franchise shall be granted without reserving to the city adequate compensation for the privilege conferred.

Sec. 149. No person, firm or corporation shall ever exercise any franchise or privilege mentioned in this article except in so far as he or it may be entitled to do so 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, or other public place in the city unless he or it shall have obtained a grant therefor in accordance with the provisions of this article and of this charter.

Sec. 150. The commission shall have power to designate the terms, conditions and duration of all franchises, subject to the general laws of the state and the provisions of this charter relating thereto; provided, that no exclusive franchise shall ever be granted.

Sec. 151. The rights of the city in and to its streets, parks and all other public places, except as otherwise provided in this charter, are hereby declared inalienable.

Sec. 152. The city may grant, for a period not to exceed thirty-five years, the right and franchise to use the public streets and highways of the city for the purpose of operating street, suburban or interurban railroads and for constructing thereon or laying thereunder electric, telephone and telegraph wires and cables, conduits, gas and water mains and service pipes, in, upon, over, under or along any street, highway or other public place and may grant franchises for railroads, other than street, suburban or interurban, when authorized so to do by vote of the electors.

Sec. 153. The grant of every franchise or privilege shall be subject to the right of the city, whether reserved in such grant or not, to make all regulations which shall be necessary to secure in the most ample manner the safety, welfare and accommodation of the public, including among other things the right to pass and enforce ordinances to protect the public from danger or inconvenience in the operation of any work or business authorized by the grant of the franchise and the right to make and enforce all such regulations as shall be reasonably necessary to secure adequate, sufficient and proper service and accommodations for the people and insure their comfort and convenience.

Sec. 154. The grant of every franchise or privilege shall be subject to the right of the city, whether reserved in such grant or not, to prescribe and regulate the rates, fares, rentals and charges made for the service rendered under such franchise, but in no case shall the value of such franchise (exclusive of the amount originally paid to the city for such franchise and of any tax or annual charge) be considered or taken into account in prescribing and regulating such rates, fares, rentals or charges for service rendered under such franchise. The grant of every franchise for a street, suburban or interurban railroad shall provide that all United States mail carriers, policemen and firemen of the city shall at all times, while in the actual discharge of their duties be allowed to ride on the cars of such railroad within the boundaries of the city, without paying therefor and with all the rights of other passengers.

Sec. 155. Every ordinance granting any franchise shall provide that at the expiration of the period for which the franchise was granted, or at any time before as stated in the ordinance granting such franchise, the city, at its election and upon the payment of the physical valuation therefor, to be made in the manner provided in the ordinance making such grant, may purchase and take over to itself the property and plant operated under said franchise in its entirety, but in no case shall such valuation include any compensation for franchise or goodwill other than the amount originally paid to the city for such franchise. Or it may be provided in the ordinance granting any franchise that the property and plant operated under said franchise in its entirety shall, at the expiration of the period for which the franchise was granted, become the property of the city, without compensation to the owner of the franchise. The grantee, his successor or assign, of any franchise under this article shall be required in said ordinance to file monthly with the city clerk an itemized statement of the expenditures for new construction during the calendar month next preceding the filing of said statement; and said statement shall be verified by the oaths of the president and secretary of the grantee, his successor or assign, if such grantee, successor or assign be a corporation, or by the oaths of a majority of the members of the firm, if the said grantee, successor or assign be a firm, or by his oath, if the grantee, his successor or assign, be a person. No cost of maintenance, operation, repair or renewal shall be considered to be a cost of construction.

Sec. 156. Every ordinance granting any franchise shall further provide that upon the payment by the city of the physical valuation in the manner provided in said ordinance making such grant, the plant and property operated under said franchise in its entirety shall become the property of the city by virtue of the grant in payment thereunder, and without the execution of any instrument or conveyance. Or in case it is provided in the ordinance granting any franchise that the property and plant operated

under said franchise in its entirety, shall, at the expiration of the period for which it was granted, become the property of the city without any compensation to the owner of the franchise, the property and plant operated under said franchise in its entirety shall then become the property of the city by virtue of the grant and without the execution of any instrument or conveyance.

Sec. 157. Applications for a franchise shall be in writing and filed with the city clerk, and shall state the nature of the franchise applied for and the term desired, and shall be accompanied by a cash deposit of two hundred dollars, which sum shall be retained by the city for costs of advertising and other preliminary expenses, said expenses to be paid finally by the successful bidder. If, after the filing of such application accompanied by the original cash deposit, the commission deems it desirable to grant the same, it shall set such application for hearing and advertise the fact and the time of such hearing, together with a brief description of the franchise applied for, and that it proposes to sell the same, in a daily newspaper published in said city, for not less than ten days before the day of sale. Said advertisement shall further state that sealed bids or proposals for the purchase of said franchise will be received up to the time of such hearing and the franchise sold and awarded to the bidder offering to pay to the city, during the life of the franchise, the highest percentage of the gross receipts therefrom; provided, that such percentage of such gross receipts during the first five years shall be not less than two per cent., and shall be not less than four per cent. during the remainder of the life of said franchise. Every application for a franchise under this article shall, in addition to being accompanied by the sum of two hundred dollars, be accompanied by the sum of five hundred dollars, or by a certified check for that amount, payable to the city clerk, as a guaranty of good faith, which sum of five hundred dollars, or certified check, shall be returned only on execution of a bond as hereinafter provided. Every other person bidding for such franchise, shall, at or prior to the time of making his bid, deposit with the city clerk the sum of five hundred dollars, or a certified check for that amount, payable to the city clerk, as a like guaranty of good faith. At the time set for hearing the application, and the opening of the sealed bids or proposals therefor, any bid may be raised by any responsible bidder who makes or has made his deposit of cash of five hundred dollars or certified check for such sum, offering not less than one-quarter of one per cent. of the gross receipts above the highest sealed bid therefor, and such bid may be raised not less than one-quarter of one per cent. until there shall be but one bidder therefor, and the same shall thereupon be awarded to such highest bidder. In the event said franchise be not awarded or if awarded, and within such reasonable time thereafter as the commission shall allow, such successful bidder shall cause to be executed a bond to the city in a sum to be fixed by the commission, but not less than one thousand dollars, and with sufficient sureties, approved by the president of the commission, after approval thereof as to form by the city attorney, conditioned that such bidder will faithfully execute the conditions of such franchise upon his part to be performed, then all deposits so made shall be returned to the person making them; provided that the amount expended by the city for advertising and the preliminary expenses in connection therewith shall be deducted from the deposit made by such successful bidder or from the deposit made by such applicant, if no award be made, and retained by the city to reimburse itself for the expenses so incurred. Every franchise shall have inserted therein a proviso that it shall be forfeited in the event that such percentage of the gross receipts be not annually paid to the city at a date by the commission to be fixed in the ordinance granting the same.

Sec. 158. Construction work under any franchise granted, shall be commenced in good faith within not more than four months from the date of the taking effect of the ordinance granting such franchise, and if not so commenced within said time, said franchise shall be forfeited. Work under any franchise so granted shall be prosecuted with reasonable diligence to completion and shall be completed within the time fixed for such completion in the ordinance granting the same, and if not so completed within said time, the same shall be forfeited; provided, that the commission may by resolution extend the time for the completion thereof as they may deem advisable.

Sec. 159. No franchise granted by the city shall be leased, assigned or otherwise alienated without the express consent of the commission entered upon its minutes, and no dealings with a lessee or assignee on the part of the city to require the performance of any act or payment of any compensation by the lessee or assignee shall be deemed to operate as such consent; provided that nothing herein shall be construed to prevent the owner of such franchise from including it in a mortgage or trust deed executed for the purpose of obtaining money for corporate objects.

Sec. 160. Every franchise granted shall provide that, and the commis-

sion shall have authority to examine the books, vouchers and records of any person, firm or corporation exercising or enjoying any franchise or privilege granted by the city, and it shall be the duty of every person, firm or corporation exercising any franchise granted by the city, to file with the city clerk annually as provided by said franchise a report of its business during the preceding year; such report shall contain a statement of the gross receipts arising from the business done by such person, firm or corporation, within said city, and such report shall contain such further facts as may be required by the commission concerning the character and amount of business done, the amount and source of receipts and expenses connected therewith, during the period to be covered.

Sec. 161. Every franchise shall provide for the determination and forfeiture thereof for any breach or failure to comply with any of its terms, limitations, or conditions imposed by this charter, or ordinance granting the same.

Sec. 162. No officer or employee of the city shall, either directly or indirectly, receive any transportation, electric, gas, or telephone service, or other thing or commodity, as a gratuity from any person, firm or corporation, operating under any franchise granted by the city, nor shall he receive the same unless he pays therefor the same rate as that charged other patrons or consumers similarly situated, except as hereinbefore in this article provided.

Sec. 163. Every grant of a franchise for railroad purposes shall provide for strict compliance by the owner thereof of all the provisions of subdivision 61 of section 61 of this charter.

ARTICLE XXII.

RECALL

Sec. 164. Every incumbent of an elective office shall be subject to removal therefrom as follows:

Sec. 165. A petition signed by qualified electors equal in number to twenty-five per cent. of the entire vote cast for all candidates for the office of president of the commission at the last preceding general municipal election, at which a president of the commission was elected, requesting the calling of an election to determine whether the incumbent of an elective office shall be removed, shall be addressed to the commission and presented to the city clerk. The petition may request that the question of such removal shall be submitted at a special municipal election or at the next general municipal election.

Sec. 166. The petition for recall and removal from office shall be substantially in the following form:

(Individual certificate)
Petition to the Commission requiring a special municipal election.
(If such be the case)

For the recall of (name of officer).

From the office of (name of office).

Reasons for the recall of (name of officer) from the office of (name of office): (here insert the reasons).

Reasons against the recall of (name of officer) from the office of (name of office): (here insert the reasons).

I, the undersigned, certify that I hereby join in a petition to the commission requiring that it forthwith submit to the vote of the electors of the city of Alhambra, at a special (or the next general) municipal election, the question whether (name of officer) shall be recalled and removed from the office of (name of office).

I further certify that I have read the foregoing reasons for and against the recall of said officer and believe that he should be recalled; that I am a qualified elector of said city; that I reside at No. street, between street and street, in said city, and that my occupation is.....

(Signed).....

STATE OF CALIFORNIA,
COUNTY OF LOS ANGELES,
CITY OF ALHAMBRA, s.s.

....., being duly sworn, deposes and says:

That he is the person who signed the foregoing certificate and that the statements therein contained are true and correct.

(Signed).....

Subscribed and sworn to,
19....., before me,

.....
(Verification Deputy (or Notary Public).

The petition of which this certificate forms a part, shall, if found deficient, be returned to at No., Street, Alhambra, California.

Sec. 167. Each certificate must be separate, and contain the name of but one signer, who must make oath before a notary public or verification deputy as to the truth of the statements therein. All such certificates signed by electors of each precinct, shall be arranged alphabetically and bound together. Upon receipt of such petition, the city clerk shall endorse thereon the time it was received. He shall thereupon examine said petition to ascertain whether it conforms to the requirements of this charter.

Within ten days after such presentation, the city clerk must determine whether said petition so conforms and shall attach thereto his certificate showing the result of his examination, and send by registered mail a copy of said certificate to the person named in said petition to whom it shall be returned. If the petition does not conform to said requirements, the certificate of the city clerk shall designate the defects in the petition and in the individual certificates. If the certificate of the city clerk shows the petition to be deficient, it may be amended by presentation, within fifteen days after mailing said certificate of the city clerk, of an amended petition, containing additional certificates, arranged and bound as above provided. The city clerk shall, within seven days after the presentation of such amended petition, make like investigation and determination as to the amended petition and attach to it a like certificate and mail a copy as aforesaid, and, if his certificate shall show the amended petition to be deficient, or if no amended petition shall have been presented, the petition shall be returned to the person named therein to whom it shall be returned, without prejudice to the filing of a new petition to effect the same purpose.

Should any certificate or certificates to the petition not substantially conform to the requirements of this charter, such fact shall not invalidate the petition if a sufficient number of the certificates substantially conform to such requirements. Should the city clerk find that the said petition or amended petition conforms to such requirements, he shall endorse the fact thereon and file and present it to the commission.

Sec. 168. Before any petition for recall is circulated, an affidavit in triplicate by or on behalf of the person or persons proposing such recall shall be made and delivered to the city clerk, one to be filed with the city clerk, one to be left by him at the office of the officer sought to be recalled, and one to be sent by him by registered mail to the residence of such officer. Such affidavit shall contain the address of the person or persons making the same, a statement of the intention to circulate a petition for the recall of said officer containing not more than two hundred words, giving the reasons for such recall. Said officer may, within five days after the mailing of such affidavit, send by registered mail to the address of the party making such affidavit, his answer thereto in not more than two hundred words. Such statement and answer, if any, shall be printed on each individual certificate. No original petition for recall of any officer shall be presented to the city clerk later than forty days after the filing of the affidavit.

Sec. 169. If the officer sought to be removed fails to resign within five days after the recall petition is filed, and the petition requests a special municipal election to be held, the commission shall cause a special municipal election to be held within not less than thirty nor more than forty-five days after the filing of said petition, to determine whether said officer shall be recalled, but if a general or special municipal election is to occur within sixty days after the filing of said petition, the commission may postpone the holding of such election to such general or special election.

Sec. 170. If any question of recall, for which a petition has been filed, be not submitted to the electors of the city at or within the time specified, such petition shall remain in force until such question has been submitted.

Sec. 171. There shall be printed on the sample and the official ballots, the statement of the reasons for the recall of the officer, and his answer, if any.

Sec. 172. The ballots at every election at which recall is to be voted upon, shall contain the following question:

Shall (name of officer) be removed from the office of (name of office)?

Following the question shall be printed the words "Yes" and "No", on separate lines, with a voting square at the right of each, in which the voter shall stamp a cross (X) for or against such recall. All requirements of this charter relating to ballots at general municipal elections shall, so far as applicable, apply to all ballots at every election at which a question of recall is to be voted upon.

The call for elections under this article shall be the same as the call for general or special municipal elections.

Sec. 173. After a petition for recall of a person from office has been filed, he may continue to perform the duties of his office until the commission has canvassed the returns of the election and declared that a majority of the votes upon the question of his recall was cast in favor thereof, and

thereupon said office shall become vacant.

Sec. 174. No recall petition shall be filed against any elective officer until he has actually held his office for at least six months, and no second or subsequent recall petition shall be filed against the same officer for a period of six months from the time of the last recall election relating to said officer and for any second or subsequent recall election the petitioners shall first deposit with the auditor an amount of cash equal to the total cost of the last recall election, for the purpose of defraying the expenses of the recall election petitioned for; if at the election said officer is recalled, said deposit shall be returned to the petitioners, but if said officer is not recalled, it then shall be the property of the city and the auditor shall pay the same to the treasurer for the general fund of the city.

Sec. 175. The commission shall, by ordinance, make such further regulations as may be necessary to carry out the provisions of this section.

ARTICLE XXIII.

INITIATIVE

Sec. 176. The electors of the city shall have the right to propose, by petition, and to adopt at the polls, any ordinance which the commission might enact. Such ordinance shall be proposed by petition filed with the city clerk, setting forth said ordinance in full, signed by electors in number as hereinafter required.

Sec. 177. Before any petition for submission of such ordinance shall be circulated, an affidavit by or on behalf of its proponents, shall be filed with the city clerk, containing a copy of the proposed ordinance, a statement in not more than two hundred words giving the reasons of said proponents for the adoption of such ordinance, a statement of the intention to secure submission of said ordinance to a vote of the electors by an initiative petition, and the address of the party making such affidavit. The commission shall have five days after the filing of such affidavit, to send by registered mail to the address given in such affidavit, a statement, in not more than two hundred words, of the reasons why such proposed ordinance should not be adopted. These reasons for and against the adoption of the proposed ordinance shall be printed as a part of the individual certificates constituting the petition.

Sec. 178. The form and contents of the petition and mode of certification shall be substantially as provided in article XXII of this charter, with changes as may be required to comply with the provisions of this article, and each individual certificate constituting said petition shall have printed thereon the reasons for and against the adoption of the proposed ordinance, and the signer of said certificate must certify that he has read such reasons.

Sec. 179. Upon presentation to the commission of such petition, signed and verified by qualified electors in number equal to fifteen per cent of the entire vote cast for all candidates for the office of president of the commission at the last preceding general municipal election at which such president was elected, asking for the submission to the electors of an ordinance that the commission itself might adopt, it must either adopt and enact such measure without alteration, or submit the same to the electorate at the next city election occurring subsequent to sixty days after the filing of said petition. But if said petition request the calling of a special election and is signed and verified as herein provided and by electors in number equal to twenty-five per cent. of said vote, then such ordinance, if not so adopted and enacted by the commission, must be submitted to the electorate at a special election to be called within sixty days from the presentation of such petition.

Sec. 180. If such proposed ordinance is one that the commission might adopt, except that it involves the repeal or amendment of an ordinance adopted by the electorate, as herein provided, and if in such case said petition is signed and verified by qualified electors in number equal to thirty per cent. of the above mentioned vote, then such proposed ordinance must be submitted to the electors of the city at the next general municipal election occurring subsequent to sixty days after its presentation.

Sec. 181. All provisions of article XXII of this charter, relating to the examination and amendment of petitions, shall be applicable to petitions under this article.

Sec. 182. All petitions under this article shall be filed with the city clerk within forty days after the date of the first signature thereto. If any ordinance proposed by petition, or upon which a referendum vote is requested by petition, be not submitted to the voters at or within the time specified in this charter, such petition shall remain in force until said ordinance shall be submitted to the voters.

Sec. 183. Any number of proposed ordinances under the initiative or the referendum may be voted upon at one election.

Sec. 184. There shall not be held under the provisions of this article, more than one special election in any period of six months.

Sec. 185. The ballots used when voting upon ordinances proposed under

the initiative or under the referendum, shall set forth the title of the proposed ordinance, and shall state its general nature, and shall contain the words "For the Ordinance" and "Against the Ordinance". If a majority of the votes cast on any ordinance initiated as herein provided, by the electorate of the city, shall be in favor of said ordinance, it shall, if not already in effect, go into effect as a valid ordinance of the city, one day after the official canvass and declaration of the result, unless a later date is provided by the terms of said initiative measure; otherwise such ordinance shall be rejected.

Sec. 186. No ordinance that has been or that may hereafter be adopted by a vote of the electors, shall be amended or repealed except by a vote of the electors.

Sec. 187. All matters relating to the form of the ballot and manner of conducting the election shall conform substantially to the requirements set forth in article XXII with changes as required to comply with the provisions of this article and a substantial compliance with the provisions of this article shall be sufficient for the holding of an election hereunder, and the approval or rejection of any measure submitted thereat, and the commission shall by ordinance make such further regulations as may be necessary to carry out the provisions of this article.

ARTICLE XXIV. REFERENDUM

Sec. 188. The commission may submit to a vote of the electors of the city any ordinance that it or the electorate has authority to adopt.

Sec. 189. No ordinance passed by the commission shall go into effect until the expiration of thirty days from its final publication or posting, except when otherwise required by the general laws of the state or by the provisions of this charter, respecting street improvements and except an ordinance making the annual tax levy or calling an election and except an ordinance for the immediate preservation of the public peace, health or safety, which contains a statement of its urgency and is passed by a four-fifths vote of the commission; provided, that no grant of any franchise shall be construed to be an urgency measure, but all franchises shall be subject to the referendum vote herein provided. At the expiration of said thirty day period, such ordinance shall be in force and effect, unless within such period there shall be filed with the city clerk a petition signed by qualified electors equal in number to fifteen per cent. of the entire vote cast for all candidates for the office of president of the commission at the last preceding general municipal election at which such president was elected, praying that such ordinance be submitted to a vote of the electors and thereupon such ordinance shall be suspended from operation and it shall be the duty of the commission to reconsider such ordinance; and if the same be not repealed, the commission shall submit the ordinance as is provided in articles XXII and XXIII of this charter, to the vote of the qualified electors, either at the next general municipal election occurring subsequent to the sixty days after the filing of said petition, or, if such petition be signed by qualified electors equal in number to twenty per cent. of said vote, then at a special election to be called for that purpose within sixty days from the presentation of such petition and such ordinance shall not go into effect or become operative unless a majority of qualified electors voting on the same shall vote in favor thereof.

Sec. 190. All matters relating to the form of the petition, certification, examination and amendment thereof, form of the ballot, and manner of conducting the election under this article, shall conform substantially to the requirements set forth in articles XXII and XXIII of this charter, with changes as may be required to comply with the provisions of this article.

Sec. 191. No ordinance once so submitted shall, within one year, be again submitted, except by a four-fifths vote of the commission or upon a petition in regular form signed and verified, as required, by qualified electors equal to forty per cent. of the entire vote provided in section 189.

Sec. 192. If a majority of the votes cast on any ordinance referred to the electorate under the provisions of this article shall be in favor of said ordinance, it shall, if not already in effect, go into effect as a valid ordinance of the city one day after the official canvass, and declaration of the result.

Sec. 192a. The commission shall by ordinance make such further regulations as may be necessary to carry out the provisions of this article.

ARTICLE XXV. MISCELLANEOUS

Sec. 193. For the purpose of the qualification and of the nomination of candidates and of electing and qualifying all officers provided for in this charter, this charter shall take effect from the time of the approval of the same by the legislature; for all other purposes it shall take effect on the first day of July, 1915.

Sec. 194. The members of the board of trustees, city clerk, city treasurer, city tax and license collector, city assessor, city recorder and the

trustees of the school districts in office at the time of the approval of this charter by the legislature shall severally continue to hold office and discharge their respective duties until the election and qualification of the commission, auditor, treasurer, city attorney and members of the board of education respectively first elected under this charter. The term of office of all other officers in office at the time this charter shall take effect shall cease and terminate when the commission first elected hereunder shall by resolution so declare.

Sec. 195. The board of trustees of the city of Alhambra in office at the time this charter is approved by the legislature, shall provide for the holding of the first general municipal election of officers under this charter, shall canvass the votes, declare the result, and fix the amounts and approve the bonds of all officers elected at such election according to the provisions relating to said bonds herein provided.

If for any reason, the first general municipal election is not held on the day herein provided for, the validity of this charter and of such election is not affected thereby, and the board of trustees of the city of Alhambra then in office must provide for the holding of said election as soon as possible thereafter.

Sec. 196. All lawful city ordinances, resolutions and regulations in force at the time this charter takes effect and not inconsistent with the provisions thereof are hereby continued in force until the same shall be duly amended or repealed.

Sec. 197. The violation of any provision of this charter or of any ordinance of the city shall be deemed a misdemeanor, and may be prosecuted by the authorities of the city in the name of the people of the state of California, or may be redressed by civil action, at the option of said authorities. Any person sentenced to imprisonment for the violation of a provision of this charter or of any ordinance may be imprisoned in the city jail, or, if the commission or ordinance shall so prescribe, in the county jail of the county in which the city of Alhambra is situated, in which case the expense of such imprisonment shall be a charge in favor of such county against the city of Alhambra.

Sec. 198. The provisions of this charter as to supervision and regulation by said city of any public utility operating therein shall not, and shall not be construed to affect or impair the right of the state railroad commission to exercise any powers of supervision, regulation or control over any such public utility, which the city may by vote have surrendered to such railroad commission or which such railroad commission may have been empowered to exercise by constitutional amendment adopted prior to the taking effect of this charter.

Sec. 199. This charter may be amended at such times and in such manner as is provided by the constitution of the state of California.

Sec. 200. In all matters pertaining to municipal officers, concerning which no special provision is made in this charter, the general law of the state shall be a part of this charter as far as the same may be applicable.

Sec. 201. The word "streets" when used in this charter, includes streets, highways, alleys, lanes, courts and public places.

Sec. 202. The word "city" wherever it is used in this charter, means the city of Alhambra, and every commission, department, board, division, officer or employee wherever mentioned in this charter means the commission, department, board, division, officer or employee, as the case may be, of the city of Alhambra, except that specific mention of the board of education and members thereof, refers only to said board or its members as the case may be. The term "commission" when used in this charter means the commission of the city of Alhambra.

Sec. 203. All rights, actions, proceedings, prosecutions, and contracts of the city, or any of its departments or officers, pending or unexecuted when this charter goes into effect, and not inconsistent therewith, shall be enforced, continued, or completed, in all respects as though begun or executed hereunder.

CERTIFICATE

WHEREAS, The city of Alhambra, a city containing a population of more than three thousand five hundred inhabitants, as ascertained and established by the census taken under the direction of the Congress of the United States in the year one thousand nine hundred ten, did on the thirteenth day of April, nineteen hundred and fourteen, at a general municipal election, and under and in accordance with the provisions of Section 8, Article XI of the constitution of the state of California, elect Chas. W. Allen, William B. Allen, Elmer E. Bailey, R. F. Bishop, Sherman A. Bullis, John L. Chase, Francis E. Corey, S. D. Crow, Frank B. Elwood, John B. Knox, William M. Northrup, F. W. Patten, Sloan Pitzer, Chester E. Strifer and Newton W. Thompson, a board of freeholders to prepare and propose a charter for said city, and

WHEREAS, the board of trustees as the legislative body of said city

did on the eighteenth day of April, 1914, ascertain and declare the resolution of such election,

BE IT KNOWN, That pursuant to the provisions of the constitution and within the period of one hundred twenty days after the result of said election was declared by the board of trustees of said city, said board of freeholders has prepared and does hereby propose the foregoing as and for the charter of the city of Alhambra; and that in submitting and proposing such charter the board of freeholders, pursuant to said provision of the constitution also presents with said charter, for the choice of the voters and to be voted on separately without prejudice to the other provisions contained in the charter an alternative proposition hereinafter stated; that said alternative proposition shall, if approved by the vote of a majority of the qualified electors voting thereon, take the place of section 101 of article XVI of the proposed charter; that said alternative proposition shall be submitted to the voters for their approval or rejection at the same election at which the charter shall be submitted and upon the ballots shall be printed "Shall the alternative proposition providing that hotels containing not less than forty bona fide bedrooms, may furnish vinous or malt liquors to guests or customers in connection with and as a part of a regular meal under such restrictions and regulations as may be adopted by the commission—take the place of section 101 of article XVI.?"

Said alternative proposition is as follows:

ALTERNATIVE PROPOSITION

ARTICLE XVI.

ALCOHOLIC LIQUORS

Sec. 101. No person, either as principal, agent, servant or employee, shall open, establish, keep, maintain or carry on within the corporate limits of the city of Alhambra, any tipling-house, dramshop, cellar, saloon, bar, bar-room, sample-room, club-room, or other place where spirituous, vinous, malt or other alcoholic liquors are sold, furnished, divided, distributed or given away.

No person, either as owner, employer, agent, clerk or employee shall sell or deliver any of the liquors in this section mentioned, or solicit such sale, or take orders for the same within the corporate limits of the city, provided that this section shall not apply to hotels containing not less than forty bona fide bedrooms, furnishing vinous or malt liquors to guests or customers in connection with and as a part of a regular meal under such restrictions and regulations as may be adopted by the commission; and also provided that this section shall not apply to the sale of such liquors by regularly licensed druggists upon the written prescription of a practicing physician regularly licensed to practice his profession in the state of California, nor to the sale by such druggists of alcohol for mechanical or scientific uses, under such restrictions and regulations as may be fixed by the commission.

IN WITNESS WHEREOF, we have hereunto set our hands in duplicate this 14th day of August, 1914.

NEWTON W. THOMPSON

Chairman of Board of Freeholders
SLOAN PITZER

Secretary of Board of Freeholders

R. F. BISHOP

S. D. CROW

SHERMAN A. BULLIS

WILLIAM B. ALLEN

JOHN L. CHASE

CHESTER E. STRIFLER

FRANK B. ELWOOD

F. W. PATTEN

ELMER E. BAILEY

WILLIAM M. NORTHRUP

FRANCIS E. COREY

JOHN B. KNOX

Filed in the office of the city clerk of the city of Alhambra this 15th day of August, 1914, at 3:00 o'clock p.m. O. M. CAULK,

aug26dt10

City Clerk of the city of Alhambra, California.

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