

OFFICIAL CHARTER

ADOPTED: February 4, 1964



AMENDED: March 28, 2006

CHARTER OF THE CITY OF SEAL BEACH

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Amended:

November 5, 1968
 November 7, 1972
 November 5, 1974
 March 30, 1976
 March 8, 1977
 November 7, 1978
 June 5, 1990
 March 5, 2002

THE CHARTER OF THE CITY OF SEAL BEACH

ARTICLE I

INCORPORATION AND SUCCESSION

SECTION 100. Name of the City. The municipal corporation now existing and known as the City of Seal Beach shall remain and continue a body politic and corporate in name and in fact, by the name of the City of Seal Beach.

SECTION 101. Boundaries. The boundaries of the City of Seal Beach shall continue as now established until changed in the manner authorized by law.

SECTION 102. Rights and Liabilities. The City of Seal Beach 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.

SECTION 103. Ordinances. All lawful ordinances, resolutions, rules and regulations, or portions thereof, in force at the time this Charter takes effect and not in conflict with or inconsistent herewith, are hereby continued in force until the same have been duly repealed, amended, changed or superseded by proper authority.

SECTION 104. Continuance of Contracts and Public Improvements. All contracts entered into by the City, or for its benefit prior to the effective date of this Charter, shall continue in full force and effect. Public improvements for which proceedings have been instituted under laws existing at the time this Charter takes effect, in the discretion of the City Council, may be carried to completion as nearly as practicable in accordance with the provisions of such existing laws or may be continued or perfected under this Charter.

SECTION 105. Pending Actions and Proceedings. No action or proceeding, civil or criminal, pending at the time when this Charter takes effect, brought by or against the City or any officer, office, department or agency thereof, shall be affected or abated by the adoption of this Charter or by anything herein contained, but all such actions or proceedings may be continued notwithstanding

that functions, powers and duties of any officer, office, department or agency a party thereto, may be assigned or transferred by or under this Charter to another officer, office, department or agency, but in that event the same may be prosecuted or defended by the head of the office, department or agency to which such functions, powers and duties have been assigned or transferred by or under this Charter.

SECTION 106. Continuance of Present Officers and Employees. The members of the City Council in office at the time of the approval of this Charter by the Legislature shall continue to hold office and discharge their duties for the balance of the term for which they were elected, or until their successors are elected and qualified. All appointive officials, officers and employees of the City now in the office or employed at the time of the approval of this Charter by the Legislature, shall continue to hold their office or employment until they are re-appointed or their successors are appointed in their place in accordance with the provisions of this Charter.

SECTION 107. Emergency Powers. Notwithstanding any general or special provisions of this Charter, the Council, in order to insure continuity of governmental operations in periods of emergency resulting from disasters of whatever nature, shall have the power and immediate duty:

- a) To provide for prompt and temporary succession to the powers and duties of all City officers, of whatever nature and whether filled by election or appointment, the incumbents of which may become unavailable for carrying on the powers and duties of such offices, and
- b) To adopt such other measures as may be necessary and proper for insuring the continuity of City operations, including, but not limited to the financing thereof. In the exercise of the powers herein conferred, the City Council, in all respects, shall conform to the requirements of this Charter except that at such times they may make purchases and enter into contracts without calling for bids or giving therefore; to the extent the emergency requires such action.

SECTION 108. Effective Date of Charter. This Charter shall take effect upon its approval by the Legislature.

ARTICLE II

POWERS OF THE CITY

SECTION 200. General Powers. 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.

SECTION 201. Procedures. The City shall have the power and may act pursuant to any procedure established by this Charter, or by ordinance.

ARTICLE III

FORM OF GOVERNMENT

SECTION 300. Council-Manager Form of Government. The municipal government provided by this Charter shall be known as the “Council-Manager” form of government.

SECTION 301. Residency Requirements. The Constitution and laws of the State of California shall govern residency requirements for Council members, the City Clerk and the City Manager. (Amended 2002)

ARTICLE IV

ELECTIVE OFFICERS

SECTION 400. Elective Officers. The elective officers of the City shall consist of a City Clerk elected from the City at large, and five (5) members of the City Council, one (1) elected from each of the five (5) Councilmanic Districts as prescribed in Article V. The terms of elective officers shall be four (4) years and until their respective successors qualify. The term of each elective officer shall commence on the twenty-first (21st) day following his/her election at the time of the completion of the canvass of the election returns. (Amended 1974, 1978, 2006)

SECTION 401. (Repealed 2002)

SECTION 402. Compensation. Compensation for the members of the City Council shall be established by ordinance in accordance with provisions of Sections 36516 and 36516.5 of the State of California Government Code as such provisions now exist or may thereafter be amended. Each member of the City Council shall receive reimbursement for Council authorized expenses in accordance with provisions of Section 36514.5 and 37201 through 37205 of the State of California Government Code. (Amended 1990)

SECTION 403. Vacancies. A vacancy in any elective office shall be filled in accordance with state law. (Amended 2006)

SECTION 404. City Council. Presiding Officer, Mayor.

- a) Upon the completion of the canvass of the election returns of any municipal election at which any member or members of the City Council is or are elected, the City Council shall meet and shall elect one (1) of its members as its presiding officer, who shall have the title of Mayor. The Mayor shall have a voice and vote in all its proceedings. The Mayor shall be the official head of the City for all ceremonial purposes. The Mayor shall also act in a liaison capacity between the City Council and the City Manager, and in such capacity shall advise the City Manager on matters of Council Policy. 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. The Mayor shall serve in such capacity at the pleasure of the City Council.
- b) Mayor Pro Tempore. At the same time as a Mayor is selected, the City Council shall also designate one (1) of its members as Mayor

Pro Tempore, who shall serve in such capacity at the pleasure of the City Council. The Mayor Pro Tempore shall perform the duties of the Mayor during the Mayor's absence or disability. (Amended 1974)

SECTION 405. Powers Vested in the City Council. All powers of the City shall be vested in the City Council except as otherwise provided in this Charter.

SECTION 406. Interference in Administrative Service. Neither the City Council nor any of its members shall interfere with the execution by the City Manager of his/her powers and duties; or order, directly or indirectly, the appointment by the City Manager or by any of the department heads in the administrative service of the City, of any person to an office or employment or removal therefrom. Except for the purpose of inquiry, the City Council and its members shall deal with the administrative service under the City Manager solely through the City Manager and neither the City Council nor any member thereof shall give orders to any subordinate of the City Manager, either publicly or privately.

SECTION 407. Meetings. The City Council shall hold regular meetings at least once each month in accordance with the Brown Act (California Government Code Section 54950 et seq.), as such statute now exists or may hereafter be amended, at such times, as it shall fix by ordinance or resolution. The City Council may adjourn or re-adjourn any meeting and may call special meetings, in accordance with the Brown Act. If at any time any regular meeting falls on a holiday, such regular meeting may be held thereafter prior to the next regular meeting. (Amended 2002)

SECTION 408. (Repealed 2002 – Superseded by Section 407)

SECTION 409. Place of Meeting. All meetings shall be held in such place, as the City Council shall fix by ordinance or resolution, or in such place to which any such meeting may be adjourned and shall be open to the public. If, by reason of fire, flood, or other emergency, it shall be unsafe to meet in the place designated, the meetings will be held for the duration of the emergency at such place as is designated by the Mayor, or if he/she should fail to act, by three (3) members of the City Council.

SECTION 410. Quorum. Proceedings. A majority of the members of the City Council shall constitute a quorum to do business, but a less number may adjourn from time to time. In the absence of all of the members of the City Council from any regular meeting, the City Clerk may declare the same adjourned to a stated day and hour. Notice of a meeting adjourned by less than a quorum or by the Clerk shall be given by the Clerk or may be waived by consent in the same manner as specified in this Charter for the giving or waiving of notice of special meetings of the City Council, but need not specify the matters to be acted upon.

The City Council shall judge the qualifications of its members as set forth by the Charter. It shall judge all election returns. It may establish rules for the conduct of its proceedings and evict or prosecute any members or other person for disorderly conduct at any of its meetings.

Each member of the City Council shall have the power to administer oaths and affirmations in any investigation or proceedings pending before the City Council. The City Council 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 shall be issued in the name of the City attested by the City Clerk. Disobedience of such subpoenas, or the refusal to testify (except as to privileged matters), shall constitute a misdemeanor, and shall be punishable in the same manner as violations of this Charter are punishable.

At the demand of any member or upon the adoption of any ordinance, resolution, or order for the payment of money, the City Clerk shall call the roll and shall cause the ayes and noes taken on such question to be entered upon the minutes of the meeting.

SECTION 411. Citizen Participation. No citizen shall be denied the right, personally or through counsel, to present grievances at any regular meeting of the Council, or offer suggestions for the betterment of municipal affairs subject always to the rules of the City Council governing the conduct of Council meetings.

SECTION 412. Adoption of Ordinances and Resolutions. With the sole exception of ordinances, which take effect upon adoption, referred to in this Article, no ordinance shall be adopted by the City Council on the day neither of its introduction, nor within five (5) days neither thereafter nor at any time other than at a regular or adjourned regular meeting. At the time of its introduction an ordinance shall become part of the proceedings of such meeting in the custody of the City Clerk. At the time of adoption of an ordinance or resolution, it shall be read in full, unless after the reading of the title thereof, the further reading thereof is waived by unanimous consent of the council members present. In the event that any ordinance is altered after its introduction, the same shall not be finally adopted except at a regular or adjourned regular meeting held not less than five (5) days after the date upon which such ordinance was so altered. The correction of typographical or clerical errors shall not constitute the making of an alteration within the meaning of the foregoing sentence.

No order for the payment of money shall be adopted or made at any other than a regular or adjourned regular meeting.

Unless a different vote is required by other provisions of this Charter, the affirmative votes of at least three (3) members of the City Council shall be

required for the enactment of any ordinance, or for the making or approving of any order for the payment of money. All ordinances and resolutions shall be signed by the Mayor and attested by the City Clerk.

Any ordinance declared by the City Council to be necessary as an emergency measure for preserving the public peace, health, or safety, and containing a statement of the reasons for its urgency, may be introduced and adopted at one and the same meeting.

SECTION 413. Ordinances. Enactment. In addition to such other acts of the City Council as are required by this Charter to be by ordinance, every act of the City Council establishing a fine or other penalty, or granting a franchise, shall be by ordinance.

The enacting clause of all ordinances shall be substantially as follows: "The City Council of the City of Seal Beach does ordain as follows:"

SECTION 414. Ordinances. Publication. The City Clerk shall cause each ordinance to be published at least once in the official newspaper, within fifteen (15) days after its adoption.

SECTION 415. Ordinances. Codification. Any or 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, with the same effect as an ordinance, 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 (3) three copies thereof shall be filed for use and examination by the public in the office of the City Clerk prior to the adoption thereof. Ordinances codified shall be repealed as of the effective date of the code. Such code may be subsequently revised, recompiled, recodified and indexed, including such restatement and substantive change as necessary in the interest of clarity, in the same manner as prescribed in this Section for the original adoption by reference of an ordinance code. Amendments to the code shall be enacted in the same manner as ordinances.

Detailed regulations pertaining to the construction of buildings, plumbing and wiring, when arranged as a comprehensive code, may likewise be adopted by reference in the manner provided in this Section. Maps, charts and diagrams also may be adopted by reference in the same manner.

SECTION 416. Ordinances. When Effective. No ordinance shall become effective until thirty (30) 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 levying the annual tax upon property.
- d) An emergency ordinance adopted in the manner provided for in this Article.

SECTION 417. (Repealed 2002)

SECTION 418. Publishing of Legal Notices. In the event that there is more than one (1) newspaper of general circulation published and circulated in the City, the City Council, annually, prior to the beginning of each fiscal year, shall publish a notice inviting bids and contract for the publication of all legal notices or other matter required to be published in a newspaper of general circulation in said City during the ensuing fiscal year. In the event there is only one (1) newspaper of general circulation published and circulated in the City, then the City Council shall have the power to contract with such newspaper for the printing and publishing of such legal notices or matter without being required to advertise for bids therefore. The newspaper with which any such contract is made shall be designated the official newspaper for the publication of such notices or other matter for the period of such contract.

In no case shall the contract prices for such publications exceed the customary rates charged by such newspaper for the publication of legal notices of a private character.

In the event there is no newspaper of general circulation published and circulated in the City, then all legal notices or other matter may be published by posting copies thereof in at least three (3) public places in the City.

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

SECTION 419. Contracts. Restrictions. The City Council shall not have the power to make or authorize any contract or lease or extension thereof for a longer period than sixty-six (66) years unless said contract, lease or extension is approved by a majority of the qualified electors of the City voting on such question at any election. This Section shall not apply to any franchise granted pursuant to the provisions of this Charter, or to any contract for the furnishings, or acquisition of the products, commodity or services of any public utility.

SECTION 420. Contracts. Execution. The City shall not be bound by any contract, except as hereinafter provided, unless the same shall be made in writing, approved by the City Council and signed on behalf of the City by the Mayor and City Clerk or by such other officer or officers as shall be designated by the City Council. Any of said officers shall sign a contract on behalf of the City when directed to do so by the City Council.

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

The City Council may by ordinance or resolution provide a method for the sale or exchange of personal property not needed in the City Service or not fit for the purpose for which intended and for the conveyance of title thereto.

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

The provision of this Section shall not apply to the services rendered by any person in the employ of the City at a regular salary.

SECTION 421. Compensation of the City Clerk. The City Clerk shall receive, at stated times, a compensation fixed by ordinance.
(Amended 1973 & 1978)

SECTION 422. Members of the City Council. Consecutive Elective Terms. A member of the City Council shall not be elected to more than two (2) consecutive elective four (4) year terms. (Amended 1974)

ARTICLE V

ELECTIONS

SECTION 500. Municipal Elections. Municipal elections held in the City shall be classified as either: (Amended 2006)

- a) General Municipal Elections.
- b) Municipal Run-off Elections.
- c) Special Municipal Elections.

SECTION 501. General Municipal Elections. General Municipal Elections shall be held on the first (1st) Tuesday after the first (1st) Monday in November in even-numbered years commencing with the year 2008. The City Council may by ordinance fix another date in any even-numbered year, if such change will not extend or reduce any elective officer's term by more than twelve (12) months. The City Council may order any special municipal election consolidated with the General Municipal Election by following the procedure prescribed by state law for the consolidation of Special Elections with Municipal Elections. (Amended 2006)

SECTION 502. Municipal Run-off Elections. Municipal Run-off Elections for the election of officers shall be held on the last Tuesday in January in each odd-numbered year commencing with the year 2009. If, pursuant to Section 501, the City Council has fixed another date for the General Municipal Election, the Municipal Run-off Election shall be held on a Tuesday no later than seven (7) weeks after the date fixed for the General Municipal Election. (Amended 2006)

SECTION 503. (Repealed 2006)

SECTION 504. Special Municipal Elections. All other municipal elections that may be held in the City of Seal Beach by the authority of the Constitution of the State of California, this charter, or general law, or by ordinance of the City shall be known as special municipal elections.

SECTION 505. Consolidation of Elections. The City Council shall have the power to submit to the electors of the City of Seal Beach, at any election, any measure or proposition required to be submitted by the constitution, this charter, general law, or by ordinance of the City; provided, that in case such measure or proposition is required by said constitution, charter, general law, or ordinance to be submitted at a special or other particular kind of election, or within any specified time, it shall be so submitted, and not otherwise. The City Council may

cause to be mailed to all registered electors of the City, at any election at which all the qualified electors of the City are entitled to vote, arguments, in printed pamphlet form, relating to each measure or proposition to be voted upon at any such election; the procedure for the preparation and form of such arguments shall be as provided by the City Council by ordinance.

SECTION 506. Holding Elections. The City Council shall, by ordinance, order the holding of all elections. Such ordinance shall conform in all respects to the general law of the State of California governing the conduct of municipal elections, now or hereafter in force, except as in this Charter or by ordinance otherwise provided. All ordinances ordering the holding of elections shall be published at least three times in the official newspaper of the City of Seal Beach ten days prior to the date of the election.

SECTION 507. Law Governing Elections. Except as otherwise provided or required by this Charter or Ordinance, the provisions of the general law relating to the qualifications of electors, the manner of voting, the duties of election officers, the canvassing of returns, and all particulars in respect to the management of elections, so far as they may be applicable, shall govern all municipal elections of the City of Seal Beach; provided that the City Council shall meet as a canvassing board and duly canvass the election returns at the hour set for holding regular meetings on the seventh day following any municipal election.

SECTION 508. Voting for Candidates for Elective Offices at General Municipal Elections. The entire electorate of the City may vote for any candidate for the office of City Clerk. Each elector may vote for one candidate for the office of Councilmember from the district in which the elector resides. Only one person shall be elected to the City Council from each district. (Amended 2006)

SECTION 509. Number of Votes Needed for Elective Offices. The City Council shall declare any candidate who receives a majority (50% plus 1) of all the votes cast for an office at any general municipal election to be elected to such office. If no candidate for an office receives a majority (50% plus 1) of all the votes cast, the two (2) candidates receiving the highest number of votes at the General Municipal Election shall be the only candidates for such office printed upon the ballots at the Municipal Run-off Election. The City Council shall declare the candidate who receives the most votes at the Municipal Run-off Election to be elected to such office. (Amended 2006)

SECTION 510. (Repealed 2006)

SECTION 511. City Clerk. Duties. The City Clerk shall cause ballots to be printed, bound and numbered as provided by the general law, except as otherwise required in this charter or ordinance.

SECTION 512. Informality. No informalities in conducting any municipal election shall invalidate the election, if such election has been fairly conducted and in substantial conformity to the requirements of this charter, and the election laws of the State of California.

SECTION 513. *(Repealed 2006)*

SECTION 514. Measures, Initiatives, Referenda and Recalls. The electors of the City shall have the powers of the measures, initiatives, and referenda, and may recall Municipal Elective Officers. The provisions of the California Elections Code governing measures, initiatives, referenda, and recalls of municipal officers shall govern such subjects provided such provisions are not in conflict with this Charter. (Amended 2006)

SECTION 515. Councilmanic Districts. The five (5) members of the City Council shall be elected by districts, the boundaries of which shall be as defined by ordinance adopted by the City Council.

In 1980 and each tenth (10th) year thereafter, the City Council shall 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 in accordance with constitutional requirement, fair and logical, the City Council may by ordinance change and redefine the boundaries of any or all of such districts. The boundaries so defined shall be established in such manner that the district shall, as nearly as practicable, constitute natural areas of contiguous and compact territory and provide fair representation on the City Council. Any territory hereafter annexed to or consolidated with the City shall, at the time of such annexation or consolidation, be added by ordinance of the City Council to any adjacent district or districts. (Amended 1974)

ARTICLE VI

CITY MANAGER

SECTION 600. City Manager. There shall be a City Manager appointed by the City Council who shall be the chief administrative officer of the City. In the selection of a City Manager, the City Council shall screen qualified applicants and other qualified persons known by the Council to be available. It shall appoint by a majority vote, the person that it believes to be best qualified on the basis of his/her executive and administrative qualifications, with special reference to experience in, and knowledge of, accepted practice in respect to the duties of the office as set forth in this Charter. The City Manager shall serve at the pleasure of the City Council.

SECTION 601. (Repealed 2002)

SECTION 602. Eligibility. No person shall be eligible to receive appointment as City Manager while serving as a member neither of the City Council nor within one (1) year after the member has ceased to be a City Councilmember.

SECTION 603. Compensation and Bond. The City Manager shall be paid a salary commensurate with his/her responsibilities as Chief Administrative Officer of the City, which salary shall be established by ordinance or resolution. The City Manager shall furnish a corporate surety bond conditioned upon the faithful performance of his/her duties in such form and in such amount as may be determined by the City Council.

SECTION 604. Powers and Duties. The City Manager shall be the head of the administrative branch of the City government and shall be responsible to the City Council for the proper administration of all affairs of the City. Without limiting the foregoing general grant of powers, responsibilities and duties, the City Manager shall have the power and be required to:

- a) To enforce all laws and ordinances of the City and to see that all franchises, permits and privileges granted by the City are faithfully observed.
- b) To exercise administrative control over all departments, divisions and employees of the City government, except the City Attorney and City Clerk. (Amended 1978)
- c) To appoint, promote, discipline, and remove employees of the City, except the City Attorney and City Clerk, subject to the Civil Service rules and regulations. (Amended 1978 and 2006)

- d) To organize or reorganize such offices, positions, departments, or units under his/her direction as may be indicated in the interest of efficient, effective and economical conduct of the City's business.
- e) To attend all meetings of the City Council unless excused therefrom by the City Council.
- f) To recommend to the City Council for adoption such measures and ordinances as he/she deems necessary or expedient.
- g) To serve as finance officer and to keep the City Council fully advised as to the financial conditions and needs of the City. The City Manager shall be the chief financial officer of the City. (Amended by Statutes 1973)
- h) To prepare and submit to the City Council an annual or bi-annual budget and be responsible for its administration after adoption by the Council. (Amended 2002)
- i) To recommend a comprehensive salary plan for all City employees and to recommend changes in line with current conditions.
- j) To organize for and supervise the purchase of all supplies for all departments or divisions of the City. No expenditure shall be submitted or recommended to the City Council except on report and approval of the City Manager.
- k) To make investigations into the affairs of the City and any department or division thereof, and any contract, and the proper performance of any obligation of or to the City.
- l) To investigate all complaints in relation to matters concerning the administration of the government of the City and in regard to the services maintained by public utilities in the City.
- m) To exercise general supervision over all public buildings, public parks, and all other public property which is under the control and jurisdiction of the City Council.
- n) To devote his/her entire time to the duties and interests of the City, except as may be specifically authorized by the City Council.
- o) To represent the City in discussions of administrative and policy questions between the City and other levels of government, i.e.,

county, state, federal and other cities, when and if requested by the Council to do so.

- p) To cooperate with leadership of civic movements designed to benefit the residents of the City when so directed by the City Council.
- q) To attend any and all meetings of any commissions or committees heretofore or hereafter created by the City Council, upon his own volition or upon the direction of the City Council.
- r) To act as personnel officer for the City and to develop a comprehensive personnel program.
- s) To perform such other duties and exercise such other powers as may be delegated to him/her from time to time by resolution, ordinance or other action of the City Council.

SECTION 605. Financial Duties of the City Manager. The City Manager shall perform the following duties:

- a) Maintenance of financial records. Maintain all records readily reflecting the financial condition of the City and all of its departments.
- b) Report for fiscal year. At the end of each fiscal year, prepare and present to the City Council a summary statement of receipts and disbursements by departments and funds, including opening and closing fund balances in the City Treasury.
- c) Publication of financial statement. Cause the financial statement of the City to be published in accordance with the provisions of Section 40804 and 40805 of the Government Code.
- d) Compilation of financial information for budget. Compile all financial information necessary for the preparation of the City's budget and make such information available to the officer whose responsibility it is to prepare the budget.
- e) Monthly financial report. Prepare a monthly statement of all receipts and disbursements in sufficient detail to show the financial condition of the City and each of its departments.
- f) Licenses. Supervise and be in charge of all license issuance and inspection.

- g) Payroll records. Supervise and be in charge of all payroll records.
- h) Insurance policies. Maintain a record of all insurance policies and their expiration dates.
- i) Collection of taxes, assessments, etc. See that all taxes, assessments and other fees and revenues of the City, or for whose collection the City is responsible, and all other money receivable by the City from the county, state or federal government, or from any court, office, department or agency of the City are collected, and perform such other duties that are from time to time assigned to him/her by the City Council. (Amended by statutes 1973)

SECTION 606. Meetings. The City Manager shall be accorded a seat at the City Council table and at all meetings of boards and commissions and shall be entitled to participate in their deliberations, but shall not have a vote.

SECTION 607. Removal. The City Manager shall not be removed from office during or within a period of ninety days next succeeding any municipal election at which a member of the City Council is elected. At any other time the City Manager may be removed only at a regular meeting of the City Council and upon the affirmative votes of a majority of the entire membership of the City Council.

SECTION 608. Notification of Resignation. The City Manager shall notify the City Council at least thirty (30) days in advance of his/her intended resignation. Failure to do so shall be grounds for withholding payment due for services. This provision may, however, be waived by majority vote of the City Council.

SECTION 609. Manager Pro Tempore. The City Manager shall appoint, subject to the approval of the City Council, one of the other officers or department heads of the City to serve as Manager Pro Tempore during any temporary absence or disability of the City Manager. If the Manager fails to make such appointment, the City Council may appoint an officer or department head to serve as such Manager Pro Tempore.

ARTICLE VII

OFFICERS

SECTION 700. Officers. The officers of the City shall be the following:
The five (5) members of the City Council, who shall be elected.

- a) A City Clerk, who shall be elected.
- b) A City Treasurer, who shall be the Finance Director.
- c) A City Manager, who shall be appointed by the City Council.
- d) A City Attorney, who shall be appointed by the City Council.
- f) The incumbents of such other offices as the City Council may by ordinance, or resolution, establish. (Amended 1978)

SECTION 701. Administrative Departments. The City Council may provide, by ordinance not inconsistent with this Charter, for the organization, conduct and operation of the several offices and departments of the City as established by this Charter, and for the creation of additional departments, divisions, offices and agencies and for their consolidation, alteration or abolition. Each new department created by the City Council shall be headed by an officer as department head that shall be appointed and may be suspended or removed by the City Manager.

The City Council, by ordinance or resolution, may assign additional functions or duties, to offices, departments or agencies not inconsistent with this Charter. Where the positions are not incompatible, the City Council may combine in one person the powers and duties of two (2) or more offices created or authorized by this Charter. No office provided in this Charter to be filled by appointment by the City Manager may be consolidated with any office to be filled by appointment by the City Council. The City Council shall provide for the number, titles, qualifications, powers, duties, and compensation of all officers and employees.

SECTION 702. City Clerk. Powers and Duties. The City Clerk shall have the power and be required to:

- a) Attend all meetings of the City Council and be responsible for the recording and maintaining of a full and true report of all the proceedings of the City Council in books, which shall bear appropriate titles and be devoted to such purposes.

- b) Maintain separate books in which shall be recorded respectively all ordinances and resolutions, with a certificate of the clerk annexed to each thereof stating the same to be the original or a corrected copy, and as to any ordinance requiring publication, stating that the same has been published or posted in accordance with this charter; to keep all books properly indexed and open to public inspection when not in actual use.
- c) Maintain separate books in which a record shall be made of all written contracts and fidelity and performance bonds.
- d) Be the custodian of the Seal of the City.
- e) Administer oaths or affirmations, take affidavits, and depositions pertaining to the affairs and business of the City, and certify copies of official records.
- f) Be ex-officio assessor, unless the City Council has availed itself or does in the future avail itself of the provisions of the general laws of the State relative to any assessment of property and the collection of City taxes, of any, by county officers, or the City Council by ordinance provides otherwise.
- g) Be responsible for the conduct of all City elections.
- h) Deputize other persons to assist in carrying out the duties of the City Clerk.

SECTION 703. Treasurer and Finance Director. As treasurer, the Finance Director shall be required to:

- a) Collect any license fees or other revenues of the City, or for whose collection the City is responsible and receives all taxes or other money receivable by the City from the County, State or Federal Government, or from any Court or from any office, department or agency of the City.
- b) Have custody of all public funds belonging to or under control of the City or any office, department or agency of the City government and deposit all funds coming into his/her hands in such depository as may be designated by resolution of the City Council or if no such resolution be adopted, then in such depository designated in writing 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.

- c) Disburse moneys on demands audited in the manner provided for in the Charter.
- d) Prepare and submit to the City Council monthly written reports of all receipts, disbursements and fund balances, copies of which reports shall be filed with the City Manager. (Amended 1978)

SECTION 704. City Attorney. Powers and Duties. To become eligible for City Attorney or Assistant City Attorney the person appointed shall be an Attorney at Law duly licensed as such under the laws of the State of California and shall have engaged in the practice of law for at least three years prior to appointment. The City Attorney shall have the power and be required to:

- a) Represent and advise the City Council and all City Officers in matters of law pertaining to their office.
- b) Represent and appear for the City in any or all actions and proceedings in which the City is concerned or is a party, except the prosecution of criminal actions, and represent and appear for any City Officer or employee, or former City Officer or employee, in any or all actions and proceedings in which any such officer or employee is concerned or is a party, for any act arising out of the officer's employment or by reason of his/her official capacity.
- c) Attend all regular meetings of the City Council and give advice and 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 contracts made by and all bonds given to the City, endorsing approval thereon in writing.
- e) Prepare any and all proposed ordinances or resolutions for the City and amendments thereto.
- f) Approve, as to legality, all investments of City funds.

The City Council shall have control of all legal business and proceedings and may employ other attorneys to take charge of a litigation or matter or to assist the City Attorney therein.

SECTION 705. City Attorney. Deputies and Employees. The City Attorney shall, subject to the approval of the City Council, appoint such deputies, to assist the City Attorney at such salaries or compensation as the Council may, by ordinance, prescribe.

SECTION 706. Administering Oaths. Each department head and deputy shall have the power to administer oaths and affirmations in connection with any official business pertaining to his/her department.

SECTION 707. Department Heads. Appointment Powers. Each department head and appointive officer shall have the power to appoint, suspend and remove such deputies, assistants, subordinates and employees as are provided for by the City Council for his department or office, subject to the provisions of this Charter and of any personnel, merit or Civil Service System adopted hereunder. Any such appointment or removal by a department head appointed by the City Manager shall be subject to the approval of the City Manager.

SECTION 708. Illegal Contracts. Financial Interest. In accordance with the provisions of Section 1090 et seq. of the State of California Government Code as such provisions now exist or may hereafter be amended, no City officer or employee shall be financially interested in any contract made by them in their official capacity. Sections 1090 et seq., in their entirety, are hereby incorporated by reference into this Section. One true and correct copy of the current Sections 1090 et seq. shall be deposited in the office of the City Clerk and shall be at all times maintained by said Clerk for use and examination by the public. (Amended 2002)

SECTION 709. Acceptance of Other Office. Any elective officer of the City who shall accept or retain any other elective public office shall be deemed thereby to have vacated his/her office under the City government.

SECTION 710. Nepotism. The City Council shall not appoint to a salaried position under the City government any person who is a relative by blood or marriage within the second degree of any one or more of the members of such City Council, nor shall any department head or other officer having appointive power appoint any relative of his within such degree to any such position.

This Section, however, shall not apply to the probationary or permanent appointment of any person to a position included in the Civil Service System.

SECTION 711. Official Bonds. The City Council shall fix by ordinance or resolution the amounts and terms of the official bonds of all officials or employees who are required by this Charter or by ordinance to give such bonds. All bonds shall be executed by responsible corporate surety, shall be approved as to form by the City Attorney, and shall be filed with the City Clerk. Premiums on official bonds shall be paid by the City.

There shall be no personal liability upon, or any right to recover against, a superior officer, or his/her bond, for any wrongful act or omission of a subordinate, unless such superior officer was a party to, or conspired in, such wrongful act or omission.

ARTICLE VIII

APPOINTIVE BOARDS AND COMMISSIONS

SECTION 800. In General. The City Council may create by ordinance such boards or commissions as in its judgment are required and may grant to them such powers and duties as are consistent with the provisions of this Charter.

SECTION 801. Appropriations. The City Council shall include in its annual budget such appropriations of funds as in its opinion shall be sufficient for the efficient and proper functioning of such boards and commissions.

SECTION 802. Appointments. Terms. The number of members to comprise such boards and commissions shall be specified by ordinance if not specified by this Charter. The members of each such board shall be commissioned and appointed by motion of the City Council adopted by at least three affirmative votes. Each member of the City Council shall nominate one qualified elector from said member's district to serve on each such board or commission. All such nominations shall be confirmed by at least three affirmative votes of the City Council. Such nominees shall hold no paid office or employment in the City government and shall serve for terms to be fixed by ordinance, and until their respective successors are appointed and qualified, subject to removal by motion of the City Council adopted by at least three affirmative votes.

The members first appointed to such boards and commissions shall so classify themselves by lot that each succeeding July 1st the term of one of their number shall expire. If the total number of members of a board or commission exceeds four, the classification by lot shall provide for the grouping of terms to such an extent as is necessary in order that the term of at least one member shall expire on each succeeding July 1st. (Amended 1974)

SECTION 803. Existing Boards. The members of the boards and commissions holding office when this Charter takes effect shall continue to hold office thereafter until their respective terms of office shall expire and until their successors shall be appointed and qualified. The successors of such members shall be appointed for terms as prescribed in the preceding section. (Amended by Statutes 1969)

SECTION 804. Meetings. Chairpersons. As soon as practicable, following the first (1st) day of July of every year, each of such boards and commissions shall organize by electing one of its members to serve as presiding officer at the pleasure of such board or commission. Each board or commission shall hold regular meetings as required by ordinance of the City Council, and such special meetings as such board or commission may require. All meetings shall be held

in accordance with the Brown Act (California Government Code Section 54950 et seq.) as such statute now exists or may hereafter be amended.

Except as may be otherwise provided in this Charter, the City Manager shall designate a secretary for the recording of minutes for each of such boards and commissions, who shall keep a record of its proceedings and transactions. Each board or commission may prescribe its own rules and regulations which shall be consistent with this Charter and subject to the approval of the City Council, and copies of which shall be kept in the office of the City Clerk or such office as the City Council may, by ordinance prescribe where they shall be available for public inspection. Each board or commission shall have the same power as the City Council to compel the attendance of witnesses, to examine them under oath, to compel the production of evidence before it and to administer oaths and affirmations. (Amended 2002)

SECTION 805. Compensation. Vacancies. The members of boards and commissions shall serve without compensation for their services as such but may receive reimbursement for necessary traveling and other expenses incurred on official duty when such expenditures have received authorization by the City Council.

Any vacancies in any board or commission, from whatever cause arising, shall be filled by appointment by the City Council. Upon a vacancy occurring leaving an unexpired portion of a term, any appointment to fill such vacancy shall be for the unexpired portion of such term. If a member of a board or commission is absent from three consecutive regular meetings of such board or commission, unless by permission of such board or commission expressed in its official minutes, or is convicted of a crime involving moral turpitude or ceases to be a qualified elector of the City, the office shall become vacant and shall be so declared by the City Council.

ARTICLE IX

CIVIL SERVICE SYSTEM

SECTION 900. Civil Service System. In order to: establish an equitable and uniform procedure for dealing with personnel and employment matters; attract to municipal service the best and most competent persons available; assure that appointments and promotions of employees will be based on merit and fitness as determined by competitive test; and provide a reasonable degree of security for qualified employees, the City Council, by ordinance, may establish a Civil Service System for City employees. The Civil Service System may include provisions for: the method of selection of city employees; the classification, advancement, suspension, discharge and termination of city employees; the consolidation and elimination of positions; and other provisions as deemed reasonable and necessary to govern personnel and employment matters of the City. The City Council may further adopt personnel rules to implement the provisions of any ordinance. In the event of an appeal of disciplinary action of a civil service employee, the appeal may be heard by an impartial arbitrator designated by mutual agreement of the appellant and his/her representative and the City Manager, or as otherwise agreed upon through a memorandum of understanding negotiated during the collective bargaining process between the City and the applicable bargaining unit. The Civil Service System shall govern all employees of the City unless exempted by Section 901. (Amended 2006)

SECTION 901. Exemptions. The following persons are exempt from the Civil Service System:

- a) City Council Members;
- b) Appointed persons;
- c) City Attorney;
- d) City Manager;
- e) City Clerk;
- f) Department heads;
- g) Temporary, seasonal, part-time and hourly employees;
- h) Any employee designated as exempt by City ordinance;
- i) Volunteers;

- j) Independent contractors.

The City Council, by ordinance, resolution or personnel rules, may establish provisions governing the selection, discipline and dismissal of non-civil service employees. (Adopted by the voter in 2006, replaced and amended previous Section 904)

SECTION 902. Discrimination. No person employed by, or seeking admission into employment with the City, shall be employed, promoted, demoted, or discharged or in any way favored or discriminated against because of political opinions or affiliations or because of race or religious belief, or any other basis prohibited by law. (Adopted by the voter in 2006, replaced and amended previous Section 917)

(Sections 903, 905 through 916, and 918 through 920 were repealed by the voters in 2006 - portions of such sections have been incorporated in the Seal Beach Municipal Code and Seal Beach Personnel Rules and Regulations.)

ARTICLE X

FISCAL ADMINISTRATION

SECTION 1000. Fiscal Year. The fiscal year of the City government shall begin on the first (1st) day of July of each year and end on the thirtieth (30th) day of June of the following year.

SECTION 1001. Annual/Bi-Annual Budget. Preparation by the City Manager. At such date as he/she shall determine, the City Manager shall obtain from each department head estimates of revenue and expenditures for his/her department, detailed in such manner as may be prescribed by the City Manager. In preparing the proposed annual or bi-annual budget, the City Manager shall review the estimates, hold conferences thereon with the respective department heads and may revise the estimates as the manager may deem advisable. (Amended 2002)

SECTION 1002. Budget. Submission to City Council. At least thirty-five (35) days prior to the beginning of each fiscal year, the City Manager shall submit to the City Council the proposed budget as prepared by him/her. After reviewing same and making such revisions as it may deem advisable, the City Council shall determine the time for the holding of a public hearing thereon and shall cause to be published a notice thereof not less than ten (10) days prior to said hearing, by at least one (1) insertion in the official newspaper. Copies of the proposed budget shall be available for inspection by the public in the office of the City Clerk at least ten (10) days prior to said hearing.

SECTION 1003. Budget. Public Hearing. At the time so advertised or at any time to which such public hearing shall from time to time be adjourned, the City Council shall hold a public hearing on the proposed budget, at which interested persons desiring to be heard shall be given such opportunity.

SECTION 1004. Budget. Adoption. After the conclusion of the public hearing the City Council shall make any revisions of the proposed budget that it may deem advisable and on or before June 30th, it shall adopt the budget. A copy thereof, certified by the City Clerk, shall be filed with the person retained by the City Council to perform auditing functions for the Council and a further copy shall be placed, and shall remain on file, in the office of the City Clerk where it shall be available for public inspection. The budget so certified shall be reproduced and copies made available for the use of the public and of departments, offices and agencies of the City.

SECTION 1005. Budget. Appropriations. From the effective date of the budget, the several amounts stated therein as proposed expenditures shall be

and become appropriated to the several departments, offices, and agencies for the respective objects and purposes therein named. All appropriations shall lapse at the end of the fiscal year to the extent that they shall not have been expended or lawfully encumbered.

At any meeting after the adoption of the budget, the City Council may amend or supplement the budget by motion adopted by the affirmative votes of at least three (3) members so as to authorize the transfer of unused balances appropriated for one purpose to another purpose or to appropriate available funds not included in the budget or to cancel any appropriation not expended or encumbered.

SECTION 1006. Centralized Purchasing. Under the control and direction of the City Manager there shall be established a centralized purchasing system for all City departments and agencies, except as otherwise in this Charter provided.

SECTION 1007. Tax Limits. Unless a majority of the city electors voting at an election held for that purpose are in favor of it, annual property tax shall not exceed one dollar (\$1.00) on each one hundred dollars (\$100.00) exclusive of such tax as may be necessary to pay the costs of any pension plan for City employees adopted pursuant to Article 2, Chapter 2, of Division 5, exclusive of such tax, not to exceed five cents (\$0.05) on each one hundred dollars (\$100.00), as may be necessary to pay the costs of civil defense or disaster preparedness, exclusive of such tax as may be necessary to pay the costs of sewerage facilities, exclusive of such tax as may be necessary to pay the costs of park and recreation facilities and exclusive of such tax in addition to the annual tax levy for other municipal purposes authorized by Sections 20532, 37465, 37558, and 43069 of the Government Code, Section 5304 of the Public Resources Code and Section 22241 of the Education Code, as they now exist or forever may be amended.

SECTION 1008. Tax Procedure. The procedure for the assessment, levy and collection of taxes upon property, taxable for municipal purposes, may be prescribed by ordinance of the City Council.

SECTION 1009. Bonded Debt Limit. The City shall not incur indebtedness evidence by general obligation bonds, which shall in the aggregate exceed the sum of fifteen per cent (15%) of the total assessed valuation, for purposes of City taxation, of all the real and personal property within the City.

No bonded indebtedness which shall constitute a general obligation of the City may be created unless authorized by the affirmative votes of two-thirds (2/3) of the electors voting on such proposition at any election at which the question is submitted to the electors and unless in full compliance with the provisions of the State Constitution and of this Charter.

SECTION 1010. Contracts on Public Works. The City Council shall adopt policies and procedures governing contracting for public works which are defined to include the construction or improvement of public buildings, works, streets, drains, sewers, utilities, parks or playgrounds. The City Council may, in its sole discretion, adopt selected policies and procedures by reference to state law, but no state law shall govern public works contracting unless it is expressly adopted by the City Council or has been finally determined to be applicable to all charter law cities by an appellate court with jurisdiction over the City of Seal Beach. Except as otherwise provided in this Charter or by state law made applicable to the City of Seal Beach, the City Council shall award to the lowest responsible bidder each contract involving an expenditure of more than the bidding threshold amount (as defined in this Section) for the construction or improvement of public works or for the purchase of supplies or materials for any such project. Bids shall be solicited via notice by publication in the official newspaper by one or more insertions, the first of which shall be at least ten (10) days before the time for opening bids and such other forms of notice as the City Council may direct. Public Works are exempted from the requirements of this Section where the work will be performed by a City or County of Orange department.

All bids may be accompanied by either a certified or cashier's check, or a bidder's bond executed by a corporate surety authorized to engage in such business in California, made payable to the City. Such security shall be in an amount not less than that specified in the notice inviting bids or in the specifications referred to therein, or if no amount be so specified then in an amount not less than ten percent (10%) of the aggregate amount of the bid. If the successful bidder neglects or refuses to enter into the contract, within the time specified in the notice inviting bids or in the specifications referred to therein, the amount of his bidder's security shall be declared forfeited to the City and shall be collected and paid into its general fund, and all bonds so forfeited shall be prosecuted and the amount thereof collected and paid into such fund.

The City Council may reject any and all bids presented and may re-advertise in its discretion.

The City Council, without advertising for bids, or after rejecting bids, or if no bids were received, may declare and determine that in its opinion, based on estimates approved by the City Manager, the work in question may be performed better or more economically by the City with its own employees or the supplies or materials may be purchased more economically on the open market. Contracts likewise may be let without advertising for bids, if such work, supplies or materials shall be deemed by the City Council to be of urgent necessity for the preservation of life, health, or property. In either event, the Council shall adopt a resolution with findings supporting the letting of a contract without advertising for bids by at least three (3) affirmative votes of the Council, after which the City may proceed to have such work done or said supplies and materials purchased in the manner stated, without further observance of the provisions of this Section.

The bidding threshold amount shall be Twenty Thousand Dollars (\$20,000) initially, and shall annually be adjusted by the City Engineer upon confirmation by the City Council. On June 1st of each year, the City Engineer shall compute the percentage difference between the current Engineering News Record Construction Cost Index – 20 City Average (ENR) and the ENR for the previous June 1st. The City Engineer shall adjust the bidding threshold amount by such percentage, rounding to the nearest dollar. The City Council shall review such adjustment at a public hearing and upon Council confirmation; the bidding threshold amount shall be the adjusted figure. Should the ENR be revised or discontinued, the City Engineer shall use the revised index or a comparable index approved by the City Council. (Amended 2002)

SECTION 1010.5. Design-Build Contracts on Public Works.

Notwithstanding any other provision of this Charter, the City may enter into a design-build contract for both the design and construction of a project in accordance with this Section. Prior to the execution of a design-build contract, the City Council shall evaluate at a public meeting the comparative advantages for the particular project of the traditional design, bid, and build process of construction and the design-build process. No design-build process contract shall be executed unless the City Council makes written findings that use of the design-build process on the project will accomplish one or more of the following objectives: reduction of project costs; expediting project completion; or provision of design features not achievable through the design, bid, and build process. (Amended 2002)

SECTION 1011. Presentation of Demands. Any demand against the City must be in writing and may be in the form of a bill, invoice, payroll or formal demand. Each such demand shall be presented to the financial designee of the City Manager, who shall examine the same. If the amount thereof is legally due and there remains on the City books an unexhausted balance of an appropriation against which the same may be charged, he/she shall approve such demand and draw a warrant on the City Treasury, payable out of the proper fund. Objections of the financial designee of the City Manager may be overruled by the City Council and warrant ordered drawn.

The financial designee of the City Manager shall transmit such demand, with his/her approval or rejection thereof, endorsed thereon, and warrant, if any, to the City Manager. If a demand is one for an item included within an approved budget appropriation, it shall require the approval of the City Manager; otherwise it shall require the approval of the City Council. Any person dissatisfied with the refusal of the City Manager to approve any demand, in whole or in part, may present the same to the City Council which, after examining the matter, may approve or disapprove the demand in whole or in part. (Amended 1973.)

SECTION 1012. Registering Warrants. Warrants on the City Treasurer, which are not paid for lack of funds, shall be registered. All registered warrants shall be paid in the order of their registration when funds therefore are available and shall bear interest from the date of registration at such rate as shall be fixed by the City Council by resolution.

SECTION 1013. Independent Audit. The City Council shall employ at the beginning of each fiscal year, a certified public accountant who shall, at such time or times as may be specified by the City Council, and at such other times as he/she shall determine, examine the official books, records, inventories and reports of all officers and employees who receive, handle or disburse public funds and all such other officers, employees or departments as the City Council may direct. Within one hundred twenty (20) days after the end of the fiscal year, unless such time shall be extended by the Council, a final audit and report shall be submitted by such accountant to the City Council, one copy thereof to each member, one to the City Manager, Treasurer and City Attorney, respectively, and three (3) additional copies to be placed on file in the office of the City Clerk where they shall be available for inspection by the general public. (Amended 1974.)

ARTICLE XI

FRANCHISES

SECTION 1100. Franchises to Operate. No person, firm or corporation shall exercise any franchise, right or privilege mentioned in this Article in the City except insofar as he/she/it may be entitled to do so by direct authority of the Constitution of the State of California or of the United States, unless he/she/it shall have obtained a grant therefore in accordance with the provisions of this Charter and in accordance with the procedure prescribed by ordinance. Nothing contained in the Article shall be construed to invalidate any lawful franchise heretofore granted or to necessitate the obtaining of a new franchise for a use for which a franchise holder shall have a valid unexpired franchise.

SECTION 1101. Authority to Grant Franchises. The Council is empowered to grant by ordinance a franchise to any person, firm or corporation, whether operating under an existing franchise or not, to furnish the City and its inhabitants with transportation, communication, terminal facilities, water, light, heat, power, refrigeration, storage, or any other public utility or service, or to use the public streets, ways, alleys and places, as the same may now or may hereafter exist, in connection therewith.

SECTION 1102. Franchise Terms, Conditions and Procedures. The Council shall, by ordinance, prescribe the terms and conditions under which franchises will be granted, subject to the provisions of this Charter, and the procedure for granting franchises; provided, however that such procedural ordinance or ordinances shall make provisions for the giving of notice of franchise applications, for protests against the granting of such franchises and for public hearings on such applications.

The Council, in granting franchises, shall prescribe the terms and conditions of such franchises in accordance with the applicable provisions of this Charter and any ordinance adopted pursuant thereto, and may in such franchise impose such other and additional terms and conditions not in conflict with said Charter or ordinances, whether governmental or contractual in character, as in the judgment of said Council are in the public interest or as the people, by initiative, indicate they desire to have so imposed.

SECTION 1103. Method of Granting Franchise. The Council may grant a franchise without calling for bids or may, in its discretion, advertise for bids for the sale of a franchise upon a basis, not in conflict with the provisions of this Article, to be set out in the advertisement for bids and notice of sale.

SECTION 1104. Term of Franchise. Every franchise shall be either a fixed term not to exceed twenty-five (25) years, or for an indeterminate period. If for a fixed term, the franchise shall state the terms for which it is granted; if indeterminate, it shall set forth the terms and conditions under which it may be terminated.

SECTION 1105. Purchase or Condemnation by City. No franchise grant shall in any way or to any extent impair or affect the right of the City now or hereafter conferred upon it by law 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.

SECTION 1106. Compensation. No new franchise or the renewal of an existing franchise shall be granted without reserving to the City just and adequate compensation.

SECTION 1107. Article Not Applicable to Certain Cases. Nothing in this Article shall be construed as applying to or requiring the operators of refrigeration or storage utilities or the carriers of freight or passengers not operating over a fixed route, or other public utilities or services not specifically described in this Article, to obtain a franchise to operate within the City unless required so to do by ordinance of the City of Seal Beach.

SECTION 1108. Exercising Right Without Franchise. The exercise by any person, firm or corporation of any privilege for which a franchise is required without procuring such franchise shall be a misdemeanor, and each day that such condition continues shall constitute a separate violation.

ARTICLE XII

BOARD OF EDUCATION

SECTION 1200. State Law Governs. The manner in which, the times at which, and the terms for which the members of Boards of Education shall be elected or appointed, their qualifications, compensation and removal and the number which shall constitute any one of such boards shall be as now or hereafter prescribed by the laws of the State of California.

SECTION 1201. Effect of Charter. The adoption of the Charter shall not have the effect of creating any new school district nor shall the adoption of this Charter have any effect upon the existence or boundaries of any present school districts within the City or of which the City comprises a part, but such present school districts shall continue in existence subject to the provisions of the laws of the State of California as the same now exists or hereafter may exist.

ARTICLE XIII

MISCELLANEOUS

SECTION 1300. Definitions. Unless the provision or the context otherwise requires, as used in this Charter:

- a) "Shall" is mandatory, and "may" is permissive.
- b) "City" is the City of Seal Beach and "department", "board", "commission", "agency", "officer", or "employee", is a department, board, commission, agency, officer or employee, as the case may be, of the City of Seal Beach.
- c) "County" is the County of Orange.
- d) "State" is the State of California.

SECTION 1301. Purpose of Charter. It shall be the purpose of this Charter to maintain a City government responsive to the citizens of the City of Seal Beach, to provide adequate local government with a minimum of taxation and, in addition to other municipal purposes, to promote, foster and preserve agriculture within the City.

SECTION 1302. Violations. The violation of any provision of this Charter shall be deemed a misdemeanor and be punishable upon conviction by a fine of not exceeding One Thousand Dollars (\$1,000) or by imprisonment for a term of not exceeding six (6) months or by both such fine and imprisonment. (Amended 2002)

SECTION 1303. Validity. If any provision of this Charter, or the application thereof to any person or circumstances is held invalid, the remainder of the Charter, and the application of such provision to other persons or circumstance, shall not be affected thereby.