

Article VIII GENERAL PROVISIONS

Introduction.

All communities should have fully developed provisions dealing with the ethical expectations essential to responsible government. Ethics provisions foster public trust in the integrity of city government and serve as a check on improper or abusive behavior by city officials and employees. Communities should also have a comprehensive campaign finance code requiring, at the least, disclosure of sources of money used in the campaign for city office. The amount of money flowing into local races continues to grow and must be regulated to help avoid the public perception of corruption.

Section 8.01. Conflicts of Interest; Board of Ethics.

(a) Conflicts of Interest. The use of public office for private gain is prohibited. The city council shall implement this prohibition by ordinance, the terms of which shall include, but not be limited to: acting in an official capacity on matters in which the official has a private financial interest clearly separate from that of the general public; the acceptance of gifts and other things of value; acting in a private capacity on matters dealt with as a public official; the use of confidential information; and appearances by city officials before other city agencies on behalf of private interests. This ordinance shall include a statement of purpose and shall provide for reasonable public disclosure of finances by officials with major decision-making authority over monetary expenditures and contractual and regulatory matters and, insofar as permissible under state law, shall provide for fines and imprisonment for violations.

(b) Board of Ethics. The city council shall, by ordinance, establish an independent board of ethics to administer and enforce the conflict of interest and financial disclosure ordinances. No member of the board may hold elective or appointed office under the city or any other government or hold any political party office. Insofar as possible under state law, the city council shall authorize the board to issue binding advisory opinions, conduct investigations on its own initiative and on referral or complaint from officials or resident, subpoena witnesses and documents, refer cases for prosecution, impose administrative fines, and to hire independent counsel. The city council shall appropriate sufficient funds to the board of ethics to enable it to perform the duties assigned to it and to provide annual training and education of city officials and employees, including candidates for public office, regarding the ethics code.

Commentary.

Many states have conflict of interest and financial disclosure laws which include local officials as well as state officials. Cities in these states may wish to modify this section accordingly by either eliminating duplication with state law or providing for local filing of state forms to provide local access to the information.

Instead of providing essentially statutory language, this section mandates council passage of ordinances covering certain basic subjects and which provide for a specific mechanism to administer and enforce the law. This permits amendment as may be required without a referendum, which would be necessary if the charter covered the subject in detail. This provision shows that the charter is serious about the need for dealing with ethics problems but at the same time leaves it to the city council to adopt the formulation most appropriate for the specific situation. It makes a provision for a Board of Ethics but leaves details on the board's composition and procedure to the council.

Other provisions councils could adopt, but not listed in the Model, relate to acting in an official capacity

over any campaign donor who contributes \$__ or more to the official's campaign; the hiring of relatives; acting in an official capacity on matters affecting a prior employer within a designated time period after leaving the employer; accepting outside employment while in office; and accepting employment with an employer over whom the official or employee acted in an official capacity, within a designated time period after leaving office. Westminster, Colorado, pioneered the conflict of interest approach to limiting campaign contributions, via charter amendment, and other cities have expressed interest in following its example either by charter or ordinance. A substantial number of cities restrict hiring of relatives and prior, outside, and subsequent employment arrangements.

Section 8.02. Prohibitions.

(a) Activities Prohibited.

- (1) No person shall be appointed to or removed from, or in any way favored or discriminated against with respect to any city position or appointive city administrative office because of race, gender, age, sexual orientation, disability, religion, country of origin, or political affiliation. The city may adopt policies to increase diversity in employment and contracting and/or to remedy the effects of past discrimination.
- (2) No person shall willfully make any false statement, certificate, mark, rating or report in regard to any test, certification or appointment under the provisions of this charter or the rules and regulations made there under, or in any manner commit or attempt to commit any fraud preventing the impartial execution of such provisions, rules and regulations.
- (3) No person who seeks appointment or promotion with respect to any city position or appointive city administrative office shall directly or indirectly give, render or pay any money, service or other valuable thing to any person for or in connection with his or her test, appointment, proposed appointment, promotion or proposed promotion.
- (4) No person shall knowingly or willfully solicit or assist in soliciting any assessment, subscription or contribution for any political party or political purpose to be used in conjunction with any city election from any city officer or city employee.
- (5) No city officer or city employee shall knowingly or willfully make, solicit, or receive any contribution to the campaign funds of any political party or committee to be used in a city election or to campaign funds to be used in support of or opposition to any candidate for election to city office. Further, no city employee shall knowingly or willfully participate in any aspect of any political campaign on behalf of or opposition to any candidate for city office. This section shall not be construed to limit any person's right to express opinions or to cast a vote nor shall it be construed to prohibit any person from active participation in political campaigns at any other level of government.
- (6) City officers or employees may spend public funds and advocate for the city's position on a city ballot issue when the city is authorized to adopt a position to support or oppose a specific city ballot issue and has formally: adopted a position to support or oppose a specific ballot issue, authorized the expenditure of public funds, or authorized city officers or employees to speak and campaign on its behalf on the measure.

(b) Penalties.

Any person convicted of a violation of this section shall be ineligible for a period of five years following such conviction to hold any city office or position and, if an officer or employee of the city, shall immediately forfeit his or her office or position. The city council shall establish by ordinance such further penalties as it may deem appropriate.

Commentary.

The activities prohibited by this section are antithetical to the maintenance of a sound, permanent municipal service. The prohibition against discrimination states basic municipal policy which applies to all personnel relationships. Prohibiting fraud or attempted fraud and bribery in connection with appointments and promotions by charter provision stresses the importance of maintaining the integrity of the public service. Prohibitions against political solicitation and participation in political campaigns afford protection for the employee as well as the integrity of the system. State law of general application may be sufficiently comprehensive to cover the activities prohibited by this section. If so, the charter need not contain these provisions except to give confirmation of public acceptance of these policies.

In *FOP v. Montgomery County*, <https://mdcourts.gov/data/opinions/coa/2016/45a15.pdf> Maryland's highest court recognized the right of "government speech" in the context of a ballot issue associated with remedying a charter provision that provided for "effects" bargaining in the police department and which inhibited police reform. The Court concluded that who better than the government to speak on issues of its operations and allowed public funds and employees to be used to support the county's position in a referendum that the FOP sought to overturn the charter change. Wording in section 8.02. 5 has been changed in this edition to preserve-- in those jurisdictions like Maryland that would allow support of certain ballot initiatives--the authority of employees to act on behalf of the city to support a ballot measure. The Court's opinion was very limited and does not offer support for the view that the government can use public funds or employees to support measures that do not affect the operation of the government. Thus, the language in the proposed amendment provides that this support can only be offered "where authorized."

Section 8.03. Campaign Finance.

(a) Disclosure. The city council shall enact ordinances to protect the ability of city residents to be informed of the financing used in support of, or against, campaigns for locally elected office. The terms of such ordinances shall include, but not be limited to, requirements upon candidates and candidate committees to report in a timely manner to the appropriate city office: contributions received, including the name, address, employer, and occupation of each contributor who has contributed_or more; expenditures made; and obligations entered into by such candidate or candidate committee. In so far as is permissible under state law, such regulations shall also provide for fines and imprisonment for violations. The ordinance shall provide for convenient public disclosure of such information by the most appropriate means available to the city.

(b) Contribution and Spending Limitations. In order to combat the potential for, and appearance of, corruption, and to preserve the ability of all qualified community members to run for public office, the city shall, in so far as is permitted by state and federal law, have the authority to enact ordinances designed to limit contributions and expenditures by, or on behalf of, candidates for locally elected office. Ordinances pursuant to this section may include but are not limited to: limitations on candidate and candidate committees that affect the amount, time, place, and source of financial and in-kind contributions; and, voluntary limitations on candidate and candidate committee expenditures tied to financial or non-financial incentives.

Commentary.

This section was added to the eighth edition in recognition of the substantial number of cities that have enacted campaign finance laws since the seventh edition. This trend indicates that increasingly large amounts of private money have permeated local elections and reflects public perception that such money has had a distorting influence on the democratic process.

Section 8.03(a) provides for disclosure of candidate contributions and expenditures. A strong majority of cities in the United States have some form of campaign contribution and expenditure disclosure requirements. This section of the charter requires the city to provide for timely disclosure of such funds. It further requires that disclosure of contributions above a certain threshold include the donor's employer and occupation. Such information allows the public to identify the sources of funding that influence local elections. The requirement that the city provide for "convenient public disclosure" is meant to encourage electronic disclosure over city web sites when such technology and resources are available.

Section 8.03(b) provides the city with express authority, but not a mandate, to enact any of the several innovative campaign finance laws that cities have enacted over the last three decades. This includes options such as contribution limitations, time limits on fund raising, and public financing as an incentive for candidates to adhere to voluntary spending limits.

**Article IX
CHARTER AMENDMENT**

Introduction.

All charters require modification from time to time. In states where the constitution or statutes prohibit cities from adopting their own methods of charter revision, this article cannot be used.

Section 9.01. Proposal of Amendment.

Amendments to this charter may be framed and proposed:

- (a) In the manner provided by law, or
- (b) By ordinance of the council containing the full text of the proposed amendment and effective upon adoption, or
- (c) By report of a charter commission created by ordinance, or
- (d) By the voters of the city.

Proposal of an amendment must be submitted to the Clerk in advance of a petition and reviewed by the City Attorney for conformity with this Charter, legality and for the City Attorney to provide a title to be used on the petition and ballot and a description of the effect of the proposed charter amendment. Upon approval of sufficiency of the proposed amendment, the amendment will be submitted to the voters of the city.

A proposed amendment initiated by the voters shall be by petition containing the description of the amendment and title approved by the City Attorney and on forms issued by the Clerk. The subject matter of a charter amendment must not be legislative and must be directed at the form of government and governance of the city authorizing or limiting its powers and directing the manner of exercise of those powers. The petition must be signed by registered voters of the city equal in number to at least [5 to 10] percent of the total number of those registered to vote at the last regular city election. The petitioners' committee may withdraw the petition at any time before the Clerk certifies the petition for sufficiency.

Commentary.

This article lists four methods for proposing charter amendments. The first references any methods which are provided by state law, and the second is by the council itself. The third is by a charter commission, which in many states may be created by the council. Depending on the state, the procedures binding the charter commission may be found in the constitution or state law. Often the procedures allow formation of the charter commission by petition or by ordinance.

The final method of charter amendment is by a voter-initiated petition. The signature requirement for charter amendment petitions should be a fixed percentage between five and ten percent of registered city voters. It is important that the number of signatures required be substantial. It should be relatively difficult to amend the charter, and charter amendments should not be used to harass officials. Charter Amendments should only include charter material and should not include legislative material. A Charter is intended to be a constitution, not a code of laws.

Section 9.02. Election.

Upon delivery to the city election authorities of the report of a charter commission or delivery by the city clerk of an adopted ordinance or a petition finally determined sufficient, proposing an amendment pursuant to § 9.01, the election authorities shall submit the proposed amendment to the voters of the city at an election. Such election shall be announced by a notice containing the complete text of the proposed amendment and published in one or more newspapers of general circulation in the city at least thirty days prior to the date of the election. The election shall be held not less than 60 and not more than 120 days after the adoption of the ordinance or report or the final determination of sufficiency of the petition proposing the amendment. If no regular election is to be held within that period, the council shall provide for a special election on the proposed amendment; otherwise, the holding of a special election shall be as specified in state law.

Section 9.03. Adoption of Amendment.

If a majority of those voting upon a proposed charter amendment vote in favor of it, the amendment shall become effective at the time fixed in the amendment or, if no time is therein fixed, 30 days after its adoption by the voters.

**Article X
TRANSITION AND SEVERABILITY**

Introduction.

Many charters do not facilitate transition from an old to a new form of government organization. More than almost any other part of the charter, the article containing transitional provisions needs to be tailored to existing law and organization. The Model makes no claim to being complete in this regard but calls attention to matters that must be considered and provides a basic pattern for a transition article. Care in the preparation of this article will have important benefits. It can disarm arguments that adoption of a new charter will harm existing personnel and the processes of the government. It may also save the city from costly litigation and administrative confusion.

Section 10.01. Officers and Employees.

(a) Rights and Privileges Preserved. Nothing in this charter except as otherwise specifically provided shall affect or impair the rights or privileges of persons who are city officers or employees at the time of its adoption.

(b) Continuance of Office or Employment. Except as specifically provided by this charter, if at the time this charter takes full effect, a city administrative officer or employee holds any office or position which is or can be abolished by or under this charter, he or she shall continue in such office or position until the taking effect of some specific provision under this charter directing that he or she vacate the office or position.

(c) Personnel System. An employee holding a city position at the time this charter takes full effect, who was serving in that same or a comparable position at the time of its adoption, shall not be subject to competitive tests as a condition of continuance in the same position but in all other respects shall be subject to the personnel system provided for in § 4.02.

Section 10.02. Departments, Offices, and Agencies.

(a) Transfer of Powers. If a city department, office or agency is abolished by this charter, the powers and duties given it by law shall be transferred to the city department, office or agency designated in this charter or, if the charter makes no provision, designated by the city council.

(b) Property and Records. All property, records and equipment of any department, office or agency existing when this charter is adopted shall be transferred to the department, office or agency assuming its powers and duties, but, in the event that the powers or duties are to be discontinued or divided between units or in the event that any conflict arises regarding a transfer, such property, records or equipment shall be transferred to one or more departments, offices or agencies designated by the city council in accordance with this charter.

Section 10.03. Pending Matters.

All rights, claims, actions, orders, contracts, and legal administrative proceedings shall continue except as modified pursuant to the provisions of this charter and in each case shall be maintained, carried on or dealt with by the city department, office or agency appropriate under this charter.

Section 10.04. State and Municipal Laws.

(a) In General. All city ordinances, resolutions, orders and regulations which are in force when this

charter becomes fully effective are repealed to the extent that they are inconsistent or interfere with the effective operation of this charter or of ordinances or resolutions adopted pursuant thereto. To the extent that the constitution and laws of the state of _____ permit, all laws relating to or affecting this city or its agencies, officers or employees which are in force when this charter becomes fully effective are superseded to the extent that they are inconsistent or interfere with the effective operation of this charter or of ordinances or resolutions adopted pursuant thereto.

(b) Specific Provisions. Without limitation of the general operation of subsection (a) or of the number of nature of the provisions to which it applies:

- (1) The following laws and parts of laws generally affecting counties or city agencies, officers or employees are inapplicable to the city of _____

or its agencies, officers or employees: [enumeration]
- (2) The following public local laws relating to the city of _____ are superseded: [enumeration]
- (3) The following ordinances, resolutions, orders, and regulations of _____

[former city governing body] are repealed: [enumeration]

Section 10.05. Schedule.

(a) First Election. At the time of its adoption, this charter shall be in effect to the extent necessary in order that the first election of members of the city council may be conducted in accordance with the provisions of this charter. The first election shall be held on the ____ of _____. The [city officials to be designated] shall prepare and adopt temporary regulations that are applicable only to the first election and designed to ensure its proper conduct and to prevent fraud and provide for a recount of ballots in cases of doubt or fraud.

(b) Time of Taking Full Effect. The charter shall be in full effect for all purposes on and after the date and time of the first meeting of the newly elected city council provided in § 9.05(c).

(c) First Council Meeting. On the _____ of _____ following the first election of city council members under this charter, the newly elected members of the council shall meet at _____ [time] at _____ [place]:

- (1) For the purpose of electing the [mayor and] deputy mayor, appointing or considering the appointment of a city manager or acting city manager, and choosing, if it so desires, one of its members to act as temporary clerk pending appointment of a city clerk pursuant to § 2.08; and **Note: Omit bracketed words if § 2.03, Alternative II is used.**
- (2) For the purpose of adopting ordinances and resolutions necessary to effect the transition of government under this charter and to maintain effective city government during that transition.

(d) Temporary Ordinances. In adopting ordinances as provided in § 10.05(c), the city council shall follow the procedures prescribed in § 2.13, except that at its first meeting or any meeting held within sixty days thereafter, the council may adopt temporary ordinances to deal with cases in which there is an urgent need for prompt action in connection with the transition of government and in which the delay incident to the appropriate ordinance procedure would probably cause serious hardship or impairment

of effective city government. Every temporary ordinance shall be plainly labeled as such but shall be introduced in the form and manner prescribed for ordinances generally. A temporary ordinance may be considered and may be adopted with or without amendment or rejected at the meeting at which it is introduced. After adoption of a temporary ordinance, the council shall cause it to be printed and published as prescribed for other adopted ordinances. A temporary ordinance shall become effective upon adoption or at such later time preceding automatic repeal under this subsection as it may specify, and the referendum power shall not extend to any such ordinance. Every temporary ordinance, including any amendments made thereto after adoption, shall automatically stand repealed as of the ninety-first day following the date on which it was adopted, renewed, or otherwise continued except by adoption in the manner prescribed in § 2.13 for ordinances of the kind concerned.

(e) Initial Expenses. The initial expenses of the city council, including the expense of recruiting a city manager, shall be paid by the city on vouchers signed by the council chairman.

(f) Initial Salary of Mayor and Council Members. The mayor shall receive an annual salary in the amount of \$_____ and each other council member in the amount of \$_____, until such amount is changed by the council in accordance with the provisions of this charter.

Section 10.06. Severability.

If any provision of this charter is held invalid, the other provisions of the charter shall not be affected. If the application of the charter or any of its provisions to any person or circumstance is held invalid, the application of the charter and its provisions to other persons or circumstances shall not be affected.

Commentary.

A severability clause is a necessary precaution and should be included in every charter.

Appendix 1

OPTIONS FOR MAYOR-COUNCIL CITIES

Since 1915, the Model City Charter has been based on the council-manager form of government. Some cities have a tradition of using or prefer to use the mayor-council form, and in some states the adoption of council-manager government may be limited by state statutes. Cities that use the mayor-council form can make choices to “reform” their city governments within the framework of this form of government. There are structural approaches that can clarify the structure and improve the performance of the mayor-council city government.

The mayor-council form of government is based on principles of separation of powers and checks and balances similar to those found in the national and state governments. Certain powers are assigned to the mayor and others to the council in cities that use this form. In addition, some mayor-council charters provide for other officials such as appointed boards or administrators who have independent authority to make specified decisions. It was common in the nineteenth century for cities to divide authority among many officials in the belief that the more power was divided and the more officials were directly elected, the more democratic the process of city government would be. In practice, complex structures with highly fragmented authority created ineffective government in which it was difficult to hold anyone responsible for the failure of city government as a whole. In certain cities, the fragmented structure created a vacuum that party organizations filled with unified control. In other cities—probably more numerous than those with control by party organizations—the prevailing structure simply contributed to a lack of competent and farsighted leadership and to city governments that were neither effective nor efficient in their delivery of services to citizens. Some cities still retain these features in their charters.

The first Model City Charter proposed replacing the fragmented authority and confused assignment of responsibility of existing nineteenth century city governments with simplified and centralized executive authority exercised by an elected mayor. After the first edition, the model charter assigned this centralized executive authority to an appointed city manager. From the second through the fourth editions of the charter, no provisions were proposed for mayor-council cities. With the fifth edition, the strong mayor-council form from the first edition reappeared as an alternative for those cities that chose not to use the preferred council-manager form with the suggestion that a “vice mayor” or what would later often be called a chief administrative officer (CAO) might be appointed by the mayor. These recommendations appeared in the sixth and seventh editions as well. The approach taken in the Eighth Edition was different. Officials and citizens who are reviewing a mayor-council charter were given analytical questions to guide their assessment of the governmental structure. In contrast to exclusive reliance on the strong mayor alternative, two options for organizing the mayor-council form were proposed. In this edition, the responses to revised analytical questions lead to a different conclusion. One alternative that is consistent with reform ideals is recommended.

Analytical Questions about Mayor-Council Governments

For cities that prefer to use the mayor-council form of government, there are two questions to answer in designing a charter.

- First, should a chief administrative officer be appointed? The model charter recommends the addition of a CAO to all types of mayor-council governments. How the CAO is appointed and the responsibilities of the position determine whether reform values are being advanced.
- Second, how is the CAO chosen?

To provide background information, each of these questions is discussed in more detail. Then the optional approaches and an assessment of them are presented.

A. Should the mayor-council city have a CAO?

An increasing proportion of cities have added a central administrative position occupied by a CAO to their governmental structure.¹¹ Experience has demonstrated that it is beneficial for cities to have an administrative officer. This officer can assist in filling the executive responsibilities of the mayor, such as preparing the budget. The officer will provide central coordination of administrative functions and may also assist the council in handling its policy-making authority. Adding a chief administrative officer to city government is consistent with the longstanding reform principle of providing for both political and professional leadership. A central administrative official is able to contribute to sound governance as well as directing service delivery.

Professional managers serving elected officials and the public bring distinctive values that enrich and elevate the governmental process in both policymaking and service delivery. These professional values include the commitment to basing policy and service delivery on need rather than demand, to stressing the long-term interests of the community as a whole, to promoting equity and fairness, to recognizing the interconnection among policies, and to advancing citizen participation that is broad and inclusive. There are benefits from having a professional chief administrator who channels these values into the governmental process at the highest and most general level through interactions with both the mayor and the council.

There are other advantages as well. It is difficult to find candidates for mayors who are equally adept at providing both political and administrative leadership to city government. Furthermore, it is important for the mayor to devote a substantial amount of time to interacting with the public, making it difficult to devote sufficient attention to policy development, administration, and management. So-called “strong” mayors may actually be overextended mayors. It is also hard for voters to assess the administrative capabilities of candidates before they have served in the mayor’s office. Mayors (except in the largest cities), unlike new presidents and governors, are not supported by large transition teams, nor can they persuade prominent leaders from the public and private sectors to accept key appointments for the duration of that executive’s administration. Adding administrative assistance through a CAO helps to solve these problems. The office of CAO builds into the charter a support position for the mayor and institutionalizes the professional coordination of the departments of city government.

B. How is the CAO chosen?

Among the mayor-council cities with a population of 10,000 or higher, 52 percent have a CAO. There are three methods of appointing the CAO. In 20 percent, the mayor and council jointly fill the position and can be called mayor and council-CAO governments. In 22 percent, the CAO is nominated by the mayor and approved by the council. They can be called mayor-council-CAO governments to signify the council’s role in approving the nomination. Finally, in 11 percent of these cities the mayor appoints the CAO, and these cities can be called the mayor-CAO-council form to signify that the CAO is closely tied

¹¹ Kimberly Nelson and James H. Svara, “Form of Government Still Matters: Fostering Innovation in U.S. Municipal Governments.” *American Review of Public Administration*. 42 (2012), 257-281. The breakdown of types of mayor-council cities without a CAO and with a CAO appointed in different ways come from this source updated with data from 2019 in a dataset maintained by Kimberly Nelson.

to the mayor, and the form is a In a study of differences in adoption of innovative practices based on detailed features of form of government in cities over 10,000 in population, half of the mayor-council cities had a chief administrative officer-- “pure” strong mayor approach that clearly divides powers between the mayor and the council with the CAO being an extension of the mayor’s office.

The participation of the council in the selection of the CAO reflects a form with both separated and shared authority between the mayor and the council. The mayor has separate executive authority but major decisions are either proposed by the mayor and approved by the council or made jointly by the mayor and council. When the mayor proposes and the council approves, the approach is similar to the “advice and consent” authority of the Senate in handling nominations by the President for Supreme Court judges or cabinet secretaries. In other cities in this pattern, the mayor and council make major decisions jointly. Potentially, the CAO chosen jointly serves as a bridge between the mayor and the council. In sum, the standard mayor-council form is characterized by a combination of separated and shared powers. Commonly, the staff support and organizational authority of the mayor and the high visibility of the office make the mayor the recognized leader of city government. Still there is less independent authority concentrated in the mayor’s office than in the strong mayor type, and the presence of the CAO offers professional leadership to both the mayor and the council.

The term weak mayor-council is reserved for cities in which there is substantial fragmentation of authority. Beyond separated and shared authority between the mayor and the council, there are other features that divide authority widely. These include direct election of certain department heads or commissions and the assignment of independent policy-making authority to some commissions. A committee that is controlled by neither the mayor nor the council may formulate the budget. This is the kind of structure that was common in the late nineteenth century. The early municipal reformers sought to overcome the extreme decentralization that characterizes it. Although it is based on the premise that extensive checks will prevent excessive concentration of power and direct election of many offices will promote democratic control, in practice many weak mayor cities functioned poorly and it was difficult to pin down who was responsible for problems in performance. It is difficult to estimate how many cities still use these approaches, but the proportion is fairly small.

Recommended Structure in Mayor-Council Cities

To clarify responsibility and strengthen the governmental process, mayor-council cities should assign policy-making, executive, and oversight authority to the mayor, council, and CAO. Practices associated with traditional weak-mayor forms should be eliminated. These practices include direct election of department heads and commissions, appointment of administrative officials by commissions, having a body other than the mayor and council formulate the budget (e.g., a board of finance), and assigning other policy-making authority to commissions.

The recommended approach in mayor-council cities is to promote shared authority between the mayor and the council along with the separation of powers that defines the mayor-council form. It is recommended that provisions be made for the appointment of a CAO consistent the shared authority between the mayor and the council. In the shared authority mayor-council cities, the CAO is nominated by the mayor and approved by the council or appointed jointly by the mayor and council --similar to the way that the city manager is chosen. This official serves as a bridge between the two sets of officials and is assigned administrative responsibilities. In the strong mayor-council cities where the CAO is appointed by the mayor, the CAO provides professional assistance to the mayor but is not accountable to the council.

Preferred Option: Mayor and Council-CAO and Mayor-Council-CAO government

Among mayor-council cities with a CAO, approximately three quarters have involvement of the council in the appointment. This option is based on the combination of separated and shared powers between the mayor and the council found in most mayor-council cities. When appointed in this way, the CAO helps to link the mayor and council and promotes communication between them. The CAO serves as a bridge to span the separation of powers between the mayor and the council. The CAO provides professional advice and detached assessment regarding key decisions to both the mayor and the council. The CAO can promote a higher level of performance and shared information by both sets of officials.

The CAO assists the mayor in preparing policy recommendations to the council but is cognizant of his or her responsibility to provide information that the council needs to make policy decisions.¹² The CAO is responsible directly to the mayor for administrative matters and to the council for providing information to support their oversight function, i.e., the assessment of how well policies are working and how well services are being delivered. It should be acknowledged that the position occupied by the CAO can be difficult if there is conflict between the mayor and council. The CAO can get caught in the middle. Still, the presence of a CAO who feels a sense of accountability to both the mayor and the council can reduce the level of conflict compared to conditions in mayor-council cities without a CAO.

The mayor-council-CAO government is not a “weak” mayor structure but rather one in which the mayor and council share authority in a number of areas. On the other hand, this option is also not a “strong” mayor structure.

Assessment of the mayor-council-CAO and mayor and council-CAO options

The mayor-council-CAO government combines separation of powers with shared powers, particularly “advice and consent” provisions for top appointments or joint authority for appointments. The mayor and top administrators are made more accountable to the council by shared powers, and the council has a greater opportunity to shape mayoral decisions and oversee administrative performance. Shared power provisions may serve to knit the separate branches more closely together. The CAO, although ultimately accountable to the mayor, serves both sets of officials and can promote closer interaction between them. The option promotes leadership by both the mayor and council and provides for both political and professional leadership.

This approach to appointing the CAO makes this official responsive to both the mayor and the council, since both are involved in the hiring decision. Furthermore, the CAO is given a formal role in budget preparation and appointment of department heads. This approach is advantageous for several reasons. First, accountability is broadened to include the council. Second, the professional qualifications of the person selected may be higher if the council has to approve the choice. The mayor is not free to simply choose a person to advance his or her electoral interests. Third, the professional contributions of the CAO to both the mayor and the council are assured when the CAO fills specified duties. The CAO is involved in important administrative matters.

¹² A survey of CAOs indicates that with nomination by the mayor and approval by the council, the CAO is likely to simultaneously see himself or herself as the agent of the mayor and also as being accountable to both the mayor and the council. Seven in ten CAOs agree with these positions. If the mayor does not nominate the CAO, only thirty-seven percent of the CAOs see themselves as the mayor’s agent. If the council does not approve the appointment, only twenty-eight percent of the CAOs see themselves as accountable to the council. See James H. Svara, “Do We Still Need Model Charters? The Meaning and Relevance of Reform in the Twenty-First Century,” *National Civic Review*, 90 (Spring, 2001), pp. 19-33.

The pure strong-mayor approach concentrates a substantial amount of authority in one office. The approach also limits the contribution of the council to accepting or rejecting policy and budget proposals from the mayor and overriding the mayor's veto. The council is not likely to receive a full and fair assessment of policy options from the CAO, but rather to hear the arguments for the mayor's preferred approach. Although the council has a general oversight role, the fact that the mayor appoints all top administrators may limit the flow of information to the council to support its exercise of this role. There is concentrated power with limited checks on the exercise of the power.

In a study of the adoption of innovations in cities with different variations of the mayor-council forms, it was found that the mayor and council-CAO had the highest score followed by the mayor-council-CAO form. The mayor-CAO-council had less innovation than these two, but all variations of the incorporation of a CAO had higher innovation than mayor-council cities with no CAO.¹³

Election of the mayor and veto are found in both variations of the mayor-council-CAO form.

Election of the mayor and chair of the council

The provisions in the Model City Charter for direct election of the mayor should be used in mayor-council cities (§ 2.03, Alternative I). The council chair and presiding officer should be elected by the council from among its members.

Veto

One basic difference between the mayor-council and council-manager forms of government is the "veto" power for the mayor. This power is not consistent with the basic principle of the council-manager form that all powers are assigned to the council. In the mayor-council form, the mayor has an assigned role in the legislative process and must make a decision on each ordinance to sign it, veto it, or let it become law without signature. The veto should be included in the legislative article of a mayor-council charter and listed among the mayor's powers in the executive article (Article II of the Model City Charter, § 2.03). The council may override the veto by a two-thirds vote of its members.

This approach limits the contribution of the council to accepting or rejecting policy and budget proposals from the mayor and overriding the mayor's veto. The council is not likely to receive a full and fair assessment of policy options from the CAO, but rather to hear the arguments for the mayor's preferred approach. Although the council has a general oversight role, the fact that the mayor appoints all top administrators may limit the flow of information to the council to support its exercise of this role. There is concentrated power with limited checks on the exercise of the power.

In a study of the adoption of innovations in cities with different variations of the mayor-council forms, it was found that the mayor and council-CAO had the highest score followed by the mayor-council-CAO form. The mayor-CAO-council had less innovation than these two, but all variations of the incorporation of a CAO had higher innovation than mayor-council cities with no CAO.¹⁴

Election of the mayor and veto are found in both variations of the mayor-council-CAO form.

¹³In the Nelson and Svava study, a composite adoption rate was calculated for innovations related to e-government, strategic practices, and reinventing government. As noted in the introduction, the highest adoption rates were in council-manager cities with elected mayors followed by council-manager cities with mayors chosen by the council.

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Appendix 2

THE CONTEXT FOR SOCIAL EQUITY AND LOCAL GOVERNANCE

Since 1900, the National Civic League has sought to project the highest standards in local governance by publishing the Model City Charter. A charter is the foundation of a local government and functions as the municipal equivalent of a state or federal constitution, setting forth guiding principles for governance. A charter specifies the most fundamental relationships between a government and its community. It establishes the framework for how a local government operates in terms of its structure, responsibilities, functions, and processes. The way public officials are elected, the form of government, and the role community members play in local government are just a few examples of the important choices articulated in a charter.

Many of the revisions to Ninth Edition of the Model City Charter focus on social equity and inclusive public engagement. The revisions offer guidance on how municipalities can (re)shape their organizations, processes, and programs to address inequities in their communities. In making these changes, it became clear the topic of equity is complex and that public managers, administrators, elected officials, and community members may need additional material to understand both the issue of equity and the rationale for these revisions. This addendum serves that purpose by:

1. Situating equity within the context of this edition of the Model City Charter (i.e. why social equity and why now?),
2. Providing some foundational knowledge about the concept of equity, and,
3. Offering a set of key resources to which managers and elected officials can refer as they implement equity-oriented changes.

Why Equity and Why Now?

Early editions of the Model City Charter were focused on guiding local governments in their efforts to become more efficient, ethical, professional, and accountable. To this end, the League's charters served dual purposes. On the one hand, they reflected core values and principles regarding the best (and better) practices for organizing and operating a municipal government. On the other hand, they were living documents that reflected "current" and/or "timely" ideas that may not have been represented in past editions. Social equity is simultaneously a core value, which early editions overlooked, as well as an issue at the forefront of the current public agenda. These two characteristics of equity—a core value and a timely issue—serve as the primary basis for its emphasis in the ninth edition.

Equity as a Core Value of Public Administration

Historically, the three pillars of public administration have been efficiency, economy, and effectiveness. These three core values have served as guiding principles for the Model City Charter at least since the second edition was developed in 1915, when the council-manager form of local government was first introduced by the League. These three core values stood generally unexamined by scholars of public administration until 1969 when H. George Fredrickson penned his essay *Toward a New Public Administration*. In this essay, Fredrickson argued that social equity had become a fundamental objective for public programs. Public administrators, he stated, ought to move beyond the questions of how effectively and efficiently a public program worked. They also should consider for whom the program worked. Stated differently, public administration, particularly within local governments, had to acknowledge "that many public programs were implemented much more efficiently and effectively for

some citizens than for others.”¹⁵ Over the half century since Fredrickson’s essay, social equity has become recognized as the fourth pillar of public administration alongside efficiency, economy, and effectiveness.

As the intellectual underpinnings of the Model City Charter evolved to include equity, many local governments also embraced equity as a core value. More precisely, the ideas and tools of social equity have become integrated across the departmental units and the decision-making processes of many American local governments. This reality is reflected in the increasing network of equity oriented local governments participating in organizations such as the Government Alliance for Racial Equity. The implementation of equity in local governments has resulted in the creation of new equity-oriented positions, revisions to guiding documents, and the development of new performance metrics. Indeed, many local governments are fundamentally reshaping several parts of their day-to-day operations in their embrace of social equity as a core value.

Equity and Local Governments: the current context

While typically viewed as a national issue, the problems of inequity, whether social, economic, or otherwise, often manifest most clearly at the local level. The challenge of social (in)equity at the local level is reflected in many unfortunate events’ outcomes that emerged before and during the revisions to this edition of the Model City Charter. For example, as this edition was being revised, America, and rest of the world, was beset by the COVID-19 pandemic. The pandemic revealed stark vulnerabilities for disenfranchised communities: the inequities regarding morbidity and mortality from the virus, access to vaccinations, and access to treatment. In addition, several highly publicized killings of African American men and women led to an increased awareness of violence against communities of color. Subsequently, local leaders have called for and were called upon to more critically examine policies, programs, and processes that may ignore or reinforce existing inequities in their communities.

While all levels of government are culpable in having shaped (and continuing to shape) the distribution of (dis)advantage across the United States, most people’s interactions with government occur at the local level, which increases the importance of municipalities in addressing social equity challenges. For example, one need only look to the history of American land use regulations to understand how regulatory tools have been used to segregate communities in ways that limit access to and opportunities for employment, education, and other public services and amenities. Many local government leaders, however, have come to realize that while past decisions and processes helped create inequities, this also means that they have the tools at their disposal to ameliorate and rectify these inequities. The recent and well publicized work of Raj Chetty supports this idea.

In a series of scholarly papers, Raj Chetty and his colleagues demonstrate significant differences in intergenerational mobility between American counties.¹⁶ That is to say, the ability of an individual to “advance” beyond the socio-economic standing of their parents varies significantly based on the county in which they are born. Such mobility (and the lack thereof) is a critical factor in the creation of the long-standing inequity that characterizes the country, and Chetty’s work supports what many local governments already know: inequity is not just reflected in the local community, it is created and

¹⁵ H. George Frederickson, “The State of Social Equity in Public Administration,” *National Civic Review*, Winter 2005, p. 32.

¹⁶ Chetty, R., Hendren, N., Kline, P., & Saez, E. (2014). Where is the land of opportunity? The geography of intergenerational mobility in the United States. *The Quarterly Journal of Economics*, 129(4), 1553-1623.

perpetuated by the institutional features that shape that community. Simply stated, Chetty’s work supports the timely efforts to address inequity through municipal government.

What is Equity

Providing some “clarity” around the concept of equity is a key objective of this addendum. Equity can be difficult to define, and consequently, difficult to adopt. One key challenge is that policymakers, administrators, and community members often have differing ideas about what equity means and what its implications are. Thus, having agreement on the definition of equity is an important starting point for local government leaders and public managers. This addendum to the Model City Charter offers some insights into the concept of equity by: (1) contrasting equity with equality, (2) describing some ways in which the term can be operationalized in practice, and (3) moving beyond the “what” of equity to the “where.”

Equity vs. Equality

A useful first step in defining equity is to distinguish it from equality. The terms equity and equality are often used interchangeably; however, they differ in important ways. Equality is typically defined as treating everyone the same and giving everyone access to the same opportunities. In contrast, equity is about fairness. It recognizes that some groups face barriers to opportunities that others may not face. Thus, to achieve equity, policies and procedures may result in an “unequal” distribution of resources. Individuals are given more, or less, or different resources depending on their needs so that each can have fair access and a fair opportunity to watch the game. Drawing on this idea of fairness, the National Academy of Public Administration defined “equity” as:

The fair, just and equitable management of all institutions serving the public directly or by contract; the fair, just and equitable distribution of public services and implementation of public policy; and the commitment to promote fairness, justice, and equity in the formation of public policy.

Operationalizing Equity

While this general definition—with its focus on fairness—may be helpful in shaping initial messaging about equity and conversations about advancing the pursuit of equity, it can be difficult to operationalize, especially in a governmental context and may be limiting for administrators implementing equity at the programmatic level. Thus, a more precise and concrete operation definition—one that provides instructions or descriptions of sets of actions, processes, or activities that are designed to link concepts to magnitudes of the world—is needed.

As Brandi Blessett, Marc Fudge, and Tia Sheree Gaynor have noted, the fairness-oriented approach to defining equity can (and should) be refined to advance operational efforts. In particular, they define equity in public administration as:

...policy formulation and implementation, public management practices, the provision of public goods and services, and administrator/resident interactions that reduce (and

ultimately eliminate) disparity, marginalization, and discrimination while increasing social and political inclusion.¹⁷

This definition intentionally avoids terms that are difficult to measure like “fairness” and does not support an ideology grounded within equality. It does, however, incorporate measurable concepts like disparity, discrimination, marginalization, and inclusion.

What vs. Where of Equity

To understand how these concepts are operationalized and transformed into activities and programs, it is useful to review the “what” and “where” of social equity by mapping equity to four programmatic objectives: access, quality, procedural fairness, and outcomes.

Access: Evaluate the extent to which public services and benefits are available to all. Example: Are public meetings held at a time when the public can attend? Is location easy to get to via car, bicycle, or public transit? Are childcare or child-friendly facilities provided? Are there multiple ways for residents to engage?

Quality: Assess the level of consistency in public service delivery to different groups and individuals. Example: Are first responder response times equivalent in all neighborhoods within the jurisdiction?

Procedural fairness: Examine problems in due process, equal protection, public engagement in decision-making, and eligibility criteria for services, public policies, and programs. Example: Is the city issuing warnings for code compliance before issuing citations, thus giving standard times for corrections and responses? Is this process written down for the public to see?

Outcomes: Assess the degree to which policies and programs have the same or disparate impacts on groups and individuals. Example: Do all areas of the community have food access (defined as living over a mile from a large grocery store if in an urban area or over ten miles from a large grocery store if in a rural area)?

As public managers, elected officials, and community members move from the broader definition of equity to its more operational form, the picture of inequity may become clearer. Equity-minded public officials should be able communicate what equity looks like within their communities. The definition—and subsequent operationalization—of equity described above is an important step in that regard.

In efforts to operationalize the values of equity in city operations, it helps to have common understanding of the words that are often used in relation to equity. The City of Mesa, Arizona developed the following glossary.

Glossary

Accessible: A person with a disability is afforded the opportunity to acquire the same information, engage in the same interactions, and enjoy the same services as a person without a disability in an equally effective and integrated manner.

Bias: Prejudice toward one group and its members relative to another group.

¹⁷ Blessett, B., Fudge, M., & Gaynor, T.S. (2017). Moving from Theory to Practice: An Evaluative Assessment of Social Equity Approaches. Submitted to Center for Accountability and Performance and National Academy for Public Administration’s Standing Panel on Social Equity in Governance.

Public Engagement: Active, intentional dialogue between community members and public decision makers.

Discrimination: Unfavorable or unfair treatment toward an individual or group based on the groups, classes, or other categories to which they are perceived to belong.

Diversity: Psychological, physical, and social differences that occur among all individuals. A diverse group, community or organization is one in which a variety of physical, social, and cultural characteristics exist.

Ethics: Moral principles that govern behavior or the conducting of an activity, practice, or policy.

Ethnicity: A social group that shares a common and distinctive culture, religion, language, ancestry, nation, history, and/or traditions.

Equality: The right of different groups of people to receive the same treatment.

Equity: Fairness and justice, especially pertaining to rights and protection under the law. The guarantee of fair treatment, access, opportunity, and advancement while striving to identify and eliminate barriers that prevent the full participation of some groups.

Equity Officer: An executive position that is responsible for providing strategic direction to ensure that equity, equality, and equal access and opportunity is established, maintained, and fostered throughout the organization.

Harassment: Unwelcome, intimidating, or hostile behavior.

Inclusion: The practice or policy of providing equal access to opportunities and resources for people who might otherwise be excluded.

Implicit Bias: Inclinations in judgment or behavior that operate below the conscious level and without intentional control.

Institutional Racism: Policies, practices, and procedures as part of the way an organization or society operates that result in and support a continued unfair advantage or harmful treatment to others based on race.

Justice: Fair, impartial, and moral treatment of people.

Marginalization: A person, group, or concept treated as insignificant or placed in a position of little or no importance, influence, or power.

Race: A grouping of human beings based on a shared geographic dispersion, common history, nationality, ethnicity, or genealogical lineage. Race is also defined as a grouping of human beings determined by distinct physical characteristics that are genetically transmitted.

Racism: Individual and/or institutional practices, behaviors, rules, policies, and so forth that result in a continued unfair advantage for some and unfair or harmful treatment of others based on race.

Socioeconomic Class: Social group based on a combination of factors including income, education level, occupation, and social status in the community.

Tolerance: Recognition and respect of values, beliefs, and behaviors that differ from one's own.

Underserved: People and places that historically and/or currently have not had equitable resources or access to services.

Using the Ninth Edition of the Model City Charter

The Ninth Edition of the Model City Charter was the result of a year-long review and revision process with sharpened focus on equity and inclusive public engagement. The Social Equity Working Group of the Charter Revision Project examined the entire document through an equity lens and developed new language to be interspersed throughout the ninth edition. For instance,

- Article III (City Managers) was revised to underscore the manager’s role in promoting social equity throughout the organization.
- Article IV (Departments, Offices, and Agencies) now includes language on “adopting an equity lens to reshape decisions and activities, including the sections on personnel, land use, development and environmental planning.”
- Article V (Budgets) emphasizes the importance of reflecting social equity in performance assessments and access to services.
- A new section, Article VII (The Role of Public Engagement in Local Governance), states that “principles of justice, equity, diversity, and inclusion” should guide the execution of public engagement activities, in a variety of ways, including outreach, evaluation, and process design.
- The Mayors and Councilmembers Working Group recommended changes to Article VI (Elections) to ensure elected offices are fully representative of the community.

Of course, many cities have already made progress in implementing social equity practices in their agencies and community affairs, though they may not have reflected social equity as a value in their charter. We certainly support the creation of ordinances, policies, rules, guidelines and offices to advance equity, much of which may not be described in the charter. At the same time, for equity to become a long-term value reflected in all city processes, we encourage consideration of the measures outlined above as part of the city’s charter.

Finally, it is important to note that equity may be defined and implemented in a variety of ways, based on the particular characteristics and interests of a community. It is important, therefore, that work to create equity be driven by an inclusive community engagement process to gather insights and direction from the community itself. Many of the resources below start with this process in mind and remind us that the definition of equity should reflect the perceptions of those affected.

Additional Resources

“[The Basics of Equity in Budgeting](#),” Government Finance Officers Association.

“[Racial Equity: Getting to Results](#),” Government Alliance on Racial Equity.

“[Governing for Equity: Implementing an Equity Lens in Local Government](#),” International City/County Management Association.

“[Advancing Racial Equity in Your City: Municipal Action Guide](#),” National League of Cities

Model City Charter Revision Steering Committee

Co-Chairs

- Clarence Anthony, CEO, National League of Cities
- Ronald Loveridge, Director, Center for Sustainable Suburban Development; former Mayor, City of Riverside, California
- Marc Ott, Executive Director, International City/County Management Association
- Kendra Stewart, former President American Society for Public Administration

Members

- Chris Balch, City Attorney, Brookhaven, Georgia
- Patti Garrett, Mayor, City of Decatur, Georgia
- Teresa Gerton, President, National Academy of Public Administration
- David Luna, Councilmember, Mesa, Arizona
- Peggy Merriss, CEO, Merriss Management and Leadership Consulting
- Chris Morrill, Government Finance Officers Association
- Sylvester Murray, Visiting Professor, Jackson State University
- Tina Nabatchi, Professor of Public Administration and International Affairs, Syracuse University
- John Nalbandian, Professor Emeritus, University of Kansas
- Kimberly Nelson, Professor of Public Administration and Government, University of North Carolina at Chapel Hill
- Jerry Newfarmer, CEO, Management Partners
- Robert O'Neill, former Executive Director, International City/County Management Association
- Martha Perego, Director, Membership Services and Ethics, International City/County Management Association
- James Svava, Senior Fellow, School of Government, University of North Carolina at Chapel Hill
- Mark Washington, City Manager, Grand Rapids, Michigan
- Chuck Thompson, Executive Director, International Municipal Lawyers Association

Model City Charter Revision Working Groups

City Managers/Operations/Finance

- James Fisher, City of Brenham, Texas
- Jason Grant, International City/County Management Association
- Kimberly Nelson, University of North Carolina
- Lee R. Feldman, City of Gainesville, Florida
- Peggy Merriss, City of Sandy Springs, Georgia
- Ron Holifield, SGR
- Randall Reid, International City/County Management Association
- Shayne Kavanagh, Government Finance Officers Association
- Zach Walker, City of Independence, Missouri

Community Members/Public Engagement

- Terry Amsler, Indiana University Bloomington
- Albert Dzur, Bowling Green State University

- Teresa Gerton, National Academy of Public Administration
- Mike Huggins, Public Work Academy
- Matt Leighninger, National Conference on Citizenship
- Margaret Stout, West Virginia University
- Wendy Willis, Oregon's Kitchen Table

Legal Issues/City Attorneys/Home Rule

- Chris Balch, City of Brookhaven, Georgia
- Nestor Davidson, Fordham Law School
- William Scheiderich, City of Beaverton, Oregon
- Philip Strom, City of Grand Rapids, Michigan
- Chuck Thompson, International Municipal Lawyers Association
- Kevin Toskey, League of Minnesota Cities
- Will Trevino, Messer, Fort & McDonald

Mayors/City Councils

- Anthony Santiago, Institute for Youth, Education and Families, National League of Cities
- Christine Sederquist, City of Leander, Texas
- Doug Linkhart, National Civic League
- Hon Ronald Loveridge, Center for Sustainable Suburban Development, University of California, Riverside.
- James Svava, University of North Carolina
- John Nalbandian, University of Kansas
- Hon. Patti Garrett, City of Decatur, Georgia
- Tony Peyton, CE&S Foundation

Social Equity Working Group

- Brandi Blessett, University of Cincinnati
- Tom Carroll, Village of Silverton, Ohio
- Teresa Gerton, National Academy of Public Administration
- Benoy Jacob, University of Wisconsin
- Derek Okubo, City and County of Denver
- Tina Nabatchi, Syracuse University

The Ninth Edition

The Model City Charter is used by hundreds of cities to guide their charter language and governance structure. First published in 1900, this is the first full revision of the document since 2000, and includes new language and recommendations in the following areas:

- **Equity:** The Model discusses the need for social equity and contains a separate section on infusing equity into charters as well as other city operational structures.
- **Public Engagement:** The new edition stresses the importance of community engagement and how these principles can be reflected both in a city's charter and in other structures.
- **Mayors:** The document emphasizes the important facilitative roles of the mayor in helping the city council and manager to work together to set goals and work with the community on implementation.
- **City Councils:** The importance of the city council's relationship to the city manager is emphasized, to include hiring and regular evaluation.
- **Elections:** This new edition encourages the direct election of mayors and discusses options for council representation and election timing.

Many thanks to the Murray and Agnes Seasongood Good Government Foundation for their support and to the many individuals and organizations that made this possible, which are listed at the back of the document.

We encourage you to view and use the Model City Charter online at www.ncl.org, where the full text and links to related documents can be found.

ATTACHMENT C

MATERIALS AVAILABLE

THURSDAY,
DECEMBER 15, 2022

THE CHARTER

The original Torrance City Charter was voted on and ratified by the qualified electors at an election held August 20, 1946, and filed with the Secretary of State January 7, 1947.

Amended As Follows

Date Of Election	Filed With Secretary Of State
April 13, 1948	January 7, 1949
April 11, 1950	March 20, 1951
April 10, 1956	January 10, 1957
October 29, 1957	February 5, 1958
April 10, 1962	April 26, 1962
April 14, 1964	May 11, 1964
April 12, 1966	May 25, 1966

On April 17, 1973 the qualified electors of the City of Torrance approved and ratified an amended, recodified and renumbered City Charter, which was adopted in the Assembly by Assembly Concurrent Resolution No. 19 on August 9, 1973; adopted by the Senate August 13, 1973; filed with the Secretary of State on August 13, 1973 at 3:00 P.M. The City Clerk recorded said Charter in the Office of the County Recorder on September 7, 1973 at 2:47 P.M., Document No. 4140; File No. F2507.

Amended As Follows

Date Of Election	Filed With Secretary Of State
November 5, 1974	January 9, 1975
March 2, 1976	April 2, 1976
November 2, 1976	March 25, 1977
March 7, 1978	March 27, 1978
November 8, 1988	May 1, 1989
November 2, 2004	

Amended As Follows

Date Of Election	Filed With Secretary Of State
March 3, 2020	May 4, 2020

Amended As Follows

Ordinance No.	Date Adopted
3829	June 19, 2018

THE CHARTER OF THE CITY OF TORRANCE

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ARTICLE 1 - NAME OF CITY

100 NAME.

The municipal corporation now existing and known as the City of Torrance, in Los Angeles County, California, shall remain and continue to exist a body politic and corporate, as the present, in fact and in law by the name of City of Torrance and by such name shall have perpetual succession.

ARTICLE 2 - BOUNDARIES

200 BOUNDARIES.

The territory of the City shall be that contained within its present boundaries as now established, with the power and authority to change the same in the manner provided by law.

ARTICLE 3 - SUCCESSION

300 RIGHTS AND LIABILITIES.

The City of Torrance as successor in interest of the municipal corporation of the same name, heretofore created and existing, shall own, hold, possess, use, lease, control and in every way succeed to and become the owner of rights and of property of every kind and nature by said existing municipal corporation, owned, controlled, possessed or claimed, and shall be subject to all the debts, obligations, liabilities and duties of said existing corporation.

310 ORDINANCES CONTINUE IN FORCE.

All ordinances, resolutions and other regulations, or portions thereof, in force at the date this Charter takes effect and not inconsistent with this Charter, shall be and remain in force after this Charter takes effect until changed or repealed by proper authority.

320 PRESERVATION OF PERSONNEL RIGHTS.

Nothing in this Charter contained, except as specifically provided or as inconsistent with this Charter, shall affect or impair the rights or privileges of officers or employees of the City or of any office, department or agency thereof existing at the time when this Charter shall take effect.

ARTICLE 4 - POWERS OF CITY

400 GENERALLY.

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. The specifications in this Charter of any particular powers shall not be held to be exclusive of, or any limitations upon, this general grant of power. The City shall have the power to act pursuant to procedure established by any law of the State, unless a different procedure is established by ordinance.

410 LIMITATIONS UPON GENERAL POWERS OF THE CITY COUNCIL.

The general powers vested in the City Council by this Charter are hereby limited in the following manner:

411 TAX LIMIT.

The City Council shall not levy a property tax in excess of One Dollar on each One Hundred Dollars of the assessed value of taxable property in the City, without the assent of two-thirds of the qualified electors of the City, voting at any general or special municipal election at which a proposition to exceed such limit shall be submitted. Such limitation shall not apply to any tax that is levied for the payment of principal or interest of bonds heretofore or hereafter issued and any taxes levied for the purpose of payment thereof may be in excess of said limitation.

In addition to the levy for municipal purposes, there shall be included in every annual levy, a sufficient amount to cover all liabilities of the City for principal and interest of all bonds or judgments due and unpaid or to become due during the ensuing fiscal year and not otherwise provided for. The City Council may also levy such additional tax as is required to cover all obligations of the City to the State Employees' Retirement System or any other system for the retirement of City employees which may be provided for.

Special levies, in addition to the above, may be made annually, based on approved budget requirements, for the following specific purposes: Parks, playground and recreational centers, promotion and advertising, city planning and libraries. The proceeds of any such special levy shall be used for no other purpose than that specified.

Any unexpended or unencumbered balances resulting from such special funds shall, at the end of each fiscal year, accrue to the general fund.

412 BONDED DEBT LIMITATION.

The City shall not incur any bonded indebtedness for public improvements which shall in the aggregate exceed fifteen percent of the assessed value of all the real and personal property of the City.

413 ADVERTISING, PROMOTION AND MUSIC.

The City Council shall not expend more than five percent of the moneys accruing to the general fund in any one (1) fiscal year for advertising, promotion or music.

414 LIMITATION ON INDEBTEDNESS.

The City Council shall not incur any indebtedness or liability in any manner or for any purpose exceeding in any year the income and revenue provided for such year without the assent of two-thirds of the qualified electors of said City voting at an election to be held for the purpose, nor unless before or at the time of incurring such indebtedness provision shall be made for the collection of an annual tax sufficient to pay the interest of such indebtedness as it falls due, and also provision to constitute a sinking fund for the payment of the principal thereof on or before maturity, which shall not exceed forty (40) years from the time of contracting the same; provided, however, anything to the contrary herein notwithstanding, when two (2) or more propositions for incurring any indebtedness or liability are submitted at the same election, the votes cast for and against each proposition shall be counted separately, and when two-thirds of the qualified electors, voting on any one (1) of such propositions, vote in favor thereof such proposition shall be deemed adopted.

ARTICLE 5 - ELECTIONS**500 PROCEDURE FOR HOLDING ELECTIONS.**

All elections shall be held in the manner prescribed in the Elections Code of the State of California for the holding of elections in general law cities, so far as the same may be applicable and excepting as herein otherwise provided. No person shall be entitled to vote in any such election unless he shall be a qualified elector of said City or school district. The City Council may by ordinance provide a procedure for the holding of City elections, in which event such procedure shall prevail over the provisions of the said Elections Code.

510 GENERAL MUNICIPAL ELECTIONS.

General municipal elections shall be held in said City on the same day as the statewide direct primary election in each even numbered year.

(Ratified Special Municipal Election, 11/02/2004; Filed with Sec'y of State,).

520 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.

530 INITIATIVE, REFERENDUM AND RECALL.

The provisions of the Elections Code of the State of California governing the initiative and referendum shall apply to the use of the initiative and referendum in said City insofar as the same may be applicable and except as herein otherwise provided. All elective officers of said

City shall be subject to recall in the manner provided in the said Elections of the State of California relating to recall of municipal officers insofar as the same may be applicable and except as herein otherwise provided.

540 1958 GENERAL MUNICIPAL ELECTION. Repealed.

ARTICLE 6 - ELECTIVE OFFICERS

600 ELECTIVE OFFICERS.

The elective officers of the City shall be the Mayor, six members of the City Council, five members of the Board of Education, the City Clerk and the City Treasurer. No person shall be a candidate for more than one of said offices at any municipal election. (Ratified Spec. Mun. Elec. 10/29/57), Amend. No. 2; Approved by State Legislature Concurrent Res. No. 1 on 2/4/58).

601 ELIGIBILITY FOR ELECTIVE OFFICE.

No person shall be eligible to hold any elective office in this City unless he be a resident and elector therein and shall have resided in such City for at least thirty (30) days next preceding the date of his filing of nomination papers. If an elective officer shall cease to possess any of the qualifications for office herein set forth, or shall be convicted of a crime involving moral turpitude, or shall resign, or be adjudged an incompetent, his office shall immediately become vacant. In case a member of the City Council or Board of Education absents himself from all regular meetings of the body to which he shall belong, for a period of sixty (60) days consecutively, from and after the last regular meeting of such body attended by said member, unless by the expressed permission of such body duly recorded in its official minutes, his office shall automatically become vacant and the same shall be filled as in case of other vacancies. (Ratified Gen. Mun. Elec. 3/2/76, Amend. No. 1; Filed with Sec'y of State 4/2/76).

602 TERMS.

a) The six members of the City Council shall be elected by-district, and the remaining elective officers of the City shall be elected from the City at large and, except members of the Board of Education, shall hold office for a term of 4 years from and after the Tuesday next succeeding the date of such election and until their successors are elected and qualified. (Ratified Gen. Mun. Elec. 4/10/62, Amend. No. 2; Approved by State Legislature Concurrent Res. No. 21 on 4/13/62).

b) No person shall be elected as Mayor for more than two (2) consecutive full terms; provided, however, that such person may be successively elected to additional terms as Mayor in full compliance with this subsection where the first of such two (2) full terms succeeds the term of another person.

c) Any person elected as a member of the City Council for two (2) consecutive full terms shall not be eligible to hold office as a member of the City Council until a period of four (4) years has elapsed from the expiration of the second consecutive term. Appointment or election to an unexpired term shall not count in determining a person's eligibility under this section. Terms completed prior to this provision taking effect, shall not be counted in determining a person's eligibility under this section. Terms which are in progress at the time this provisions goes into effect, shall count as the first term of the two (2) term limit. (Ratified Spec. Mun. 11/2/76, Amend No. 1; Filed with Sec'y of State 3/25/77, Amend. No. 3; Filed with Sec'y of State 12/31/92; Amended by O-3829 6/19/2018).

603 VACANCIES.

a) Any vacancies occurring in any of the elective offices provided for in this Charter, other than of members of the Board of Education, shall be filled by appointment by the City Council. Vacancies in the Board of Education shall be filled by appointment by the Board of Education.

b) In the event of the City Council or the Board of Education, respectively, failing to fill a vacancy by appointment within 60 days after such vacancy occurs, the City Council or the Board of Education, as the case may be, must immediately, after the expiration of said 60 days, cause an election to be held to fill such vacancy.

c) Any person appointed or elected to fill any vacancy on the City Council shall hold office only until the next regular municipal election at which time a person shall be elected to serve for the remainder of such unexpired term. Any person appointed or elected to fill a vacancy on the Board of Education shall hold office for the remainder of the unexpired term.

d) In the election of member of the City Council or members of the Board of Education, where full terms and 1 or more unexpired terms are to be filled, no distinction shall be made in nomination or voting between the full terms and the unexpired terms but the person or persons elected by the highest number of votes shall be elected for the full terms or term and the persons receiving the next highest vote shall be elected for the unexpired terms or term,

as the case may be. (Ratified Spec. Mun. Elec. 11-5-74; filed with Sec'y of State 1-9-75)
(Ratified Gen. Mun. Elec. 3/3/20; filed with Sec'y of State 5/4/20).

604 COMPENSATION.

The members of the Board of Education shall receive no compensation for their services as such. The members of the City Council shall receive compensation in the amount of One Hundred Dollars (\$100.00) per month, payable on the same dates as City employees, and in addition thereto shall receive their actual and necessary expenses while engaged on City business at the direction of the City Council. Any member of the City Council making demand for reimbursement for traveling or other expenses shall provide the Director of Finance with vouchers covering such expenses, together with a sworn statement to the effect that such expenses were actually incurred in good faith by said party while on official City business. The compensation of any member of the City Council appointed or elected to fill a vacancy shall be the same as that payable to such member whose office was vacated. (Ratified Gen. Mun. Elec. 4/10/56, Amend. No. 1; Approved by State Legislature Concurrent Res. No. 3 on 1/9/57). (Ratified Gen. Mun. Elec. 3/2/76; Amend No. 3; Filed with Sec'y of State 4/2/76). (Ratified Gen. Mun. Elec. 3/7/8, Amend. No. 7, Filed with Sec'y of State 3/20/78, Recorded with County Recorder, Los Angeles County 6/20/78).

610 THE MAYOR.

The Mayor shall preside at the meetings of the City Council, and in case of his absence or inability to act, the City Council shall appoint a Mayor Pro Tempore, who shall serve only until such time as the Mayor returns and is able to act, and for such period shall have all the powers and duties of the Mayor. The Mayor shall be a member of the City Council for all purposes and shall have all the rights, powers and duties of a member of the City Council in addition to those powers and duties conferred upon him by virtue of his office as Mayor. Unless otherwise expressly provided to the contrary, any provision in this Charter which relates to the City Council or to members of the City Council shall be interpreted to include the Mayor as a member of the City Council. The Mayor shall sign all warrants drawn on the City Treasury, and shall sign all written contracts required by ordinance to be approved by the City Council and all conveyances made up or entered into by said City. The Mayor shall have the power to administer oaths and affirmations, to take affidavits and to testify the same under his hand. The Mayor is authorized to acknowledge the execution of all instruments executed by said City that are required to be acknowledged. (Ratified Spec. Mun. Elec. 10/29/57, Amend. No 2; Approved by State Legislature Concurrent Res. No. 1 on 2/4/58).

(Ratified Gen. Mun. Elec. 3/7/78, filed with Sec'y of State 3/27/78, Recorded with County Recorder, Los Angeles County 6/20/78).

620 CITY CLERK.

It shall be the duty of the City Clerk to keep a full and true record of all the proceedings of the City Council in books that shall bear appropriate titles and be devoted exclusively to such purposes, respectively. Such books shall have a general index sufficiently comprehensive to enable a person readily to ascertain matters contained therein.

The City Clerk shall keep a book marked Ordinances into which he shall record all City ordinances with his certificate annexed to each of said ordinances stating the same to be a true and correct copy of any ordinance of said City, giving the number of said ordinances and stating that the same has been published or posted according to law. Said record with said certificate shall be prima facie evidence of the contents of each ordinance and of the passage and publication of the same and shall be admissible as such evidence in any court or proceedings.

The official records of the City in the custody of the City Clerk shall not be filed in any court proceedings or other action but shall be returned to the custody of the City Clerk. Nothing herein contained shall be construed to prevent the proof of the passage and publication of ordinances in the usual way. The City Clerk shall be the custodian of the seal of the City.

The City Clerk may appoint a deputy, or deputies, from an eligible list to be prepared in accordance with the proceedings prescribed in the civil service system of the City, such deputy or deputies to receive such compensation as may be provided for by the City Council.

The City Clerk and his deputy, or deputies, shall have power to administer oaths or affirmations, to take affidavits and depositions pertaining to the affairs and business of the City, which may be used in any court or proceedings in the State, and to certify the same. (Ratified Gen. Mun. Elec. 4/10/56, Amend. No. 7; Approved by State Legislature Concurrent Res. No. 3 on 1/9/57).

The salary of the City Clerk shall be determined by the City Council. (Ratified Gen. Mun. Elect. 3/2/76, Amend. No. 3; Filed with Sec'y of State 4/2/76).

The City Clerk shall devote his entire time to the interests of the City, and shall be entitled to receive expenses, vacation periods and sick leave, with pay, the same as prescribed by the

civil service ordinances of the City for heads of departments. (Ratified Gen. Mun. Elec. 4/14/64, Amend. No. 1 ; Approved by State Legislature Concurrent Res. No. 62 on 5/7/64).

621 SPECIAL POWERS AND DUTIES OF THE CLERK.

- a) The City Clerk shall keep at least one (1) original copy of each contract and conveyance executed or accepted by direction of the City Council. Said documents shall be kept in a secure manner and sufficiently indexed to enable a person readily to ascertain matters contained therein.
- b) The City Clerk shall maintain a central records system for storage of all records of the various City departments referred by the various departments. Such records shall be readily available to the various departments and the public. Said documents may be retained either in their original state or as photographed, microphotographed, or reproduced on film in a form approved for permanent photographic records by state law. Said documents shall be sufficiently indexed to enable a person readily to ascertain matters contained therein.
- c) The City Clerk shall supervise all micrographic or other record reproduction functions pertaining to City records retention under his control.
- d) The City Clerk, subject to the provisions of Section 500 of this Charter, shall conduct all municipal elections as shall be required by law, and shall keep and maintain the necessary records and facilities for registering voters, administering oaths of office, and accepting the filing of election and campaign documents in accordance with law.
- e) The City Clerk shall be the agent for service of legal process on the City of Torrance.
- f) The City Clerk shall conduct openings of bids for public works projects undertaken by the City.
- g) The City Clerk shall acknowledge the execution of all instruments executed by the City that are required to be acknowledged.
- h) The City Clerk shall have such other powers and perform such other duties not otherwise delegated or in conflict with this Charter as may be assigned by the City Council.
- i) The City Clerk may delegate and/or redelegate the performance of any of the foregoing duties among employees of the Clerk's office.

j) The City Clerk, or Deputy City Clerk may attest the signatures of City officials on written contracts or conveyances. (Ratified Gen. Mun. Elec. 3/7/78; Amend. No. 1; Filed with Sec'y of State 3/27/78; Recorded with County Recorder, Los Angeles County 6/20/78).

630 CITY TREASURER.

It shall be the duty of the City Treasurer to receive and safely keep all moneys which shall come into his hands as City Treasurer. He shall comply with all provisions of law governing the deposit and securing of public funds. He shall also comply with all the provisions of the general laws of the State governing the handling of such trust funds as may come into his possession. He shall pay out moneys only on warrants signed by persons designated by law, or ordinance, as the proper persons to sign warrants and as to trust funds which may come into his possession or control by virtue of some law, ordinance or resolution, by warrant or other order, in accordance with the provisions of such law, ordinance or resolution. He shall at regular intervals, at least once each month, submit to the Director of Finance a written report and accounting of all receipts, disbursements and fund balances, a copy of which report he shall file with the City Council.

The City Treasurer may appoint a deputy, or deputies, from an eligible list to be prepared in accordance with the proceedings prescribed in the civil service system of the City, such deputy or deputies to receive such compensation as may be provided by the City Council. (Ratified Gen. Mun. Elec. 4/10/56, Amend. No. 8; Approved by State Legislature Concurrent Res. No. 3 on 1/9/57).

640 ELECTION AS TO MAKING CLERK OR TREASURER APPOINTIVE OFFICES.

The City Council may submit to the electors at any special or general municipal election, the question as to whether the City Clerk or City Treasurer, or either of them, shall be appointed by the City Council instead of being elected, as provided in this Charter. If a majority of votes cast on any such proposition are in favor of the appointment of such officers, or either of them, then at the expiration of any such official's term of office, or on the occurrence of a vacancy in such office, such office shall be filled by appointment by the City Council and the appointee shall hold office in the same manner as other appointive officers.

650 POLITICAL ACTIVITY OF THOSE UNDER SYSTEM.

No person in the classified service of the City shall seek or accept election, nomination or appointment as an officer of a political club, or organization or take an active part in a county or municipal campaign or serve as a member of a committee of such club, organization or circle, or seek signatures to any petition or act as a worker at the polls, or distribute badges,

pamphlets, dodgers or handbills of any kind, favoring or opposing any candidate for election, or for nomination to a public office or for nomination to a county or municipal public office; provided, however, that nothing in this Act shall be construed to prevent any such officer or employee from becoming or continuing to be a member of a political group or organization, or from attendance at a political meeting, or from enjoying entire freedom from all interference in casting his vote or from seeking or accepting election or appointment to any public office.

Any willful violation hereof, or violation through culpable negligence shall be sufficient grounds for the discharge of any such officer or employee.

ARTICLE 7 - CITY COUNCIL POWERS AND DUTIES

700 LEGISLATIVE POWERS.

The legislative powers of the City shall be vested in the City Council and the people through the initiative and referendum.

710 ORGANIZATION MEETING.

The City Council shall meet on the Tuesday next succeeding the date of the holding of any general municipal election. (Ratified Spec. Mun. Elec. 10/29/57, Amend. No. 2; Approved by State Legislature Concurrent Res. No. 1 on 2/4/58).

711 REGULAR MEETINGS.

The City Council shall hold regular meetings at least once in each month, at such times as it shall fix by ordinance or resolution, and may adjourn any regular meeting to a date certain, which shall be specified in the order of adjournment, and when so adjourned, each adjourned meeting shall be a regular meeting for all purposes. Any adjourned meeting may likewise be adjourned.

712 ADJOURNMENT.

In the event that any order of adjournment of a regular meeting fails to set the hour at which any adjourned meeting is to be held, such adjourned meeting may be validly held on the day specified in the order of adjournment, if held at the hour set forth in the ordinance or resolution prescribing the time for regular meetings.

713 SPECIAL MEETINGS.

Special meetings may be called at any time by the Mayor, or by a majority of the members of the City Council, upon compliance with the notice requirements for special meetings

prescribed by state law; provided, however, that any special meeting of the City Council shall be a validly called special meeting, without the giving of such written notice, as provided, if all members of the City Council shall give their consent, in writing, to the holding of such meeting, and such consent is on file in the office of the City Clerk at the time of holding such meeting. A telegraphic communication from a Councilman consenting to the holding of the meeting shall be deemed to be a consent in writing, within the meaning of the terms as expressed in the foregoing sentences. At any special meeting the powers of the City Council to transact business shall be limited to matters referred to in such written notice or written consent. (Ratified Gen. Mun. Elec. 3/7/78, Amend. No. 3, Filed with Sec'y of State 3/27/78, Recorded with County Recorder, Los Angeles County 6/20/78).

714 PLACE OF MEETINGS.

All regular or special meetings of the City Council shall be held within the corporate limits of the City, at such place as may be designated by ordinance or resolution, and shall be open to the public. If, by reason of fire, flood or other disaster or emergency, it shall be unsafe to hold a Council meeting at the designated place, the City Council may meet during such emergency at such place as is designated by the Mayor or by three members of the City Council. The City Council shall have the right and privilege to hold and conduct its meeting in accordance with an agenda and may specify the matters which shall be considered at each meeting and shall have the right to establish a time at which all communications shall be on file in the Office of the City Clerk in order that such communications may be considered at the next regular meeting of the City Council. (Ratified Gen. Mun. Elec. 4/11/50, Amend No. 5; Approved by State Legislature Concurrent Res. No. 32 on 3/15/51).

715 QUORUM.

At any meeting of the City Council, a majority of said Council shall constitute a quorum for the transaction of business, but a less number may adjourn from time to time, and may compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance. In the absence of all of the City Council from any regular meeting or adjourned regular meeting the City Clerk may declare the same postponed and adjourned to a stated day and hour, and must thereupon deliver or cause to be delivered personally to each member of the City Council a written notice of such adjournment at least three hours before the time to which said regular or any adjourned regular meeting has been adjourned. Whenever in this Charter a certain proportion of the Council is required for the performance of any act, it shall mean such proportion of the entire membership of the Council.

716 COUNCIL PROCEEDINGS.**720 ORDINANCES; ENACTMENT CLAUSE.**

The enacting clause of all ordinances shall be substantially as follows: 'The City Council of the City of Torrance does ordain as follows:' Every ordinance must be signed by the Mayor and attested by the City Clerk.

721 ORDINANCES: PUBLICATION.

At the time any ordinance is introduced to the City Council, the City Attorney shall prepare and submit a summary of the said ordinance. Upon adoption of an ordinance, the City Council may determine that the summary of the said ordinance shall be published in a newspaper of general circulation, printed, published and circulated within the City, or that the full ordinance shall be so published. In the event the City Council shall determine that a summary shall be published, it shall approve the summary as submitted or may modify it.

The City Clerk shall thereafter cause either the said ordinance, or the summary thereof approved by the City Council, to be published within fifteen (15) days after its adoption at least once in a newspaper of general circulation, printed, published and circulated within the City. If there is no such newspaper, then each such ordinance must be posted in at least three (3) public places within the City.

In the event the summary is published, the names of the Council Members voting for and against shall be shown. (Ratified Spec. Mun. Elec. 11/8/88, Filed with Sec'y of State 5/1/89).

722 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, including such re-statements and substantive changes as may be necessary in the interest of clarity and arranged as a comprehensive ordinance code, and such code may be adopted by reference by the passage of an ordinance for such purpose which ordinance shall be required to be adopted and approved in the manner provided in this Charter for the passage of ordinances of the City. The ordinance code itself need not be published in the manner required for other ordinances, but not less than three (3) copies of such code shall be filed, for use and examination by the public, in the office of the City Clerk, prior to the adoption thereof. After the code has been adopted, all ordinances thereafter adopted shall be amendatory and revisory of the code, and no section of the code shall be revised or amended by reference but the section revised or amended shall be readopted and published at length as revised or amended.

723 ADOPTION OF CODE BY REFERENCE.

Detailed regulations pertaining to any subject, such as the construction of buildings, plumbing, wiring or other subjects which require extensive regulations, after having been arranged as a comprehensive code, may be adopted by reference by the passage of an ordinance for such purposes; which ordinance may be adopted in the same manner as specified for the adoption of a comprehensive ordinance code.

724 ADOPTION OF ORDINANCES AND RESOLUTIONS.

No ordinance of any kind shall be passed by the City Council on the day of its introduction, nor within five (5) days thereafter, nor at any time other than a regular or adjourned regular meeting. At the time that an ordinance or resolution is up for final passage, it shall be read in full, unless after the reading of the title thereof, the further reading thereof is waived by motion of the City Council regularly made and approved by the unanimous vote of those present. In the event that any ordinance is materially 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 resolution or any order for the payment of money shall have any validity or effect unless passed by the votes of at least four (4) members of the City Council, and no ordinance shall have any validity or effect unless passed by the votes of at least four (4) members of the City Council. (Ratified Spec. Mun. Elec. 10/29/57, Amend. No. 2; Approved by State Legislature Concurrent Res. No. 1 on 2/4/58).

725 ORDINANCES; WHEN REQUIRED.

Every act of the City Council establishing a fine or other penalty, or granting a franchise, creating a commission, board or agency, or in any way restricting or governing the use of property, and in addition thereto, every act required by the City Charter to be done by ordinance shall be by ordinance. (Ratified Gen. Mun. Elec. 4/11/50, Amend. No. 6; Approved by State Legislature Concurrent Res. No. 32 on 3/15/51).

726 ORDINANCES; WHEN EFFECTIVE.

No ordinance shall become effective until thirty (30) days from and after the date of its final passage, except an ordinance calling or otherwise relating to an election, or to a street improvement proceeding taken under some law, or ordinance determining the amount of money necessary to be raised by taxation, or fixing the rate of taxes to be levied, or an

ordinance for the immediate preservation of the public peace, health, or safety, which contains a declaration of facts constituting its urgency, and is passed by a five-sevenths vote of the City Council. An ordinance for the immediate preservation of the public peace, health or safety which contains a declaration of the facts constituting its urgency and is passed as aforesaid, may be introduced and passed at one and the same meeting and the requirement that no less than five (5) days shall intervene between the introduction and final passage shall not apply to such an ordinance. (Ratified Spec. Mun. Elec. 10/29/57, Amend No. 2; Approved by State Legislature Concurrent Res. No. 1 on 2/4/58).

727 ORDINANCE VIOLATION: MISDEMEANOR OR INFRACTION.

A. A violation of any ordinance of the City may be prosecuted by the authorities of the City either as a misdemeanor or an infraction, as the City Council may determine, in the name of the People of the State of California, or may be redressed by civil action, or both, at the option of said authorities.

B. For any ordinance of the City adopted after the effective date of this amended section, the City Council shall declare at the time of adoption whether the violation of such ordinance shall be a misdemeanor or an infraction or alternatively, a misdemeanor or infraction pursuant to Section 17(d) of the California Penal Code.

C. For each ordinance adopted before the effective date of this amended section, the City Council may determine, by the adoption of an ordinance or ordinances that the violation of any such previously adopted ordinances shall be an infraction, or alternatively a misdemeanor or an infraction pursuant to Section 17(d) of the California Penal Code. (Ratified Gen. Mun. Elec. 3/7/78, Amend. No. 6, Filed with Sec'y of State 3/27/78, Recorded with County Recorder, Los Angeles County 6/20/78). (Ratified Spec. Mun. Elec. 11/8/88, Filed with Sec'y of State May 1, 1989).

728 ORDINANCE PENALTY.

The maximum fine or penalty for any violation of an ordinance of this City which is a misdemeanor, shall be the sum of One Thousand Dollars (\$1000), or a term in the County Jail or in the City Jail for a period not exceeding six (6) months, or by both such fine and imprisonment, or as otherwise provided in Section 36901 of the California Government Code. The maximum fine or penalty for violation of any ordinance of this City which is an infraction, or which is charged as an infraction, shall be provided in Section 36900 of the California Government Code. By ordinance or resolution of the City Council, any persons imprisoned for a violation of any ordinance may be compelled to labor on the streets or other public

property or works within the City. (Ratified Spec. Mun. Elec. 11/8/88, Filed with Sec'y of State 5/1/89).

ARTICLE 8 - BOARD OF EDUCATION

800 BOARD OF EDUCATION.

a) The control of the public schools of this City shall be vested in the Board of Education, which shall consist of five members; the qualifications and removal of which shall be as prescribed in this Charter.

b) Notwithstanding any other provisions of this Charter, the members of the Board of Education shall be elected at elections called, held and conducted in accordance with the Education Code of the State of California, and shall hold office for a term of four years as prescribed by law for members of governing boards of unified school districts. (Ratified Spec. Mun. Elec. 11/5/75; Filed with Sec'y of State 1/9/75)

810 ELIGIBILITY.

No person shall be eligible to hold office as a member of the Board of Education unless he shall have been a qualified elector of the school district for at least thirty (30) days next preceding the date of his filing of nomination papers. (Ratified Gen. Mun. Elec. 3/2/76, Amend No. 2; Filed with Sec'y of State 4/2/76).

811 VACANCIES.

If a member of the Board of Education absents himself from all regular meetings of the Board for a period of sixty (60) days, consecutively, from and after the last regular board meeting attended by such member, unless by permission of the Board expressed in its official minutes, or is convicted of a crime involving moral turpitude, or ceases to be an elector of the school district, his office shall become vacant and shall be so declared by the Board of Education.

ARTICLE 9 - CITY MANAGER

900 CITY MANAGER FORM OF GOVERNMENT.

The City Manager form of government shall be and the same is hereby established for the City of Torrance, a municipal corporation. The office of City Manager in and for the City of Torrance is hereby established.

910 APPOINTMENT, REMOVAL AND SALARY OF CITY MANAGER.