

CHARTER OF THE CITY OF SANTA CRUZ

AS AMENDED THROUGH THE NOVEMBER 3, 2026
ELECTION



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ARTICLE I. NAME OF CITY

SECTION 101. NAME.

The municipal corporation now existing and known as the "City of Santa Cruz" shall remain and continue to exist as a body politic and corporate as at present in name, in fact, and in law.

ARTICLE II. BOUNDARIES

SECTION 201. BOUNDARIES.

The boundaries of the City of Santa Cruz shall continue as now established until changed as authorized by law.

ARTICLE III. SUCCESSION

SECTION 301. RIGHTS AND LIABILITIES.

The City of Santa Cruz as successor in interest of the municipal corporation of the same name, heretofore created and existing shall own, possess, retain and control every right and all property of every kind and nature owned, possessed, retained or controlled prior thereto, subject to all debts, obligations, liabilities and duties of said City at the adoption hereof.

SECTION 302. ORDINANCES CONTINUED IN EFFECT.

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effect, and not in conflict or inconsistent herewith, are hereby continued in force until the same shall have been duly repealed, amended, changed or superseded by proper authority.

SECTION 303. RIGHTS OF OFFICERS AND EMPLOYEES PRESERVED.

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

SECTION 304. REPEALED. (3-6-79)

SECTION 305. REPEALED. (3-6-79)

SECTION 306. REPEALED. (3-6-79)

SECTION 307. REPEALED. (3-6-79)

ARTICLE IV. POWERS OF CITY

SECTION 401. POWERS OF CITY.

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

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SECTION 402. PROCEDURES.

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

ARTICLE V. FORM OF GOVERNMENT

SECTION 501. FORM OF GOVERNMENT.

The municipal government provided by this Charter shall be known as the “Council-Manager” form of government.

ARTICLE VI. ELECTIVE OFFICERS

SECTION 601. COUNCIL, NUMBER, TERM.

- (a) The elective officers of this City shall consist of six Councilmembers and a Mayor, each of the members of which, including the Mayor, shall have the right to vote upon all questions before it. The terms “Council”, “City Council”, “legislative body”, or other similar terms as used in this Charter or any other provision of law shall be deemed to refer to the collective body composed of the Mayor and Councilmembers unless such interpretation would be clearly contrary to the intent and context of such other provision.
- (b) Candidates for City Council shall be nominated from and by the electors of each of the six districts referred to in Article VII of this Charter. The term of office shall be four years. The term of each City Council member shall commence on the date of the second regularly scheduled Council meeting after the November general municipal election.
- (c) Candidates for Mayor shall be nominated from and by the electors of the City and elected by the voters of the City at-large. The term of office shall be four years. The term of Mayor shall commence on the date of the second regularly scheduled Council meeting after the November general municipal election.
- (d) No member of the Council shall be eligible for re-election, or for election to a different Council district, for two years (i.e. one general election cycle) after the expiration of the second consecutive full term of the office for which such person was elected. However, this prohibition shall not bar (1) a Councilmember elected by-district from running for Mayor immediately after two terms as a Councilmember, or (2) the Mayor from running as a by-district Councilmember immediately after two terms as Mayor. With that said, in no event may any person serve on the Council (as either a Councilmember or the Mayor) for more than sixteen (16) consecutive years. (Amended 6/7/2022 [Ord. 2022-12 § 1]; 3-6-79; 11-2-2004 [Measure M])

SECTION 602. QUALIFICATIONS.

- (a) A person shall be eligible to be nominated for, or to hold office as a Mayor, only if such person is a resident and registered qualified voter of this City, and shall have been for at least thirty (30) days preceding nomination or appointment. Should the Mayor, during their term, no longer reside within the City, their seat shall be deemed vacant immediately.
- (b) A person shall be eligible to be nominated for, or to hold office as a member of the Council, only if such person is a resident and registered qualified voter of the district from which that person has been nominated or appointed, and shall have been for at least thirty (30) days preceding nomination or appointment. Should a Councilmember, during a term with two years or less remaining, no longer reside within the district in which they were elected to but are still within City limits, they

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may continue to serve the remainder of the term. (Amended 6/7/2022 [Ord. 2022-12 § 1]; 3-6-79)

SECTION 603. SALARY.

At any municipal election, the question of whether City Councilmembers or the Mayor shall receive compensation for services, and the amount of compensation, may be submitted to the electors. If a majority of electors voting at the election favor it, all of the Councilmembers and the Mayor shall receive the compensation specified in the election call. Compensation of Councilmembers and the Mayor may be increased beyond the amount provided in this Section or decreased below the amount in the same manner.

Compensation of Councilmembers and the Mayor is set by the Municipal Code and may be increased by an ordinance enacted by the City Council or by an amendment to an ordinance enacted by the City Council but the amount of the increase may not exceed an amount equal to five (5%) percent for each calendar year from the operative date of the last adjustment of the salary in effect when the ordinance or amendment is enacted. No salary ordinance shall be enacted or amended by the City Council which provides for automatic future increases in salary.

Any amounts paid by the City for retirement, health and welfare, and Federal Social Security benefits shall not be included for purposes of the determining salary under this Section provided the same benefits are available and paid by the City for its employees. (Amended 11-3-81; 11-4-86; 11-3-98)

SECTION 604. PRESIDING OFFICER – MAYOR.

- (a) The Mayor shall be elected at-large, shall preside at the meetings of the Council, shall be a voting member of the Council, shall have a voice and vote in all Council proceedings, and shall be recognized as the titular head of the City government for all ceremonial purposes and by the Governor for purposes of military law but shall have no regular administrative duties.
- (b) The Mayor shall have the discretion to set City Council agendas and to change the order of business on the agendas provided, however, that an item may be added to a future City Council agenda at the direction of three members of the City Council.
- (c) The Mayor shall have the primary but not exclusive responsibility for interpreting the policies, programs, and needs of the City government to the people, and, as occasion requires, the Mayor may inform the people of any change in policy or program.
- (d) The Mayor shall perform such other duties consistent with the office as may be prescribed by this Charter or as may be imposed by the City Council.
- (e) The City shall maintain a “Council-Manager” form of government, and the Mayor possesses only such authority over the City Manager and the administrative branch as they possess as one member of the Council.
- (f) The Council shall elect a Vice-Mayor, who shall serve in such capacity at the pleasure of the City Council. The Vice-Mayor shall perform the duties of the Mayor during the Mayor's absence or disability. The Vice-Mayor shall be elected by the Council at the regular meeting in December. The Vice-Mayor shall serve until a successor has been elected. Nothing herein shall prevent a Councilmember from serving consecutive terms as Vice-Mayor. (Amended 6/7/2022 [Ord. 2022-12 § 1]; 3-6-79; 11-4-86; 11-6-90; 11-8-16 [Measure G])

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SECTION 605. COUNCIL VACANCIES.

A councilmember vacancy from whatever cause arising, shall be filled by appointment by the City Council, or by special election called by the Council.

If a vacancy is filled by appointment, the appointee shall be a qualified person from the district in which the vacancy has occurred and shall hold office until the second regularly scheduled meeting following the next municipal election and until a successor is elected and takes the oath of office. During the next election cycle following any vacancy, a Councilmember shall be elected to serve for the remainder of any unexpired term. If a vacancy is filled by special election, the person receiving the highest number of votes in the subject district shall, upon taking the oath of office, serve for the remainder of the unexpired term of the former incumbent and until a successor has been elected and takes the oath of office.

In the event a vacancy has not been filled by appointment or an election called within sixty (60) days after such office shall have been declared vacant, the Council shall forthwith call an election to fill such vacancy.

A vacancy in the office of Mayor from whatever cause arising, shall be filled for the remainder of the unexpired term by a special election called by the City Council to be held not less than 88 days nor more than 103 days after the effective date of the vacancy, except the special election may be conducted within 180 days of the effective date of the vacancy in order to consolidate with the City's general municipal election. An election shall not be ordered, and the office of Mayor shall remain vacant, if the term expires within the timeframe for holding a special election.

A City Council or Mayoral office shall become vacant and shall be so declared by the Council if a person elected or appointed fails to take the oath of office within sixty (60) days after the election or appointment, is absent from all regular meetings of the Council for sixty (60) days unless expressly permitted by the City Council in its official minutes, ceases to be an elector of the City, or is convicted of a crime involving moral turpitude. (Amended 6/7/2022 [Ord. 2022-12 § 1]; 3-6-79; 11-3-92)

SECTION 606. POWERS OF COUNCIL.

All powers of the City shall be vested in the City Council, subject to the provisions of this Charter and to the Constitution of the State of California.

SECTION 607. VOTING.

The Council shall pass ordinances and adopt resolutions by ayes and noes, entered upon its minutes, and a roll-call vote shall be had. All members present at any meeting must vote unless disqualified, in which case the disqualification shall be publicly declared and a record thereof made.

SECTION 608. ORDINANCES.

The enacting clause of every ordinance shall be: "Be it ordained by the City of Santa Cruz as follows:".

No ordinance, except an emergency ordinance- or an ordinance that takes effect upon adoption - shall be finally adopted by the Council on the day of its introduction, within five (5) days thereafter, at any meeting other than a regular meeting, or until its been published as required in this Charter. If any ordinance is altered after its introduction, except for the correction of typographical or clerical errors, the ordinance shall require a further reading not less than five (5) days after such alteration.

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SECTION 609. REPEAL OR AMENDMENT OF ORDINANCES.

No ordinance or portion thereof shall be repealed except by ordinance. No ordinance shall be revised, re-enacted, or amended by reference to its title only; but the ordinance to be revised or re-enacted, or the Section or Sections thereof to be amended, or the new Section or Sections to be added thereto, shall be set forth and adopted according to the method provided in this Section for the enactment of ordinances, and such revision, re-enactment, amendment or addition, shall be done by ordinance only.

SECTION 610. AUTHENTICATION OF ORDINANCES.

All ordinances shall be signed by the Mayor and attested by and filed with the City Clerk. Each ordinance shall be headed with a brief title which shall be indicative of the purpose thereof. Ordinances shall be numbered consecutively when adopted.

SECTION 611. EFFECTIVE DATE OF ORDINANCES.

No ordinance shall become effective until thirty days from and after the date of its adoption, except the following, which shall take effect upon adoption:

- (a) An ordinance calling or otherwise relating to an election;
- (b) An improvement proceeding ordinance adopted under some law, or procedural ordinance;
- (c) An ordinance declaring the amount of money necessary to be raised by taxation, or fixing the rate of taxation; or
- (d) An emergency ordinance adopted in the manner herein provided.

SECTION 612. EMERGENCY ORDINANCES.

Any ordinance declared by the City Council to be necessary as an emergency measure for preserving the public peace, health, safety or property, and containing a statement of the reasons for its urgency, may be introduced and adopted at one and the same meeting if passed by at least five (5) affirmative votes.

SECTION 613. PUBLICATION OF ORDINANCES.

The City Clerk shall post and publish an ordinance summary that consists of the title, a short summary of contents, the date of introduction, the vote taken, and a list of the places where the proposed ordinance is posted. Each ordinance summary, other than an emergency ordinance or an ordinance which takes effect upon adoption, shall be posted at least three (3) days prior to its adoption in three (3) prominent places in the City, one of which may be the City's Internet web page, and published in a newspaper of general circulation.

The City Clerk shall cause each emergency ordinance or ordinance which takes effect upon adoption to be published at least once in a newspaper of general circulation within fifteen (15) days after its adoption. (Amended 3-6-79; 11-2-2004 [Measure N])

SECTION 614. REGULAR MEETINGS.

The City Council shall hold at least one regular meeting each month, except in the month of July. The regular meeting dates shall be established annually by resolution of the City Council.

SECTION 616. PLACE OF MEETING.

All meetings shall be held in the Council Chambers of the City Hall, except when, by reason of special circumstances, the Council, Mayor or City Manager determines that the public interest will best be served by holding a meeting elsewhere within the City. If,

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by reason of fire, flood or other emergency, it would be unsafe to meet in the place designated, the meetings may be held for the duration of the emergency virtually (to the extent permitted by state law), or at such place as is designated by the Mayor or City Manager, or, if the Mayor or City Manager should fail to act, by four members of the City Council. (Amended 11-3-81; 11-8-94)

SECTION 617. QUORUM. PROCEEDINGS.

Four members of the City Council shall constitute a quorum to do business, but a less number may adjourn from time to time. The City Council shall judge the qualifications of its members as set forth by the Charter and shall judge all election returns. Each member of the City Council shall have the power to administer oaths and affirmations in any investigation or proceeding pending before the City Council.

The City Council may establish rules for the conduct of its proceedings and may impose appropriate penalties on any member or other person for disorderly conduct at any meeting.

It shall have the power and authority to compel the attendance of witnesses, to examine them under oath, and to compel the production of evidence before it. Subpoenas may be issued in the name of the City and be attested by the City Clerk. Disobedience of such subpoena, or the refusal to testify (other than upon constitutional grounds) shall constitute a misdemeanor.

SECTION 618. CODIFICATION OF ORDINANCES.

Any and all ordinances of the City which have been enacted and published in the manner required at the time of their adoption, and which have not been repealed, may be compiled, consolidated, revised, indexed, and arranged as a comprehensive ordinance code, and such code may be adopted by reference by the passage of an ordinance for such purpose. Such code need not be published in the manner required for other ordinances, but not less than three copies thereof shall be filed, for use and examination by the public, in the office of the City Clerk, at least five days prior to the adoption thereof. Subsequent amendments to Sections of the code shall be enacted in the same manner as herein required for the amendment of ordinances generally.

Detailed regulations pertaining to any subject, such as the construction of buildings, plumbing, electrical construction or other subjects which require extensive regulations, after having been arranged as a comprehensive code, may likewise be adopted en masse or substantially so by reference in the manner herein-above provided.

SECTION 619. VIOLATION OF ORDINANCE. PENALTY.

A violation of any ordinance of the City shall constitute either a misdemeanor or an infraction, either of which may be prosecuted in the name of the people of the State of California, or may be redressed by civil action. The Council shall specify any violation of ordinances which are to constitute misdemeanors, and all other violations shall constitute infractions. The Council may, by ordinance, establish a minimum fine and/or a maximum fine or penalty for any violation of a City ordinance, provided, however, that in the absence of such an ordinance, the maximum fine or penalty shall be that established by the general laws of the State of California for misdemeanors or infractions, respectively. (Amended 3-6-79; 11-4-86)

ARTICLE VII. ELECTIONS

SECTION 701. GENERAL MUNICIPAL ELECTIONS.

General municipal elections shall be called in the event of 1) measures to be voted on and/or 2) that no one candidate is elected to any office after the first round of elections.

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The two candidates receiving the highest number of votes for such office shall be the candidates, and the only candidates, whose names shall be printed upon ballots to be issued at the second or General Municipal Election. The candidate receiving the highest number of votes cast for all candidates for that office shall be declared elected. Members of the City Council shall serve for a term of four (4) years commencing on the date of the second regularly scheduled Council meeting after the general municipal election. (Amended 3-6-79; 11-4-86; 11-6-90)

SECTION 702. SPECIAL MUNICIPAL ELECTIONS.

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

SECTION 704. CANVASS OF RETURNS.

At its second regularly scheduled evening meeting after any municipal election, the Council of this City, at its usual meeting place, shall convene to duly canvass the returns of the municipal election, declare the results thereof, and install the newly elected officers. (Amended 11-6-90)

SECTION 705. PROCEDURE FOR HOLDING ELECTIONS.

Unless otherwise provided by ordinance hereafter enacted, all elections shall be held in accordance with the provisions of the Elections Code of the State of California, as the same now exist or may hereafter be amended, for the holding of elections in general law cities insofar as the same are not in conflict with this Charter.

SECTION 706. INITIATIVE, REFERENDUM AND RECALL.

Unless otherwise provided by ordinance hereafter enacted, the provisions of the Elections Code of the State of California as the same now exist or may hereafter be amended, governing the initiative, referendum and the recall of municipal officers, shall apply in the City insofar as such provisions of the Elections Code are not in conflict with this Charter.

SECTION 707. MAIL BALLOT ELECTIONS.

Any local, special, or consolidated election may be conducted wholly by mail provided that the City Council adopts a resolution authorizing the use of mailed ballots for the election; the election does not occur on the same date as a statewide direct primary election or statewide general election, and that it be conducted in accordance with the mail ballot election procedures set forth in the Elections Code of the State of California. (Added 11-2-2004 [Measure L])

SECTION 708. DISTRICTS.

The City shall be divided into six districts, the names and respective boundaries of which shall be as established by ordinance.

Following the national census and each tenth year thereafter the City Council may appoint a committee to study and report to the City Council on the advisability of redistricting the City. Upon receipt of any such committee report, and at any other time deemed necessary or desirable in order that the district boundaries be fair and logical, the City Council may by ordinance change and/or redefine the boundaries of any or all of the six districts herein established. The boundaries so defined shall be established in such manner that the districts shall, as nearly as practicable, constitute natural areas of contiguous and compact territory and provide fair representation on the City Council. Notwithstanding the provisions of Section 602, no redistricting shall disqualify any Councilmember from serving the remainder of their term, if elected, or until the next general municipal election, if appointed. Any territory hereafter annexed to or consolidated with the City shall, at the time of such annexation or consolidation, be

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added by ordinance of the City Council to an adjacent district or districts. (Added 6/7/2022 [Ord. 2022-12 § 2])

SECTION 709. TERRITORY NOT SPECIFICALLY DESCRIBED.

Any territory constituting a part of the City and not specifically included in any district shall be deemed included in the district with which it has the longest common boundary line. If there is no common boundary line with any district, then such territory shall be deemed included in the nearest district to it. (Added 6/7/2022 [Ord. 2022-12 § 2])

SECTION 710. VOTERS SIGNING NOMINATION PETITIONS.

The voters signing any petition for the nomination of any person to the office of Councilmember shall be residents and registered voters of the district from which such person is to be nominated. The voters signing any petition for the nomination of any person to the office of Mayor shall be residents and registered voters of the City. (Added 6/7/2022 [Ord. 2022-12 § 2])

SECTION 711. TWO ROUND ELECTION SYSTEM.

- (a) The Mayor and the by-district Councilmembers shall be elected using a Two Round Election System, also known as runoff voting. At the first round of elections, any candidate receiving a majority of the vote cast (i.e., 50% + 1) for all candidates for that office shall be declared elected.
- (b) If, after the first round of elections, there is any office to which no person was elected, then the two candidates for such office receiving the highest number of votes for such office shall be the candidates, and the only candidates, for such office whose names shall be printed upon ballots to be issued at the second or General Municipal Election; provided that, in any event, all persons receiving a number of votes equal to the highest or second highest number of votes received by any candidate shall also be candidates at such second election. The candidate receiving the highest number of votes cast for all candidates for that office at the second or General Municipal Election shall be declared elected.
- (c) Whenever practical, the first round of elections shall occur on the date of and be consolidated with the Statewide Primary Election.
- (d) The Council may, by ordinance, establish administrative rules and procedures for the City's Two Round Election System that are not inconsistent with this Section. (Added 6/7/2022 [Ord. 2022-12 § 2])

ARTICLE VIII. APPOINTIVE OFFICERS

SECTION 801. APPOINTMENT AND REMOVAL.

The City Manager and City Attorney shall be appointed by and may be removed by the affirmative votes of at least four (4) members of the Council, provided however that no such officer may be removed within sixty (60) days prior to, or within ninety (90) days following a general municipal election except by the affirmative votes of at least five (5) members of the Council. Except as otherwise provided in this Charter, and subject to the provisions of Article XI, all other officers and department heads of the City shall be appointed by the City Manager and shall serve at the pleasure of the City Manager. (Amended 11-4-86; 11-6-90)

SECTION 802. OTHER APPOINTIVE OFFICERS.

The City Council may provide by ordinance for the creation, continuation or abolishment of other City Offices and departments upon recommendation of the City Manager. Each department so created or continued shall be headed by an officer, as

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department head, who shall be appointed by the City Manager. The positions of such department heads shall not be included in the classified service. (Amended 11-4-86)

SECTION 804. CITY MANAGER. APPOINTMENT.

The City Manager shall be appointed upon the basis of executive and administrative qualifications. The City Manager shall be paid a salary commensurate with the responsibilities of chief administrative officer of the City. No Councilmember shall receive such appointment during the term for which such member shall have been elected, nor within one year after the expiration of such term.

SECTION 805. CITY MANAGER PRO-TEM.

The City Manager shall appoint, subject to the approval of the Council, one of the other officers of the City to serve as City Manager Pro-Tem during any temporary absence or disability of the City Manager. The Council may revoke its approval at any time and appoint another officer of the City to serve until the Manager shall return or such disability shall cease. The City Manager Pro-Tem shall have no authority to appoint or remove any City officer or employee except with the formal approval of the Council.

SECTION 806. CITY MANAGER. POWERS AND DUTIES.

The City Manager shall be the chief executive officer and the head of the administrative branch of the City government, shall be responsible to the City Council for the proper administration of all affairs of the City, and shall have the power and be required to:

- (a) Appoint and remove, subject to the Civil Service provisions of this Charter, and the ordinances, rules and regulations promulgated thereunder, all department heads of the City except as otherwise provided by this Charter, and pass upon and approve all proposed appointments and removals of subordinate employees by department heads.
- (b) Prepare the budget annually and submit it to the City Council and be responsible for its administration after adoption;
- (c) Prepare and submit to the City Council as of the end of the fiscal year, a complete report on the finances and administrative activities of the City for the preceding year;
- (d) Keep the City Council advised of the financial condition and future needs of the City and make such recommendations as may seem desirable;
- (e) See that all ordinances are enforced;
- (f) See that the provisions of all franchises, permits and privileges granted by the City are fully observed, and to report to the Council any violation thereof;
- (g) Exercise general supervision over all privately owned public utilities operating within the City;
- (h) Prepare rules and regulations governing the contracting for, purchasing, inspection, storing, inventory, distribution or disposal of all supplies, materials and equipment required by any office, department or agency or the City government and recommend them to the Council for adoption by ordinance;
- (i) Examine, or cause to be examined, without notice, the conduct of any officer or employee of the City;
- (j) Act, personally or through a designee, as Personnel Director in the Personnel

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Director's absence;

- (k) From time to time, in order to facilitate the prompt, economical and efficient dispatch of City business, assign officers and employees from any department or office to perform such duties or services in connection with any other department or office or to work in more than one such department or office;
- (l) Perform such other duties as may be prescribed by this Charter or required by the City Council, not inconsistent with this Charter. (Amended 3-6-87; 11-6-90)

SECTION 807. CITY MANAGER. COUNCIL TABLE.

The City Manager shall be accorded a seat with the City Council and shall be entitled to participate in the deliberations of the City Council, but shall not have a vote.

SECTION 808. REPEALED.

SECTION 809. NO INTERFERENCE BETWEEN THE COUNCIL AND CITY MANAGER

Neither the Council, nor any member, shall direct or request the appointment or removal of any person to, or from office by the City Manager or by any other appointing officer, or in any manner take part in the appointment or removal of an officer or employee in the administrative service of the City. Except for the purpose of inquiry, the Council and its members shall deal with the administrative services solely through the City Manager, and neither the Council nor any member thereof shall give orders to any City officer, either publicly or privately. Any member of the Council who violates this provision, or votes for a resolution or ordinance in violation hereof, shall be guilty of a misdemeanor and upon conviction thereof shall no longer serve as a member of the Council.

SECTION 811. CITY CLERK. POWERS AND DUTIES.

The City Clerk shall be the Clerk of the Council, and shall have the power and be required to:

- (a) Attend all meetings of the City Council and record and maintain a full and true record of all of the proceedings of the City Council in files that shall bear appropriate titles and be devoted to such purpose. The City Clerk shall maintain a general index sufficiently comprehensive to enable a person readily to ascertain matters contained therein;
- (b) Maintain ordinance and resolution files, into which shall be recorded all City ordinances and resolutions with the certificate of the Clerk annexed to each thereof stating the same to be the original or a correct copy, giving the number of said ordinance or resolution and, as to an ordinance requiring publication, stating that the same has been published or posted in accordance with this Charter;
- (c) Be the custodian of the seal of the City;
- (d) Administer oaths or affirmations, take affidavits and depositions pertaining to the affairs and business of the City and certify copies of official records;
- (e) Attend to the publication of all ordinances and all public notices when so directed by the Council or City Manager;
- (f) Have charge of all City elections;

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- (g) Perform such other duties as required by law, ordinance, or direction of the City Manager. (Amended 3-6-79; 11-3-81; 11-2-2004 [Measure O])

SECTION 812. CITY ATTORNEY. APPOINTMENT. POWERS AND DUTIES.

The City Attorney shall be a citizen of the United States admitted to the practice of law in all the courts of this State.

The City Attorney shall have the power and be required to:

- (a) Represent and advise the City Council and all City officers, commissions or boards or departments in all matters pertaining to their office;
- (b) Represent and appear for the City and any officer or employee, in any and all actions and proceedings in which the City or any officer or employee, in or by reason of their official capacity, is concerned or is a party, but the City Council shall have control of all legal business and proceedings and may employ other attorneys to take charge of any litigation or matter or to assist the City Attorney therein;
- (c) Attend all meetings of the City Council and give legal advice or opinions in writing whenever requested to do so by the City Council, or by any of the boards or officers of the City;
- (d) Approve the form of all bonds given to and all contracts made by the City, endorsing such approval thereon in writing;
- (e) Prepare any and all proposed ordinances or resolutions for the City and amendments thereto;
- (f) Prosecute, on behalf of the people, all criminal cases for violation of this Charter or of City ordinances;
- (g) Perform such other acts relating to the office as the Council shall require; and
- (h) On vacating the office, surrender all books, papers, files and documents pertaining to the City's affairs. (Amended 3-6-79)

SECTION 813. DIRECTOR OF FINANCE. POWERS AND DUTIES.*

There shall be a Department of Finance, the head of which shall be Director of Finance. Except as otherwise provided in this Charter, the Director of Finance shall have charge of the administration of the financial affairs of the City; and shall have the power and be required to:

- (a) Compile the budget expense and revenue estimates for the City Manager;
- (b) Supervise and be responsible for the disbursement of all public moneys and have control over all expenditures to ensure that budget appropriations are not exceeded;
- (c) Maintain a general accounting system for the City government and each of its departments, offices and agencies; keep books for and prescribe the financial forms to be used by each department, office, and agency; keep separate accounts for each item of the appropriations in the City budget, each of which accounts shall show the amount of the appropriation, the amount paid therefrom, the unpaid obligations against it, and the unencumbered balance; require reports of

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receipts and disbursements from each receiving and disbursing agency of the City government to be made daily or at such other intervals as may be deemed expedient; prepare for the City Manager in July of each year a complete financial statement and report as of the end of the preceding fiscal year;

- (d) Require and supervise keeping of current inventories of all property, real and personal, by the respective officers in charge thereof and periodically audit the same;
- (e) Submit to the City Council through the City Manager, a complete financial statement and report as of the end of each fiscal year that includes a statement of all receipts and disbursements in sufficient detail to show the exact financial condition of the City;
- (f) Collect all taxes, assessments, utility charges, license fees, and receive and have custody of all moneys receivable by the City from any source;
- (g) Deposit all moneys received in such depositories as may be designated by resolution of the City Council or, if no resolution be adopted, by the City Manager, and in compliance with all of the provisions of the State Constitution and laws of the State governing the handling, depositing and securing of public funds;
- (h) Disburse moneys on demands properly audited in a manner provided for in this Charter;
- (i) Audit and approve before payment, all bills, invoices, payrolls, demands or charges against the City government, and, with the advice of the City Attorney, determine the regularity, legality, and correctness of such claims, demands or charges;
- (j) Perform such other duties as are required by law, or ordinance, or direction of the City Manager. (Amended 3-6-79)

* Additional duties added by Ord. NS-740 as follows:

City Treasurer Functions. The Director of Finance of City shall act as treasurer under any law or proceedings under which the City may act, which requires certain duties to be performed by a City Treasurer;

Director of Finance; Additional Duties. In addition to the duties prescribed by Section 813 of the Charter of the City of Santa Cruz, the Director of Finance shall have the power and be required to:

- (a) Submit to the City Council a statement, quarterly, or more frequently if requested, in sufficient detail to show that expenditures under his control are within the budget appropriations;
- (b) Submit to the City Council, along with the statement mentioned in subparagraph (a) above, a report verifying that all expenditures have been audited and approved in the manner required by Section 813 of the Charter of the City of Santa Cruz.

ARTICLE IX. TRANSFER OF CITY FUNCTIONS

SECTION 901. TRANSFER OR CONSOLIDATION OF FUNCTIONS.

The Council may transfer or consolidate functions of the City government to or with appropriate functions of the State or County government, or may make use of such functions of the State or County government, and in case of any such transfer or consolidation the provisions of the Charter providing for the function of the City government so transferred or consolidated shall be deemed suspended during the continuance of such transfer or consolidation to the extent that such suspension is made necessary or convenient and is set forth in the ordinance or resolution establishing such transfer or consolidation. Any such transfer or consolidation may be

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repealed in like manner.

ARTICLE X. APPOINTIVE BOARDS AND COMMISSIONS

SECTION 1001. GENERAL.

The City Council shall have the power to establish such boards and commissions as shall be necessary for the effective accomplishment of municipal business. (Amended 11-4-86)

SECTION 1002. CREATION.

The boards or commissions provided for herein shall be established by charter, ordinance, resolution, or formal action of the City Council. The Council shall set forth the powers and duties of boards and commissions and shall establish the number, manner of appointment, and term of office of the members of the board or commission, provided, however, that the term of office shall not exceed four (4) years. (Amended 11-4-86)

SECTION 1003. REPEALED.

(Amended 11-4-86; Repealed 11-6-90)

SECTION 1004. APPROPRIATIONS.

The City shall include in its annual budget appropriations of sufficient funds for the efficient and proper functioning of the boards and commissions created pursuant to this article. (Amended 11-4-86)

ARTICLE XI. CIVIL SERVICE

SECTION 1101. MERIT PRINCIPLE.

Appointments and promotions of City Employees shall be made according to merit and fitness, to be ascertained, as far as practicable, by competitive examination.

SECTION 1113. REPEALED. (11-6-90)

SECTION 1102. REPEALED. (3-6-79)

SECTION 1103. REPEALED. (11-6-90)

SECTION 1104. REPEALED.

(Amended 11-4-86; Repealed 11-6-90)

SECTION 1106. REPEALED.

(Amended 3-6-79; Repealed 11-6-90)

SECTION 1108. REPEALED. (11-6-90)

SECTION 1109. REPEALED. (11-6-90)

SECTION 1110. REPEALED.

(Added 11-3-92; Repealed 11-3-98)

SECTION 1111. REPEALED.

(Amended 3-6-79; Repealed 11-6-90)

SECTION 1112. ABOLITION OF POSITIONS. LAYOFFS.

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Whenever it becomes necessary, in the opinion of the City Council, to abolish an office or position, or to reduce the number of officers or employees in a given class in the Classified Service and to discharge the officer or officers, employee or employees holding such position or positions for economy reasons or any similar cause, the City Council may do so by stating in its proceedings its reasons therefor. Should such office or position or positions be reinstated or any office or position or positions involving substantially the same duties be created or filled within one year, the officer or officers, employee or employees discharged shall be appointed thereto.

All layoffs shall be governed by seniority in service and shall be in the reverse order of employment. Reemployment shall be in the reverse order of the layoffs.

SECTION 1114. REPEALED. (11-6-90)

SECTION 1116. REPEALED. (11-6-90)

SECTION 1118. ADOPTION OF RULES AND REGULATIONS.

The Civil Service System provided for by this article shall be implemented by such rules and regulations governing the administration thereof as are adopted by the Council. (Amended 11-6-90)

SECTION 1119. COMPULSORY ARBITRATION FOR FIRE DEPARTMENT EMPLOYEE DISPUTES.

It is hereby declared to be the policy of the City of Santa Cruz that strikes by firefighters are not in the public interest and should be prohibited, and that a method should be adopted for peacefully and equitably resolving disputes that might otherwise lead to such strikes.

If any firefighter employed by the City of Santa Cruz willfully engages in a strike against the City, said employee shall be dismissed from their employment and may not be reinstated or returned to City employment except as a new employee. No officer, board, council or commission shall have the power to grant amnesty to any employee charged with engaging in a strike against the City.

The City, through its duly authorized representatives, shall negotiate in good faith with the recognized fire department employee organization on all matters relating to the wages, hours, and other terms and conditions of City employment, including the establishment of procedures for the resolution of grievances submitted by either employee organization over the interpretation or application of any negotiated agreement including a provision for binding arbitration of those grievances. Unless and until agreement is reached through negotiations between the City and the recognized employee organization for the fire department or a determination is made through the arbitration procedure hereinafter provided, no existing benefit or condition of employment for the members of the fire department bargaining unit shall be eliminated or changed.

All disputes or controversies pertaining to wages, hours, or terms and conditions of employment which remain unresolved after good faith negotiations between the City and the fire department employee organization shall be submitted to a three-member Board of Arbitrators upon the declaration of an impasse by the City or by the recognized employee organization involved in the dispute.

Representatives designated by the City and representatives of the recognized employee organization involved in the dispute, controversy or grievance shall each select one arbitrator to the Board of Arbitrators within three (3) days after either party

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has notified the other, in writing, that it desires to proceed to arbitration. The third member of the Arbitration Board shall be selected by agreement between the two arbitrators selected by the City and the employee organization, and shall serve as the neutral arbitrator and Chairman of the Board. In the event that the arbitrators selected by the City and the employee organization cannot agree upon the selection of the third arbitrator within ten (10) days from the date that either party has notified the other that it has declared an impasse, then either party may request the State of California Conciliation Service to provide a list of seven (7) persons who are qualified and experienced as labor arbitrators. If the arbitrators selected by the City and the employee organization cannot agree within three (3) days after receipt of such lists on one of seven (7) to act as the third arbitrator, they shall alternatively strike names from the list of nominees until only one name remains and that person shall then become the third arbitrator and chairman of the Arbitration Board.

Any arbitration convened pursuant to this section shall be conducted in conformance with, subject, and governed by Title 9 of Part 3 of the California Code of Civil Procedure.

At the conclusion of the arbitration hearings, the Arbitration Board shall direct each of the parties to submit, within such time limit as the Board may establish, a last offer of settlement on each of the issues in dispute. The Arbitration Board shall decide each issue by majority vote by selecting whichever last offer of settlement on that issue it finds most nearly conforms with those factors traditionally taken into consideration in the determination of wages, hours, and other terms and conditions of public and private employment, including, but not limited to, changes in average consumer price index for goods and services, the wages, hours, and other terms and conditions of employment of other employees performing similar services, and the financial condition of the City and its ability to meet the cost of the award.

After reaching a decision, the Arbitration Board shall mail or otherwise deliver a true copy of its decision to the parties. The decision of the Arbitration Board shall not be disclosed and shall not be binding until ten (10) days after it is delivered to the parties. During that ten-day period the parties may meet privately, attempt to resolve their differences, and by mutual agreement amend or modify any of the decisions of the Arbitration Board. At the conclusion of the ten-day period, which may be extended by mutual agreement between parties, the decision of the Arbitration Board together with any amendments or modifications agreed to by the parties shall be disclosed and shall be binding upon the parties. The City and the recognized employee organization shall take whatever action is necessary to carry out and effectuate the award.

The expenses of any arbitration convened pursuant to this section, including the fee for the services of the Chairman of the Arbitration Board, shall be borne equally by the parties. All other expenses which the parties may incur individually are to be borne by the party incurring such expense.

This section does not apply to members of the Fire Department's Fire Management bargaining unit. (Added 3-26-96)

ARTICLE XII. RETIREMENT

SECTION 1201. STATE SYSTEM.

The "Public Employees' Retirement System" (PERS), as it now exists or may hereafter be amended in the California Government Code, is hereby adopted for the City of Santa Cruz, and plenary authority and power are hereby vested in said City, its City Council and its several officers, agents and employees to do and perform any act, or exercise any authority granted, permitted, or required under the provisions of said Public Employees'

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Retirement System to enable said City to become or continue as a contracting City participating in the Public Employees' Retirement System; provided, however, that the City Council may terminate any contract entered into with the Board of Directors of the Public Employees' Retirement System only under authority granted by ordinance adopted by a majority vote of the electors of the City of Santa Cruz, voting on such proposition at an election at which such proposal is presented. (Amended 11-6-90)**SECTION 1202.**

ALLOWANCE FOR PRIOR SERVICE.

The provision heretofore made for death benefits and disability benefits for officers and employees within the retirement system for service prior to the effective date of the adoption of the employees' retirement system are hereby continued in effect.

ARTICLE XM. GENERAL PROVISIONS RELATING TO OFFICERS AND EMPLOYEES

SECTION 1301. OFFICIAL BONDS.

The City Council shall fix by ordinance the amounts and terms of the official bonds of all officers or employees who are required by this Charter or by ordinance to give such bonds. All bonds shall be approved as to form by the City Attorney, and, with the exception of the bond of the City Clerk, shall be filed with the City Clerk. The Clerk's bond shall be filed with the City Manager. Premiums on official bonds shall be paid by the City.

In all cases wherein an employee of the City is required to furnish a faithful performance bond, there shall be no personal liability upon, or any right to recover against, the employee's superior officer or other officer or employee, or the bond of the latter unless such superior officer, or other officer or employee is a party to, or has conspired in the wrongful act causing directly or indirectly such loss. (Amended 11-3-81)

SECTION 1302. REPEALED. (3-6-79)

SECTION 1303. REPEALED. (3-6-79)

SECTION 1304. DUTIES OF OFFICERS AND EMPLOYEES.

The City Council, by ordinance, may assign additional functions or duties to offices, departments or agencies established by this Charter, but may not discontinue or assign to any other office, department or agency any function or duty assigned by this Charter to a particular office, department or agency.

SECTION 1305. ADMINISTERING OATHS.

Each department head and deputy shall have the power to administer oaths and affirmations in connection with any official business pertaining to that department. (Amended 3-6-79)

SECTION 1306. DEPARTMENT HEADS. APPOINTMENT POWERS.

Each department head shall have the power to appoint and remove such deputies, assistants, subordinates and employees as are provided for by the City Council for that department upon the following conditions:

- (a) Subject to the Civil Service Provisions of this Charter and the ordinances, rules and regulations promulgated thereunder; and
- (b) Subject to approval of the City Manager being first had and received. (Amended 3-6-79; 11-6-90)

ARTICLE XIV. FISCAL ADMINISTRATION. BUDGET. TAXES.

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SECTION 1401. FISCAL YEAR.

The fiscal year of the City shall commence upon the first day of July of each year, or at such other time as may be fixed by ordinance.

SECTION 1402. ANNUAL BUDGET.

On or before the second Monday in May of each year every officer, commission or board shall transmit to the City Manager detailed estimates of income and expenditures for the ensuing fiscal year. At or before the first regular meeting of the Council in June of each year, the City Manager shall transmit to the Council a detailed budget showing estimated revenues and expenditures of the City and all departments thereof for the ensuing fiscal year.

SECTION 1403. ADOPTION OF BUDGET. ANNUAL TAX LEVY.

Not later than the first regular meeting in July, the Council shall adopt a budget and fix the rate of City taxes to be levied and collected upon all property contained in the assessment roll of the Assessor. Such tax levy, after allowing an adequate percentage of the assessed valuation for delinquencies, shall be such as will yield sufficient revenue, together with other sources of income, for the financial needs of the City for the current fiscal year.

SECTION 1404. REPEALED. (11-6-90)

SECTION 1406. BONDS.

In addition to other taxes herein authorized or authorized by State law, the Council shall have the power to levy and collect taxes sufficient to pay the interest and principal of the bonded indebtedness of the City. (Amended 11-6-90)

SECTION 1407. REPEALED. (11-6-90)

SECTION 1408. EMPLOYEES' RETIREMENT SYSTEM TAX.

In addition to the tax rates hereinabove authorized, the Council shall have the power to levy and collect taxes at not to exceed thirty-five cents on each one hundred dollars of such assessed value of all property for the creation and maintenance of the retirement system for officers and employees of this City within such retirement system.

SECTION 1409. DISBURSEMENT OF CITY MONEY.

Money shall be drawn from the Treasury only on warrants, as hereinafter prescribed, signed by such officer or officers as the Council may designate. The Director of Finance shall examine all payrolls, bills, invoices, demands or other charges against the City, and shall issue no warrant for payment unless the claim, demand or charge is in proper form, correctly computed, and approved, is legally due and payable, and appropriation has been made therefor which has not been exhausted, and unless there is sufficient money in the Treasury to make payment. Warrants drawn in payment of demands or charges conforming to budget appropriations shall be approved by the City Manager prior to payment; all other claims, demands or charges shall require the approval of the Council prior to payment.

SECTION 1410. CHANGES IN BUDGET APPROPRIATIONS.

The City Manager and Director of Finance shall see that each department and officer of the City shall operate such department or office in accordance with the annual budget appropriations thereof, as nearly as may be. Any appropriation may be changed during the budget year by resolution of the Council upon application of the appropriate department head or the City Manager. If at any time the City Manager shall ascertain

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that available income for the year will probably be less than the total appropriations thereof, the City Manager shall recommend to the City Council curtailments of departments and offices necessary to avoid expenditures in excess of adjustments of appropriations of income and the Council shall, by resolution, make necessary changes in any appropriations. (Amended 11-3-81)

SECTION 1411. TRANSFER OF APPROPRIATIONS.

Upon the recommendation of the City Manager, or with the City Manager's consent, the Council may, by resolution at any time, transfer funds from the unbudgeted reserve to any department or office that the Council may approve. (Amended 3-6-79)

SECTION 1412. LIMITATION ON EXPENDITURES.

No department or officer shall, during any budget year, expend or contract for, or incur any liability which involves the expenditure of money for any purpose in excess of the amounts appropriated therefor. Any contract, written or verbal, in violation of this Charter, shall be null and void. Any officer or employee who shall violate this Section shall be guilty of a misdemeanor and upon conviction thereof shall cease to hold such office or employment. Nothing in this Section, however, shall prevent the making of contracts of lease or for services for a period beyond the budget year in which such contract was made, when such contract is otherwise permitted by law.

SECTION 1413. LAPSE OF APPROPRIATIONS.

All appropriations shall lapse at the end of the fiscal year to the extent that they shall not have been expended or lawfully committed, and unexpended funds shall then revert to or become part of the general fund of the City, except such appropriations as are required by law to be continuously so appropriated from year to year. (Amended 3-6-79)

SECTION 1414. COMPETITIVE BIDDING.

Before making purchases of or contracts for, supplies, materials or equipment, ample opportunity shall be given for competitive bidding, under such rules and regulations and with such exceptions as the Council may prescribe in the ordinance setting up such rules and regulations.

SECTION 1415. CONTRACTS FOR PUBLIC WORKS.

Any public works or improvements costing more than such amount as may be prescribed by ordinance shall be executed by contract, except where a specific work or improvement is authorized by the Council to be performed directly by a City department or officer in conformity with detailed plans, specifications and estimates.

Notwithstanding any provision to the contrary in the California Public Contracts Code, or any other law or regulation of the City of Santa Cruz, the use of best value alternative project delivery methods including, but not limited to, progressive design-build, construction manager at risk, fixed-price design-build, and design-build-operate contracts is authorized for all public works projects. The City Council shall establish, by ordinance, regulations for the award, use and evaluation of such contracts.

All contracts entered into by the City shall be signed by the City Manager or other officer or officers as the Council may by ordinance or resolution prescribe. (Amended 11-4-86; 11-6-90; 3-3-20)

SECTION 1416. ACCOUNTING CONTROL OF CONTRACTS AND PURCHASES.

All contracts or purchase orders for public works not governed by Section 1415, and for purchases of supplies, materials, or equipment shall be executed by the City Manager or the City Manager's designee and shall be pursuant to a written requisition from the

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department head or officer whose appropriation will be charged therefor, and no contract or purchase order shall be issued to any vendor or supplier unless and until the Director of Finance certifies that there is to the credit of such department or office a sufficient unencumbered appropriation balance to pay for the supplies, materials, equipment, or contractual services, for which the contract or purchase order is to be issued. (Amended 11-6-90)

SECTION 1417. CONTRACTS BASED ON BOND ISSUES.

No contract shall be executed for the acquisition of any property or the construction of any improvement or betterment to be financed by the issuance of bonds, until the ordinance authorizing the issuance thereof shall have been adopted, and any contract executed prior thereto shall be unenforceable.

SECTION 1418. BONDED DEBT LIMIT.

The City shall not incur an indebtedness evidenced by general obligation bonds which shall in the aggregate exceed the sum of fifteen percent (15%) of the total assessed valuation for purposes of City taxation, of all the real and personal property within the City, exclusive of any indebtedness that has been or may hereafter be incurred for the purposes of acquiring, constructing, extending or maintaining municipal utilities for which purpose a further indebtedness may be incurred by the issuance of bonds, subject only to the provisions of the State Constitution and of this Charter.

SECTION 1420. TAX ANTICIPATION NOTES.

During any fiscal year, in anticipation of collection of property taxes for such year, whether levied or to be levied therein, the Council may, by resolution, authorize the borrowing of money upon negotiable promissory notes of the City, each of which shall be designated, "Tax anticipation note for the year" (stating the fiscal year). Such notes may be issued for periods not exceeding one year, and may be renewed from time to time within such year, and all such notes shall mature and be paid not later than the end of the fiscal year in which they were originally issued. The total amount of such tax anticipation notes in any fiscal year shall not exceed thirty percent of the amount of property tax levied in that year for City purposes.

SECTION 1421. SALE OF NOTES.

All promissory notes issued pursuant to this article may be sold at not less than par and accrued interest at private sale without previous advertisement.

SECTION 1422. PAYMENT OF NOTES.

Any note may be made payable prior to maturity at the option of the City. The power and obligation of the City to pay any and all notes hereby authorized shall be unlimited, and the City shall levy ad valorem taxes on all taxable property within the City for payment of the principal and interest of such notes without limitation of rate or amount. The faith and credit of the City is hereby pledged for the payment of the principal and interest of all notes of the City hereafter issued pursuant to this article, whether or not so stated in any such note.

SECTION 1423. GENERAL RESERVE ACCOUNT.

As soon as practical the Council shall establish and thereafter maintain a permanent revolving account to be known as the General Reserve Account, for the purpose of keeping the payment of the current expenses of the City on a cash basis. When established said account shall be maintained in an amount sufficient to meet all legal demands against the treasury for the first five months or other necessary period of each fiscal year prior to the receipt of taxes. The Council shall have power to transfer from the General Reserve Account to any other account or fund such sum or sums as may be required to place such account or fund, as nearly as possible, on a cash basis. It shall be

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the duty of the Council to provide that all moneys so transferred from the General Reserve Account be returned thereto at or before the end of the fiscal year in which such transfers are made; provided, that in any fiscal year in which the total balance in said General Reserve Account exceeds forty percent of the total amount of the general budget for that year, the Council may appropriate such excess for any City purpose without returning same.

SECTION 1424. PUBLIC SERVICE DEPARTMENTS' DEPRECIATION FUNDS.

The Council shall annually set aside from the net income of each of its revenue producing public utilities (after providing for the payment of principal, interest, reserve fund, and sinking fund requirements of any revenue bonds and for maintenance and operation of such public utility), as a separate depreciation fund for each of them, a sum which, according to the estimate of the City Manager, and approved by the Council, shall be sufficient to meet the normal depreciation of such public utility. Such depreciation funds shall be used only for the replacement, betterment and extension of the plants, facilities and equipment of said public utilities respectively, and for the payment of principal of and interest on, or retirement prior to maturity of, any bonds of the City to the extent that proceeds thereof have been applied to such replacement, betterment or extension. None of the surplus earnings of any such public utility, including the sewer and sewage disposal system, shall be transferred from any such public utility without a majority vote of the qualified electors of the City at an election at which such a proposition shall be submitted to them; provided, however, that while Ordinance No. 1497, or any amendment thereof is in effect, revenue of the City water system may be used as therein prescribed; provided, further, that surplus funds of the water department may be borrowed for temporary replenishment of the general fund of the City during the first five months of any fiscal year by a vote of five members of the Council, but all sums so borrowed must be repaid during the same fiscal year in which such borrowing occurs.

SECTION 1425. DEPARTMENTAL TRUST FUND.

The City Council may prescribe by ordinance for the setting up of a Finance Departmental Trust Fund into which the collections of the Police Department, License Collector, Building Officer, or other departments or officers, may be deposited by the respective officers at frequent intervals during each month, with the advice of each deposit being furnished to the Director of Finance.

Withdrawals from such fund may be made by the Director of Finance only on order signed by the proper department head and only for the following purposes:

- (a) The making of refund of bail which has been exonerated, or of other refundable deposits, revolving fund advances authorized by the City Council, or for the correction of clerical or ministerial errors in the receipt of payments to the City; and
- (b) The making of settlements with City funds at the end of each calendar month for collections accumulated during such month. (Amended 3-6-79)

SECTION 1427. PROFESSIONAL AUDIT.

At the beginning of each fiscal year the City Council shall employ a qualified public accountant who shall, from time to time during such year, examine the books, records, inventories, and reports of all officers and employees who receive, handle or disburse public funds, and of such other officers, employees, or departments as the City Council may direct. At the end of the year a final audit and report shall be submitted to the City Manager, the City Clerk, the City Attorney, additional copies to be placed on file in the office of the City Clerk and on the City's Internet web page, and available for inspection by the public.

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SECTION 1428. CITY PROPERTY.

The rights of the City in and to the waterfront and tidelands vested in it in fee or in trust, are inalienable, unless authorized by the affirmative vote of the majority of the qualified electorate of the City of Santa Cruz. Other City property in use for a public purpose shall be inalienable, except for the same or another public purpose, unless authorized by the affirmative vote of a majority of the qualified electors of the City voting on the proposition, except such other property as may be determined by the affirmative vote of five (5) members of the Council to be no longer necessary for public purposes.

SECTION 1429. WATER SYSTEM INALIENABILITY.

The Council shall never sell, lease, assign, convey, mortgage, or hypothecate the water system, or any part thereof, unless authorized so to do by majority vote of the qualified electorate of the City of Santa Cruz; provided, however, that property determined by the affirmative vote of five (5) members of the Council to be surplus, and not necessary as a part of the operating water system, may be disposed of. Nothing in this Section shall be construed to limit the authority of the City to issue notes, bonds or other obligations pursuant to its municipal affairs powers as a charter city to finance improvements to the water system, which are secured by a pledge of the revenues derived from the water system. (Amended 11-8-16 [Measure H])

SECTION 1430. REPEALED.

(Added 11/7/2006; repealed by judicial decision, April 20, 2007)

SECTION 1431. VOTER APPROVAL FOR DESALINATION PROJECTS.

1. Purpose. The purpose of this section is to enact a comprehensive policy ensuring that the City of Santa Cruz does not approve, permit, or fund a desalination project without voter approval. Accordingly, this would require an affirmative vote by a simple majority of Santa Cruz voters at a statewide general, statewide primary, or regularly scheduled municipal election before any such desalination project could be implemented.
2. Findings. The citizens of the City of Santa Cruz find:
 - (a) that the proposal to construct and operate a desalination facility raises serious economic, environmental, and community concerns of such importance that a decision to approve such a project should not be made unless approved by a majority of voters at a statewide general, statewide primary, or regularly scheduled municipal election.
 - (b) that the City has already spent millions of dollars in pursuit of desalination without a public vote or rate payer approval. According to the City Urban Water Management Plan, "The current estimated cost for design, permitting, property acquisition and construction of a regional desalination plant between 2010 and 2018 is approximately \$116 million." Ratepayers will pay many millions more in debt service, operation, and maintenance.
 - (c) that there are less costly and less environmentally damaging alternatives to desalination. These include, but are not limited to, effective water-neutral development policies, increased incentives for conservation, operational improvements to the reservoir system, infrastructure upgrades, leak detection, increased water storage capacity, water recycling, plumbing fixture and appliance retrofits, drought-tolerant landscaping, gray water irrigation, rainwater harvesting, water transfers between districts, and watershed restoration.

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(d) that implementation of a comprehensive program of alternatives to desalination would provide significant public benefits by supplying water at less cost to rate payers, with less damage to the environment, using far less energy, and would also help to create local jobs and business opportunities.

3. Voter Approval for Desalination Projects.

(e) Voter Approval. Notwithstanding any other provision of this Charter, no legislative action by the City that would authorize or permit the construction, operation, and/or acquisition of a desalination project, or that would incur any bonded or other indebtedness for that purpose, shall be valid or effective unless such action is authorized by an affirmative vote of a majority of qualified electors in the City of Santa Cruz voting on the question at a statewide general, statewide primary, or regularly scheduled municipal election. Provided that it has first fully complied with the California Environmental Quality Act, Public Resources Code section 21000, et seq., the City Council may put the question of approval of such action before the voters at a statewide general, statewide primary, or regularly scheduled municipal election according to any procedure authorized by this Charter.

(f) Definitions.

(1) As used in this section, “legislative action” means adoption of or amendments to the City’s General Plan, Zoning Map, Zoning Code, Municipal Code, or approval of a development agreement, or any other act by the City Council that is legislative in nature.

(2) As used in this section, “desalination project” means any project intended to provide potable domestic, commercial, and/or industrial water supply through the removal of salts and other minerals from ocean water, regardless of the physical or chemical process used.

4. Interpretation and Severability. This Charter Amendment shall be interpreted so as to be consistent with all federal and state laws, rules, and regulations. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, part, or portion of this Charter Amendment is held to be invalid or unconstitutional by a final judgment of a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Charter Amendment. The voters hereby declare that this Charter Amendment, and each section, subsection, paragraph, subparagraph, sentence, clause, phrase, part, or portion thereof would have been adopted or passed even if one or more sections, subsections, paragraphs, sub-paragraphs, sentences, clauses, phrases, parts, or portions are declared invalid or unconstitutional. If any provision of this Charter Amendment is held invalid as applied to any person or circumstance, such invalidity shall not affect any application of this Charter Amendment that can be given effect without the invalid application. This Charter Amendment shall be broadly construed in order to achieve the purposes stated in this Charter Amendment. It is the intent of the voters that the provisions of this Charter Amendment shall be interpreted by the City in a manner that facilitates the purposes set forth in Section 1 of this Charter Amendment.

5. Effect of Alternative Measure on Same Ballot. This Charter Amendment adopts a comprehensive policy for protection the City of Santa Cruz’s neutral environment, coastal resources, public infrastructure, and municipal finances from being utilized for a desalination project without prior approval by City voters. By voting for this Charter Amendment, the voters expressly declare that any other measure that

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appears in the same ballot as this Charter Amendment and conflicts with, or purports to amend, any provision of this Charter Amendment, shall be deemed to conflict with the entire set of policies adopted by this Charter Amendment. Because of this conflict, if this Charter Amendment and any such other measure receive a majority of votes by the voters voting thereon at the same election, then the measure receiving the most votes in favor shall prevail in its entirety and no provision of the other measure shall take effect.

6. Retroactive Application. In the event this Charter Amendment is adopted by the voters, its provisions shall apply retroactively as of the date the measure was found to have qualified for placement on the ballot. (Added 12/11/2012)

SECTION 1432. CITY OF SANTA CRUZ CHILDREN'S FUND.

1. Children's Fund Established. The "Santa Cruz Children's Fund" is hereby established within the City's General Fund.
2. The goals of the Santa Cruz Children's Fund are to support enhancement and expansion of evidenced-based programs to prioritize access to early childhood development, prevention, and vulnerable youth programs, without supplanting existing City of Santa Cruz services or investments.
3. Notwithstanding any other provision of law, effective July 1, 2022, the Santa Cruz Children's Fund shall receive funds from the City's General Fund equivalent to twenty percent (20%) of the City of Santa Cruz's audited total actual annual unrestricted revenues derived from the City's Cannabis Business tax. The annual amount of revenue for the next fiscal year shall be estimated by the City Manager no later than January 15 of each year, beginning January 15, 2022. Twenty percent (20%) of the estimated amount of the City's unrestricted Cannabis Business Tax revenue for the next fiscal year shall be deposited in the Fund no later than July 1 of each year. The Director of Finance shall publish the audited actual amount of Cannabis Business Tax revenues for the prior fiscal year not later than January 15 of each subsequent year, beginning January 15, 2022. Differences between the amount of estimated revenues deposited in the Fund and the audited actual amount of revenues for a fiscal year shall be reconciled by an adjustment in the amount deposited in the Fund for the following fiscal year.
4. Monies in the Santa Cruz Children's Fund shall be appropriated by the City Council to support enhancement and expansion of evidenced-based programs to prioritize access to early childhood development, youth prevention, and vulnerable youth programs. The City Council shall designate a community oversight panel to make recommendations on the use of future revenues in a manner consistent with this Section which may include, but shall not be limited to, representatives of the following:
 - A. The City's Parks and Recreation Commission;
 - B. The Santa Cruz City School District;
 - C. First Five Santa Cruz;
 - D. Youth Organizations;
 - E. The City Council.
5. Monies in the Santa Cruz Children's Fund shall not be appropriated or expended for:
 - A. any service which merely benefits children and youth incidentally;
 - B. acquisition, lease, or maintenance of any capital item or real property not for primary and direct use by children and youth; or

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- C. any service for which a fixed or minimum level of expenditure is mandated by state or federal law, to the extent of the fixed or minimum level of expenditure. (Added 11/2/2021 [Ord. 2021-22 § 4])

ARTICLE XV. FRANCHISES

SECTION 1503. GRANTING OF FRANCHISES.

The City Council is empowered to grant by ordinance a franchise to any person, firm or corporation empowered by law to furnish the City and its inhabitants with transportation, communication, terminal facilities, water, light, heat, power, refrigeration, storage or any other public utility or service to use the public streets, ways, alleys and places as the same now or may hereafter exist, for the construction and operation of plants, works, or equipment necessary or convenient for the furnishing thereof, or necessary or convenient for traversing any portion of the City for the transmitting or conveying of any service elsewhere. The City Council may prescribe the terms and conditions of any such grant. It may also provide, by procedural ordinance, the method of procedure and additional terms and conditions for making such grants, subject to the provisions of this Charter.

SECTION 1504. RESOLUTION OF INTENTION, NOTICE AND PUBLIC HEARING.

Before granting any franchise, the City Council shall pass a resolution declaring its intention to grant the same, stating the name of the proposed grantee, the character of the franchise and the terms and conditions upon which it is proposed to be granted. Such resolution shall fix and set forth the day, hour and place when and where any persons having any interest therein or any objection to the granting thereof may appear before the City Council and be heard thereon. It shall direct the City Clerk to publish said resolution at least once within fifteen (15) days of the passage thereof, in the official newspaper. The time fixed for such hearing shall not be less than twenty (20) nor more than sixty (60) days after the passage of said resolution.

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

SECTION 1505. TERM OF FRANCHISE.

Every franchise shall state the term for which it is granted, which, unless it be indeterminate as provided for herein, shall not exceed thirty-five (35) years.

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

SECTION 1506. EMINENT DOMAIN.

No franchise grant shall in any way or to any extent impair or affect the right of the City to acquire the property of the grantee thereof, either by purchase or through the exercise of the right of eminent domain, and nothing herein contained shall be construed to contract away or to modify or to abridge either for a term or in perpetuity the City's right of eminent domain with respect to any public utility. Every franchise

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grant shall reserve to the City the right to purchase the property of such utility either at an agreed price or a price to be determined in the manner provided for by the General Laws of this State.

SECTION 1507. DUTIES OF GRANTEE.

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

- (a) Comply with all lawful ordinances, rules and regulations theretofore or thereafter adopted by the City Council in the exercise of its police power, governing the construction, maintenance and operation of its plants, works and equipment;
- (b) Pay to the City on demand the cost of all repairs to public property made necessary by any of the operations of the grantee under such franchise;
- (c) Indemnify and hold harmless the City and its officers from any and all liability for damages proximately resulting from any operations under such franchise;
- (d) Remove and relocate without expense to the City any facilities installed, used and maintained under the franchise if and when made necessary by any lawful change of grade, alignment or width of any public street, way, alley or place, including the construction of any subway or viaduct; and
- (e) Pay to the City during the life of the franchise, if operative wholly within the City, a percentage, to be specified in the grant, of the gross annual receipts of the grantee within the limits of the City, or such other compensation as the City Council may prescribe in the grant, or for a franchise to a public utility operating within and without the City such compensation as may be provided by the General Laws of the State.

ARTICLE XVI. SCHOOL DEPARTMENT REPEALED. (3-3-20)

ARTICLE XVII. MISCELLANEOUS

SECTION 1701. DEFINITIONS.

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

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

SECTION 1702. VIOLATIONS.

The violation of any provision of this Charter shall be deemed an infraction, or a misdemeanor punishable upon conviction by a fine or imprisonment or both up to the maximum penalty provided for by California Penal Code. (Amended 11-6-90)

SECTION 1703. VALIDITY.

If any provision of this Charter, or the application thereof to any person or circumstance is held invalid, the remainder of the Charter, and the application of such provision to other persons or circumstances, shall not be affected thereby.

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