



# City of Arcadia

Office of the  
City Clerk

**AMENDED**

## NOTICE OF SPECIAL MEETING

As authorized by California Government Code Section 54956 and Arcadia City Charter Section 408, a Special Joint Meeting of the Arcadia City Council and the Charter Review Committee is hereby called to be held at the Arcadia Police Department Community Room/Emergency Operations Center ("EOC"), 250 W. Huntington Drive, Arcadia, California on Friday, March 18, 2022, at 1:00 p.m.

At this Special Meeting, the following matters will be considered.

### **CITY COUNCIL/CHARTER REVIEW COMMITTEE**

Report, discussion, and direction regarding proposed Charter Amendments and ballot measures for the November 8, 2022, General Municipal Election.  
Recommended Action: Adopt Committee Recommendations and Provide Direction

### **CITY COUNCIL**

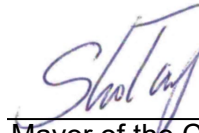
Ordinance No. 2386 amending Section 1704(B) of Chapter 7, Article I of the Arcadia Municipal Code defining City Council Electoral District Boundaries, and adopting revised City Council Electoral District Boundaries as set forth in Exhibit "A".  
Recommended Action: Introduce

There will be time reserved for those members of the public who wish to address the City Council regarding the above items.

In accordance with the Brown Act, public comments will be limited to addressing the items listed on this special meeting agenda. Under the Brown Act, the City Council is prohibited from discussing or taking action on any item not listed on the posted agenda.

No other business than the above will be considered at this meeting.

Dated: March 16, 2022

  
\_\_\_\_\_  
Mayor of the City of Arcadia



# STAFF REPORT

Office of the City Manager

**DATE:** March 18, 2022

**TO:** Honorable Mayor and City Council

**FROM:** Dominic Lazzaretto, City Manager  
By: Michael Bruckner, Deputy City Manager  
Michael Maurer, Assistant City Attorney

**SUBJECT:** REPORT, DISCUSSION, AND DIRECTION REGARDING PROPOSED CHARTER AMENDMENTS AND BALLOT MEASURES FOR THE NOVEMBER 8, 2022, GENERAL MUNICIPAL ELECTION  
**Recommendation: Adopt Committee Recommendations and Provide Direction**

## **SUMMARY**

The City of Arcadia Charter was adopted at a special election held on April 24, 1951, and became effective on May 15, 1951, upon being certified by the California Secretary of State. The City's Charter was last amended in 1998.

At the March 3, 2021, Study Session, the City Council voted to hold its next regularly scheduled election on November 8, 2022, to comply with the spirit and intent of SB 415 and Ordinance No. 2352, affirming the same. In order to avoid any potential legal challenges to future elections, the City Council requested that the City Manager prepare a Charter amendment for the November 8, 2022, general municipal election asking Arcadia voters to permanently ratify moving the City's municipal elections from April to November in even numbered years, beginning with the 2024 election cycle.

Since ballot measures can be a costly and time-consuming process, the City Council also directed the City Manager to provide additional amendments to the Charter to remove outdated provisions and provide the City Council more legislative flexibility for the administration of City services, in addition to streamlining municipal functions for 21<sup>st</sup> Century governance. For example, the Charter states that Council Members shall be elected at-large even though the City has transitioned to district-based elections.

In order to achieve the City Council's goals, at the July 6, 2021, City Council Meeting, the City Council adopted Resolution No. 7356 empaneling an Ad Hoc Charter Review Committee ("the Committee") consisting of Arcadia residents to review the City's Charter and make recommendations for amendments. The Committee held its first meeting on October 14, 2021, and met regularly during the ensuing months. On February 18, 2022,

the Committee concluded its review and voted to transmit the draft amended Charter and ballot measures to the City Council for further consideration.

It is recommended that the City Council adopt the recommendations of the Charter Review Committee, providing direction on outstanding Charter Amendment questions, and direct staff to bring forward the documents necessary to adopt the proposed Charter amendments and/or ballot measures for community ratification at the November 8, 2022, General Municipal Election.

## **BACKGROUND**

At the March 3, 2021, Study Session, the City Council voted to hold its next regularly scheduled election on November 8, 2022, to comply with the spirit and intent of SB 415 and Ordinance No. 2352, affirming the same. In order to avoid any potential legal challenges to future elections, the City Council requested that the City Manager prepare a Charter amendment for the November 8, 2022, general municipal election asking Arcadia voters to ratify moving the City's municipal elections from April to November in even numbered years, beginning with the 2024 election cycle. In addition, the City Manager shared that the City's Charter has not been updated since 1998 and the City Council may wish to revisit several of the provisions that are outdated.

In order to assist the City Council with recommendations for updating and modernizing the City's Charter, at the July 6, 2021, City Council Meeting, the City Council adopted Resolution No. 7356 empaneling an Ad Hoc Charter Review Committee consisting of Arcadia residents to review the City's Charter and make recommendations for amendments. On September 7, 2021, the City Council conducted interviews for prospective members of the Committee. Seven candidates were selected; however, shortly after the Committee was empaneled a Committee Member resigned. As a result, the Committee continued its work with six members. The Committee currently consists of the following:

James Helms, Jr. – Chairperson  
Dr. Sheng Chang – Vice Chairperson  
Lee Kuo  
Anthony Leung  
Jagdeep Singh  
Li Zhang

The Committee held its first meeting on October 14, 2021, and established a regular meeting schedule of twice per month, generally on Friday mornings at 10:00 a.m. in the City Council Chambers Conference Room. All meetings for the Committee were duly noticed in accordance with the Ralph M. Brown Act. All copies of the Committee's agendas and minutes can be found at [ArcadiaCA.gov/Charterreview](https://ArcadiaCA.gov/Charterreview). On February 18, 2022, the Committee concluded its review and has made its formal recommendation on

Charter amendments to the City Council, which are attached to this report and summarized below.

## **DISCUSSION**

The organizing principle of the Charter Review Committee was to review and update the City's Municipal Charter for 21<sup>st</sup> Century governance standards. At its second meeting on October 29, 2021, the Committee requested copies of relevant Charter sections considered for amendment from the following cities to use as a comparison: Alhambra, Big Bear Lake, Cypress, Irvine, Mountain View, Newport Beach, Pasadena, Santa Monica, and Temple City. In addition, the Committee was provided with a copy of the National Civic League *Model Charter City, Ninth Edition*, which offers a contemporary view on modern City Charters. The Committee also requested additional information on Charter cities by population, their last Charter update, City election dates by Charter, and public works contract authorities.

At the direction of the Committee, staff prepared a series of recommendations for the Committee to review and consider. In addition, Committee Members also offered their own recommendations to improve the Charter and the functions of City government as each section was reviewed and discussed. The following is a detailed summary of the Committee's major recommendations for the City Council to consider. Not every amended section is included below; however, the items listed reflect the most significant changes the Committee recommended. A copy of the red-lined version (Attachment "A") and a clean edited version (Attachment "B") of the proposed Charter amendments are included with this report.

### **Gender Pronouns and General Language Clean-up**

Throughout the current Charter, references to individual Council Members use the gender pronouns he/his/him. The language in the Charter was amended to be more gender neutral and was changed to they/their. Several dozen sections of the Charter were edited with this change. Further, position titles have changed over time and there are several edits throughout the document that make contemporary changes. The Committee unanimously approved these amendments where they exist throughout the Charter.

### **Section 400. City Council**

The section was edited to reflect the change from at-large to by-district voting in Arcadia. The Committee unanimously approved this amendment.

### **Section 401. Eligibility**

This section was edited to reflect that a Council Member must reside in the district for which they seek election or appointment.

The Committee also discussed the issue of term limits. The current Charter allows for two consecutive four-year terms, after which a Council Member must sit out at least one election cycle before running again. The Council Member could repeat this cycle indefinitely. The Committee has provided two recommendations for the City Council to consider.

1. Modify the limit to be a hard cap of three terms, which may be served consecutively; or,
2. Create a total limit of three terms; however, only two terms may be in consecutive order. Under this proposal a Council Member can serve a maximum of eight years and will be required to wait four years before they can run for their final term.

Under either scenario, the Committee recommends that no past or current Council Member duly elected or appointed can serve more than three terms. The Committee unanimously approved the first recommendation; however, the alternate recommendation was approved by a 4-1 vote.

### **Section 402. Compensation**

City Council compensation was set at \$500 over 25 years ago. Staff proposed amending this section to set City Council compensation at a fixed amount that would then be indexed to annual inflation. The Committee was provided with a list of City Council compensation (Attachment "C") from the comparable group of cities selected by the Committee. The Committee recommended, on a 4-1 vote, that City Council compensation remain unchanged, and the proposed amendment was stricken. The dissenting vote was cast in support of increasing Council compensation to attract more working-class candidates.

### **Section 403. Vacancies, Forfeiture of Office. Filling of Vacancies.**

Under the current Charter, the City Council has 30 days to fill a vacancy on the City Council. The Committee recommends that the amount of time be increased from 30 days to 60 days, which is consistent with the Government Code for General Law cities. This will allow more time for the City Council to advertise for applicants to fill the vacancy, conduct interviews, and deliberate.

This section was also edited to create a mechanism if the City Council fails to fill a vacancy or call for a Special Election to fill said vacancy. Under the Committee's recommendation, the City Clerk shall be charged with automatically calling for a Special Election if a vacancy is not filled after the 60-day period for appointment. The Committee unanimously approved these amendments.

**Section 404. Mayor – Mayor Pro Tempore.**

The Committee devoted significant time to reviewing procedures for the rotation of Mayor and Mayor Pro Tem. The Committee recommends that the Mayor and Mayor Pro Tem each serve a term of approximately 9.5 months so that each Council Member will have the opportunity serve in both positions during a 4-year term. The Committee also recommends that the City Council establish a procedure for implementing the rotation by ordinance or resolution. To that end, the Committee developed a draft procedure for the City Council to consider for formal adoption (Attachment “D”). The Committee also proposes an alternative amendment to include the language in Attachment “D” as the formal language to be included in this section of the Charter. The Committee approved this amendment and process by a 5-1-0 vote, with one abstention.

**Section 413. Proceedings.**

This amendment allows for the electronic casting of the ayes and noes in lieu of a roll call vote. This would allow for further technological improvements at City Council meetings. The Committee unanimously approved this amendment.

**Section 415. Adoption of Ordinances and Resolutions.**

At the start of each Council Meeting, a Council Member is asked to make a motion to read all ordinances and resolutions by title only and waive the reading in full. The proposed amendment removes the Charter requirement to provide a motion to waive the reading in full; however, a majority of the Council Members present may still request that an ordinance or resolution be read in full. The Committee unanimously approved this amendment.

**Section 416. Ordinances. Publication.**

The current City Charter requires an ordinance to be published in the City’s newspaper of record after adoption. Print newspapers no longer enjoy the wide appeal they used to and are a somewhat outmoded form of communication. In addition, the publishing of ordinances can be costly as well. This amendment does not eliminate the publishing in newspapers but does create an alternative option that ordinances be posted in at least three public places and on the City’s website in lieu of in the newspaper. Staff recommends that the City Council approve City Hall, the Community Center, and the Arcadia Public Library as the alternate sites. The Committee unanimously approved this amendment.

**Section 417. Adoption of Codes by Reference.**

This amendment eliminates the need to create three volumes of City Codes for inspection by the public. Instead, this Section would require a copy of the Code be available for

public review in the City Clerk's Office and also be available on the City's website. The Committee unanimously approved this amendment.

**Section 420. Publishing of Legal Notices.**

This amendment follows the framework outlined in Section 416 by removing the requirement to post in the City's newspaper of record and creating the alternative to post legal notices in at least three public places and on the City's website. The Committee unanimously approved this amendment.

**Article V. City Clerk**

The Committee recommends that the elected City Clerk position be eliminated upon the expiration of the current term in 2024 or upon any vacancy in the current office. The City Manager shall have the authority to appoint a City Clerk to perform the powers and duties outlined in the Charter. Due to changes to the role of the City Clerk over time, the position has become largely ceremonial, with the vast majority of traditional City Clerk duties being performed by professional staff in the City Manager's Office. The elimination of the elected City Clerk position will also save the City money over time as the position is the only seat still elected citywide. The Committee unanimously approved this amendment.

**Section 807. General Plan.**

At the direction of the City Attorney, this section adds language to the Charter to assert the City's right to home rule as it relates to land use policies. The California Legislature has become increasingly assertive in this area of municipal affairs. Should the City be required to defend its home rule authority, this additional Charter provision would strengthen the City's position. The Committee unanimously approved this amendment.

**Section 808. Human Resources Commission. Powers and Duties.**

Under the current Charter language, the Human Resources Commission must review all changes to job classifications and specifications and personnel rules and regulations, which are then sent to the City Council for adoption. This has significantly slowed down the City's ability to recruit for vacant positions and/or stagnated creativity from hiring managers who did not want to take the time to go through the lengthy process. Moreover, the Commission and City Council have typically had no comments on proposed amendments, so the steps have added little to no benefit to the organization. The Committee recommends that the Human Resources Commission role be redefined to serve as an independent, quasi-judicial hearing board solely related to appeals stemming from employee discipline and related matters, with job specifications and the like being the purview of the City Manager. The Committee unanimously approved this amendment.

**Section 809. Library Board of Trustees. Powers and Duties.**

From time to time, the Arcadia Public Library receives monetary gifts from the Arcadia Community to further its educational and service mission. Provisions in the current Charter require that the City Council accept all donations over \$1,000, which requires staff time to prepare reports for City Council consideration. The proposed amendment would allow the City Council to adopt a resolution or ordinance that would allow the City to accept donations administratively under threshold amounts as determined by the City Council. The Committee unanimously approved this amendment.

Upon further administrative review, staff is recommending that the amended donation provision in this section of the Charter be moved to a new section, Section 1218, where it can be more broadly applied to all donations received by the City and not just those for Library purposes. The City has traditionally applied the donation approval process citywide, although the current regulation only speaks to the Library specifically. Moving it to Section 1218 would memorialize past practice and provide better clarity. Staff recommends that a resolution be presented creating an administrative limit of \$10,000. Anything above that amount would require formal City Council approval.

**Section 1100. General Municipal Elections.**

Commencing with the November 8, 2022, general municipal election, all future City elections will be held on the first Tuesday after the first Monday in November, to coincide with statewide general elections. The Committee approved this change on a 3-1 vote. The dissenting vote was principled on the notion of home rule and that the state should not be dictating to the City about when our elections should occur.

**Section 1203. Capital Program.**

The current Charter defines a capital expenditure as an improvement in excess of \$30,000. While this limit was likely very practical 20 years ago, the cost of public improvements has increased exponentially over time and the limit does not create the same purchasing power it once did. The artificially low threshold amount results in substantial staff time to prepare corresponding procurement documents, and formally conduct the bidding process. Final procurement is further impeded by City Council approval of a purchase order of nominal value. The current threshold is also anti-competitive as contractors tend to withdraw bids or refuse to bid because of the time of procurement on low-value projects.

The Committee reviewed the definition of a capital expenditure for various cities and recommends that definition of a capital expenditure in Section 1203 be set by Council resolution or ordinance. This would allow the City Council to review and set a threshold amount which can be amended over time by additional City Council action instead of

requiring a future Charter amendment. The Committee unanimously approved this amendment.

Staff recommends that the definition of a capital project be established by resolution to \$60,000. A further explanation and corresponding amendment is detailed in the next section below.

### **Section 1212. Contracts on Public Works Projects.**

The Committee also reviewed the Public Works contract authority for various cities as well as requirements for General Law cities under the Government Code. Under the California Uniform Public Construction Cost Accounting Act, signatory cities receive an increase to their force accounts limits to \$60,000. If that value of the project is under \$60,000 the City can contract without bidding; between \$60,000 and \$200,000, they are required to use informal bidding; and above \$200,000 formal bidding is required.

While the City has its own procurement rules, regulations, and threshold amounts, aligning the City's definition of a capital project with its contract authority creates administrative efficiencies, economies of scale, and would generate significant cost savings over time. Like the previous section, the Committee recommends that the contract authority limit be set by Council resolution or ordinance to create capacity for adjustments over time. The Committee unanimously approved this amendment.

### *Additional Ballot Measures for Consideration*

#### **Sports Wagering Tax.**

The Committee discussed the utility of imposing a sports wagering tax and including the tax as a new Charter provision. At least one ballot measure has already qualified for the November 2022 ballot that would legalize sports wagering statewide and would allow Native American tribes and horse track operators to host a sports wager facility where betting can occur. Additional measures relating to sports wagering are also being proposed; however, it is unclear at this time which measures will qualify for the ballot or even whether they would be successful.

Should the qualified measure be approved by California voters, California Law would allow Santa Anita Park ("SAP") to host a sports wagering facility on their premises. If SAP were to establish a facility that offered similar amenities to other sports wagering facilities around the country, the impacts to Arcadia could be significant in terms of traffic, medical responses, and policing efforts. While the qualified measure does create a tax scheme for the state, the proposed measure provides no local revenue offset for the costs of providing these services.

The Committee deliberated on the idea of imposing a sports wagering tax and agreed by 4-1-1 vote that, “for the privilege of operating a sports wagering business, each business that receives wagers on sporting events, shall pay a tax of in the amount of up to three percent (3%) of the daily total of all sports wagers placed at the business inclusive of any fee or charge to place the wager. This tax would not apply to horse racing but would apply to all other sports wagers at the site. The Committee member casting the dissenting vote believed the subject of adding an additional tax for sports wagering was outside the scope of the Committee and the abstaining vote was undecided about the issue.

Because a tax on sports wagering will be new, it is difficult to estimate what the annual revenue will be. It is not inconceivable that the City could generate upwards of \$1 million from this tax annually to help offset the impacts to Arcadia’s infrastructure and services.

### **Transient Occupancy Tax.**

The Committee also discussed increasing the City’s Transient Occupancy Tax (“TOT”) from its current rate of 10%. The Committee reviewed TOT rates for all Los Angeles County cities (Attachment “E”). TOT rates in Los Angeles County cities range from 5% to 15%, with the vast majority of cities in the 10% - 12% range. By a 4-2 vote, the Committee agreed that the TOT should be raised to 12%. By increasing the rate to 12%, Arcadia will have a TOT rate similar to San Gabriel Valley cities like Alhambra, Monrovia, Monterey Park, Pasadena, San Dimas, and San Gabriel. The Committee members casting dissenting votes believed the subject of increasing the tax was outside the scope of the Committee and would have negative economic consequences on hotel operators and the tourism economy in Arcadia.

An increase in the TOT rate from 10% to 12% would generate an estimated additional \$730,000 in annual revenue.

### **November 2022 Ballot Questions & Outreach**

The Committee was also asked to recommend how many items and in what manner should the various proposals be placed before voters. Given the significance of the changes to the Charter, the Committee recommends that a single question be placed before the voters to adopt the Charter as proposed. The City Council also has the ability to place several questions on the ballot relating to the amendments if they believe that Arcadia voters should decide on specific matters separately. While this is an option, it is not without its drawbacks as voter fatigue and confusion may be mitigating factors for voter participation. Regarding the tax measures, the Committee recommends placing the sports wagering tax on the ballot in November 2022 and deferring the TOT increase to a later date.

The City cannot advocate for or against any particular initiative but does have an obligation to present facts and impartial analysis about the pros and cons of each

measure to Arcadia voters. In that regard, the City would conduct outreach similar to the effort for the Measure A sales tax increase adopted by Arcadia voters in June 2019 for any initiatives the City Council decides to move forward with.

### **Next Steps**

The City Council is requested to amend or approve the recommendations provided by the Charter Review Committee. Additional study sessions can be scheduled if the City Council requires more time or information to deliberate on these items.

Once a final series of Charter amendments has been agreed to, two public hearings must be held to receive public input on the proposed amendments. The public hearings require posting notices for 21 days and publishing notices 14 days prior to the hearings. There is sufficient time before the mid-August deadline to place a measure on the ballot to conduct the City Council review and required public hearings. Below is a proposed summary of events:

- March 18, 2022 – City Council Study Session
- April 2022 (TBD) – City Council Study Session (if necessary)
- May 3, 2022 – First Public Hearing
- June 7, 2022 – Second Public Hearing, Call for Election/Ballot Measures
- July 16, 2022 – Last Day to Call for an Election (E-114)
- August 11, 2022 – Last Day to Place Measure on Ballot (E-88)

### **ENVIRONMENTAL ANALYSIS**

The proposed action does not constitute a project under the California Environmental Quality Act (“CEQA”), and it can be seen with certainty that it will have no impact on the environment. Thus, this matter is exempt under CEQA under Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines.

### **FISCAL IMPACT**

The costs of placing the Charter amendment on the November 8, 2022, ballot is estimated at \$119,600. For two measures, the estimated cost is \$136,000 or \$68,000 per measure. For three measures, estimated cost is \$144,000 or \$48,000 per measure. Staff is also researching election consultant costs to assist with communication and outreach for any measures approved by the City Council for placement on the ballot. The costs for the November 8, 2022, election will be included in the Fiscal Year 2022-23 budget.

### **RECOMMENDATION**

It is recommended that the City Council determine that this action is exempt under CEQA; adopt the recommendations of the Charter Review Committee, providing direction on

outstanding Charter Amendment questions; and direct staff to bring forward the documents necessary to adopt the proposed Charter amendments and/or ballot measures for community ratification at the November 8, 2022, General Municipal Election.

Attachments: Attachment "A" – Amended Charter (red-lined)  
Attachment "B" – Amended Charter (clean)  
Attachment "C" – City Council Compensation Matrix  
Attachment "D" – Section 404. Mayor – Mayor Pro Tem Procedure  
Attachment "E" – Transient Occupancy Tax ("TOT") Rates



**CITY OF ARCADIA, CALIFORNIA**

**CITY CHARTER  
As Amended  
19982022**

**CITY COUNCIL**

~~1997~~2021-~~1998~~2022

~~Sheng H. Chang~~

Sho Tay

~~Barbara D. Kuhn~~

Paul P. Cheng

~~Robert C. Harbicht~~

Tom Beck

~~Gary A.~~

~~Kovacic~~Roger

~~Chandler~~ Mary B.

Young

April A. Verlato

CITY CLERK

~~June D. Alford~~Gene

Glasco

CITY MANAGER

Dominic Lazzaretto

CITY ATTORNEY  
~~Michael H.~~  
~~Miller~~Stephen P. Deitsch

**CHARTER  
CITY OF ARCADIA  
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Chairperson

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**CHARTER  
CITY OF ARCADIA**

We, the People of the City of Arcadia, State of California, do ordain and establish this Charter as the organic law of the City under the Constitution of the State.

**ARTICLE I  
INCORPORATION AND SUCCESSION**

**Section 100. NAME AND BOUNDARIES.** The City of Arcadia, hereinafter termed the City, shall continue to be a municipal corporation under its present name, "City of Arcadia." The boundaries of the City shall be as established at the time this Charter takes effect, or as they may be changed thereafter in the manner authorized by law.

**Section 101. RIGHTS AND LIABILITIES OF THE CITY.** The City shall continue to own, possess, and control all rights and property of every kind and nature owned, possessed, or controlled by it at the time this Charter takes effect and shall be subject to all its debts, obligations, liabilities, and contracts.

**Section 102. ORDINANCES, CODES, AND OTHER REGULATIONS.** All ordinances, codes, resolutions, regulations, or portions thereof, in force at the time this Charter takes effect, and not in conflict or inconsistent herewith, shall continue in force until they shall have been duly repealed, amended, changed, or superseded by proper authority.

**Section 103. OFFICERS AND EMPLOYEES.** Subject to the provisions of this Charter, the present officers and employees shall continue to perform the duties of their respective offices and employments without interruption and for the same compensations and under the same conditions until the election or appointment and qualification of their successors and subject to such removal and control as herein provided.

**Section 104. EFFECTIVE DATE OF CHARTER.** This Charter shall take effect upon its approval by the Legislature of the State of California and any amendment hereto shall be effective when filed pursuant to the California Constitution.

## ARTICLE II POWERS OF CITY

**Section 200. POWERS.** The City shall have the power to make and enforce all laws and regulations in respect to municipal affairs, subject only to such restrictions and limitations as may be provided in this Charter and in the Constitution of the state of California. It shall also have the power to exercise any and all rights, powers, and privileges heretofore or hereafter established, granted or prescribed by any law of the State, by this Charter, or by other lawful authority, or which a municipal corporation might or could exercise under the Constitution of the State of California. The enumeration in this Charter of any particular power, duty, or procedure shall not be held to be exclusive of, or any limitation or restriction upon, this general grant of power. The City shall have the power and may act pursuant to procedure established by ordinance or any law of the State.

**Section 201. INTERGOVERNMENTAL RELATIONS.** The City may exercise any of its powers or perform any of its functions jointly, or in cooperation, by contract or otherwise, with any one or more cities, counties, states, or civil divisions or agencies thereof, or the United States or any agency thereof.

## ARTICLE III FORM OF GOVERNMENT

**Section 300. FORM OF GOVERNMENT.** The municipal government established by this Charter shall be known as the “Council-Manager” form of government.

**ARTICLE IV  
THE CITY COUNCIL**

**Section 400. CITY COUNCIL.** The City Council, hereinafter termed “Council,” shall consist of five Councilmembers each representing a respective district within the City and elected to office ~~from the City at large~~ in the manner provided in this Charter. The term of office shall be four years. Alternatively, and successively, three four-year terms shall be filled at one general municipal election and two four-year terms at the next such election, consistent with the sequence of terms of Councilmembers existing on the effective date hereof. The term of a Councilmember shall commence on the first Tuesday following certification of their~~his~~ election and ~~they~~he shall serve until their~~his~~ successor qualifies. Any ties in voting shall be settled by the casting of lots.

Each Councilmember in office at the time this Charter takes effect shall continue in office until the end of the term for which ~~they~~he ~~was~~were elected under the previous ~~charter~~Charter; an appointed Councilmember shall continue in office during such time as hereinafter provided.

**Section 401. ELIGIBILITY.** No person shall be eligible to hold the office of Councilmember unless that person shall reside in the City, shall be a resident of the district from which the Councilmember is elected or appointed, and shall be a registered voter of the City upon appointment or when nomination papers are issued. A Councilmember who has been elected or appointed for ~~two three, consecutive~~ four-year terms, including two years of any unexpired term, excluding part or all of any unexpired term, shall not be eligible to hold the office of Councilmember again until two years after expiration of the second consecutive term, regardless of redistricting. This section shall apply to all former duly elected or appointed Councilmembers and current Councilmembers holding office on the effective date of this Charter.

**Section 402. COMPENSATION.** ~~The members of the City Council shall receive no other compensation for their services, except as provided for below:~~

~~(a) The members of the City Council shall receive compensation in the amount of \$XXX.XX each month;~~

~~(b) Notwithstanding the amount provided for in paragraph (a) of this section, the compensation received by the members of the City~~

~~Council and Mayor shall be automatically increased effective July 1 of each year, in an amount equal to the increase in the Consumer Price Index (CPI) for the twelve month period immediately preceding July 1. As used in this section, the CPI shall be the index for All Urban Consumers for the Los Angeles, Long Beach, Anaheim Metropolitan Area (All items), provided by the United States Bureau of Labor Statistics or other comparable index as may be developed to take its place;~~

~~— (c) The members of the City Council and Mayor shall receive medical, dental, health, and other benefits of employment paid for by the City, provided these benefits are routinely and customarily available and paid for by the City to City miscellaneous employees. The members of the City Council and Mayor shall receive reimbursement and allowance for travel and for other expenses related to their fulfilling their official duties and the holding of public office upon the same terms and conditions applicable to City departmental directors. The sums received pursuant to this paragraph shall not be included for purposes of determining monthly compensation under paragraph (a) of this section.~~ Compensation for Councilmembers is hereby set, and from time to time shall be changed, in accordance with the schedule applicable to the City of Arcadia set forth in the provisions of the Government Code relating to salaries of Councilmembers in general law cities. Such compensation may be increased or decreased by an affirmative vote of a majority of the voters voting on the proposition at any election.

**Section 403. VACANCIES, FORFEITURE OF OFFICE.  
FILLING OF VACANCIES.**

(a) A vacancy shall exist on the Council, and shall be declared by the Council, if a Councilmember resigns, is legally removed other than by recall, dies, or forfeits ~~his-their~~ office.

~~(b)~~ A Councilmember shall forfeit ~~his-their~~ office if ~~they~~ (1) lacks at any time while holding office any qualification for election prescribed by this Charter or by law, (2) violates any provision of this Charter, (3) is convicted of a crime involving moral turpitude, (4) without consent of the Council is absent from all regular Council meetings for a period of sixty consecutive days and the first regular meeting thereafter, said period to be computed from the last regular Council meeting ~~they~~ attends,

~~(e)~~(b) (5) or accepts or retains any other elective public office. A declaration by the Council of a vacancy resulting from forfeiture of office shall be subject to judicial review, provided that within two weeks after such declaration an appropriate action, or proceeding, for review is filed in a court having jurisdiction of the action or proceeding. During the pendency of any such action or proceeding, anyone appointed by the Council to fill such vacancy shall have all the rights, duties, and powers of a Councilmember, and continue in such office as provided herein unless and until said court rules the declaration of the Council invalid and such ruling has become final.

(c) Any vacancy on the Council shall be filled by a majority vote of the remaining Councilmembers within ~~thirty-sixty~~ days after the vacancy occurs. If more than one vacancy exists, successive appointments shall be made, and each appointee shall participate in any succeeding appointment. If the Council fails, for any reason, to fill such vacancy within said ~~thirtysixty~~-day period, it shall forthwith call an election for the next established election date. for the earliest possible date to fill such vacancy.

~~(d)~~ In the event the Council does not call an election within sixty days of the effective date of the vacancy, the City Clerk shall call a special election to fill the vacancy, provided that the term of the vacant office does not expire at the next established election date. The special election shall take place at the next established election date. A special election called by the City Clerk shall be conducted by the County of Los Angeles and shall follow the same procedures as the most recent general municipal election for a vacant district seat. The City Clerk shall take any actions, including adoption of resolutions, necessary to effectuate the

~~special election. The City Clerk shall call the special election within five working days. To effectuate this section, the City Manager shall have the powers to (i) expend funds of the City to pay for the costs of the special election, and (ii) in the absence of the City Clerk, to appoint an acting City Clerk to take any necessary actions under this section. A person appointed by the Council to fill a vacancy shall hold office until the next general municipal election and until their/his successor qualifies; provided upon the occurrence of a second vacancy more than one year prior to the next general municipal election at a time an appointee is holding office, a special election shall be held forthwith to fill any vacancy and any office held by an appointee. At said election, Councilmembers shall be elected to serve for the remainder of the unexpired terms. A Councilmember elected to fill a vacancy shall hold office for the remainder of the unexpired term.~~

~~(d)~~

~~(e) For purposes of this section, "established election dates" are the dates established in California Elections Code section 1000, or any successor statute or amendments, unless the Council establishes additional or alternative election dates by ordinance. The "next" established election date is the established election date that is at least 114 days away.~~

~~(e)~~

~~(f) The Council shall provide by ordinance or resolution for the continuity of the Council in the event that five vacancies simultaneously exist on the Council. If less than a quorum of Council seats are filled, the remaining Councilmembers may meet and take action to consider, deliberate on, and make appointments until a quorum is achieved.~~

**Section 404. MAYOR - MAYOR PRO TEMPORE.** ~~The offices of Mayor and Mayor Pro Tem shall be filled automatically by rotation among the Councilmembers with each serving a term of approximately nine (9) and one-half (1/2) months. It is the intent of this provision that the Councilmember for each Council district to serve as Mayor and Mayor Pro Tem once during a four-year term. The Council shall adopt an appropriate procedure for implementing this requirement by ordinance or resolution.~~

~~By the affirmative votes of not less than three Councilmembers, the Council shall elect one of its members as Mayor, and one of its members as Mayor Pro Tempore, upon the following occasions:~~

~~(a) In even-numbered years, at the regular Council meeting held~~

~~for the purpose of canvassing the results of the general municipal election; and~~

~~(b) In odd numbered years, at the second second regular Council meeting held during the month of AprilDecember; or~~

~~(c) At such other times as a majority of the Council shall so order. The Council may, by ordinance or resolution, establish a procedure for the selection of, or for the succession of, the Mayor and Mayor Pro Tem.~~

The Mayor shall preside at Council meetings; ~~He~~ shall be the chief official of the City for all ceremonial purposes; ~~and, He~~ shall perform such other duties consistent with ~~his~~the office as may be prescribed by the Council. The Mayor Pro Tempore shall perform the duties of the Mayor during ~~his~~their absence or disability.

Both the Mayor and Mayor Pro Tempore shall have a voice and a vote in all proceedings of the Council.

**Section 405. POWERS VESTED IN THE COUNCIL.**

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

**Section 406. PROHIBITIONS.**

**(a) HOLDING OTHER OFFICES.**

No Councilmember shall hold any other City office or City employment, and no former Councilmember shall hold any compensated City office or City employment until two years after leaving the office of Councilmember.

**(b) INTERFERENCE IN ADMINISTRATIVE SERVICE.**

~~(b)~~ Neither the Council nor any of its members shall interfere with the execution by the City Manager of ~~his~~the City Manager's powers and duties, or order, directly or indirectly, the appointment by the City Manager or by any of the departmental officers in the administrative service of the City, of

any person to an office or employment or [their](#) removal therefrom. Except for the purpose of inquiry, the Council and its members shall deal with the administrative service under the City Manager solely through the City Manager, and neither the Council nor any member thereof shall give orders to any subordinates of the City Manager, either publicly or privately.

**Section 407. REGULAR MEETINGS OF THE COUNCIL.**

The ~~Council~~ shall hold regular meetings at least twice each month at such times as it shall fix by ordinance or resolution, ~~except that the Council may hold only one regular meeting in up to four months each fiscal year.~~ At any time a regular meeting falls on a holiday, such meeting shall be held on the day designated by motion of the City Council ~~or cancelled in accordance with this section.~~

**Section 408. SPECIAL MEETINGS.**

~~Special meetings may be called at any time by the Mayor or by three members of the Council by delivering, personally or by mail, written notice to each Councilmember and to each local newspaper of general circulation, radio, and television station requesting notice in writing. Such notice must be delivered personally or by mail at least twenty four hours before the time of such meeting as specified in the notice. The call and notice shall specify the time and place of the special meeting and the business to be transacted. No other business shall be considered at such meeting. Such written notice may be dispensed with as to any Councilmember who at or prior to the time the meeting convenes files with the Clerk a written waiver of notice. Such waiver may be given by telegram. Such written notice may also be dispensed with as to any Councilmember who is actually present at the meeting at the time it convenes. Notice of special meetings shall be given in accordance with the Ralph M. Brown Act, commencing with Section 54950 of the Government Code~~

**Section 409. ADJOURNED MEETINGS.**

Any regular, adjourned regular, special, or adjourned special meeting may be adjourned to a time and place specified in the order of adjournment. Any adjourned regular meeting is a regular meeting for all purposes.

**Section 410. QUORUM.**

Subject to other provisions of this Charter, three Councilmembers shall constitute a quorum to do business, but a lesser number may adjourn from time to time or compel the attendance of other ~~councilmembers~~ Councilmembers in such a manner and under

such penalties as the Council may have provided.

**Section 411. OPEN MEETINGS. RALPH M. BROWN ACT.** All meetings of the Council shall be open to the public, provided the Council may adjourn to an executive session as provided by law. The provisions of the Ralph M. Brown Act, commencing with Section 54950 of the Government Code, shall apply to all meetings of the Council.

**Section 412. PLACE OF MEETINGS.** All Council meetings shall be held in the Council Chamber of the City Hall, or in a place to which any meeting may be adjourned. If, by reason of fire, flood, or other emergency, it shall be unsafe to meet in the Council Chamber, the meetings may be held for the duration of the emergency at a place designated by the Mayor, or if ~~he~~they~~the Mayor~~ should fail to act, by three members of the Council. A Council meeting may be held at, or adjourned to, a publicly accessible telephonic or electronic location.

**Section 413. PROCEEDINGS.** The Council shall cause the City Clerk to keep a correct record of all its proceedings. The Council may establish rules for the conduct of its proceedings. It may evict any member or other person for disorderly conduct at any of its meetings. Each member of the Council shall have the power to administer oaths and affirmations in any proceeding pending before the Council. The Council shall have the power to compel the attendance of witnesses, to examine them under oath, and to compel the production of evidence before it. Subpoenas shall be issued in the name of the City, signed by the Mayor, and be attested by the City Clerk. Disobedience of such subpoenas, or the refusal to testify, shall constitute a misdemeanor; the Mayor shall report such disobedience to a judge of the Superior Court for further proceedings under the provisions of the Government Code.

Upon adoption of any ordinance, resolution, or order for payment of money, or upon the demand of any member, the City Clerk shall call the roll and shall cause the ayes and noes taken on the question to be entered in the minutes of the meeting. The electronic casting of ayes and noes may be conducted in lieu of a roll call vote.

**Section 414. ~~CITIZEN-PUBLIC~~ PARTICIPATION.** Any ~~citizen~~member of the public, personally or through counsel, shall have the right to present grievances at any regular meeting of the Council regarding any matter that is within the subject matter jurisdiction of the

| [Council](#), or offer suggestions for the betterment of municipal affairs.

**Section 415. ADOPTION OF ORDINANCES AND RESOLUTIONS.** With the exception of ordinances which take effect upon adoption, referred to in this Article, no ordinance shall be adopted by the Council on the day of its introduction, nor within five days thereafter, nor at any time other than at a regular or adjourned regular meeting. At the time of its introduction an ordinance shall become a part of the proceedings of such meeting in the custody of the City Clerk. At the time of adoption of an ordinance or resolution it shall not be read in full, unless ~~after the reading of the title thereof, the further reading thereof is waived~~reading in full is requested by ~~unanimous~~ consent of a majority of the Councilmembers present and voting. In the event that any ordinance is altered after its introduction, it shall not be finally adopted except at a meeting held not less than five days after the date upon which such ordinance was altered. Correction of a typographical or clerical error shall not constitute an alteration within the meaning of the foregoing sentence.

Unless otherwise required by this Charter, the affirmative votes of at least three Councilmembers shall be required for the enactment of any ordinance or resolution, or for the making or approving of any order for the payment of money.

All ordinance and resolutions shall be signed by the Mayor and attested by the City Clerk.

**EMERGENCY ORDINANCES.** Any ordinance declared by the Council to be necessary as an emergency measure for preserving the public peace, health, or safety and containing a statement of the reasons for its urgency, may be introduced and adopted at one and the same meeting if it is read in full and passed by at least four affirmative votes or, if less than four Councilmembers are present, then by unanimous vote of the Councilmembers present. ~~Reading in full can be waived by the affirmative vote of four (4) Councilmembers.~~

**Section 416. ORDINANCES. PUBLICATION.** The City Clerk shall cause each ordinance, or a summary of each ordinance, to be published at least once in the official newspaper within fifteen days after its adoption; provided, however as an alternative, that when an ordinance

~~solely pertains to the municipal affairs of the City, except as otherwise provided by this Charter or by ordinance of the Council, the City Clerk may satisfy the publication requirement by posting the ordinance in at least three public places in the City as designated by the Council and posted on the City's ~~online~~ website or other publicly available City-controlled internet site. presence in lieu of such publication.~~

**Section 417. ADOPTION OF CODES BY REFERENCE.**

Detailed regulations, pertaining to any subject, when arranged as a comprehensive code may be adopted by reference by the passage of an ordinance for such purpose. Such code need not be published in the

~~\_manner required for other ordinances, but not less than three copies thereof shall be filed for use and examination by the public in the office of the City Clerk, prior to the adoption thereof. Subsequent amendments to sections of such code shall be enacted in the same manner as herein required for the enactment of ordinances. A copy~~Copies of any adopted code of regulations shall be made available for inspection in the City Clerk's Office or available for purchase at a reasonable price.

**Section 418. THE ARCADIA MUNICIPAL CODE.** The Arcadia Municipal Code may be amended, repealed, or added to in whole or in part by ordinance. Said Code may be rearranged and renumbered and thereupon adopted by reference in the same manner as set forth in Section 417, above.

**Section 419. ORDINANCE. WHEN EFFECTIVE.** An ordinance shall become effective on the thirty-first day after its adoption, or at any later date specified therein, except the following, which shall take effect upon adoption:

- (a) An ordinance calling or otherwise relating to an election.
- (b) An improvement proceeding ordinance adopted under some law or procedural ordinance.
- (c) An ordinance declaring the amount of money necessary to be raised by taxation, fixing the rate of taxation, levying the annual tax upon property, or levying any other tax.
- (d) An emergency ordinance adopted in the manner provided for in this Charter.

**Section 420. PUBLISHING OF LEGAL NOTICES** ~~In the~~  
The publication of legal notices or other matters solely pertaining to the municipal affairs of the City, except as otherwise provided in this Charter or by ordinance of the Council, may be accomplished by (1) posting copies thereof at three or more public places in the City as designated by the Council and posted on the City's website. or: (2) publishing thereof in the official newspaper.

The publication of legal notices or other matters that do not solely pertain to the municipal affairs of the City shall be published in a manner consistent with applicable law.

The newspaper with which the Council contracts for publication of legal notices shall be deemed the official newspaper.

~~event that there is more than one newspaper of general circulation in the City, the Council, annually, prior to the beginning of each fiscal year, shall solicit bids and contract for the publication of all legal notices or other matter required to be published in a newspaper of general circulation, during the ensuing fiscal year. If there is only one newspaper of general circulation in the City, then the Council shall have the power to contract with such newspaper for the publishing of such legal notices and other matter without soliciting bids therefor. If the City has a contract with a newspaper of general circulation in the City, it shall be deemed to be the official newspaper.~~

~~If there is no newspaper of general circulation in the City, or if such a newspaper will not contract with the City at rates which do not exceed those charged private persons, and the Council has not designated an official newspaper, then such notices and other matter, and notices required to be published in the official newspaper, shall be published by posting copies thereof at three or more public places in the City as designated by the Council.~~

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

## ARTICLE V CITY CLERK

**Section 500. CITY CLERK.** There shall be a City Clerk who shall be appointed by the City Manager. ~~elected at large for a term of four years. The term of the City Clerk shall commence on the first Tuesday following certification of their election, and shall serve until their successor qualifies., commencing on the first Tuesday following his election, and who shall serve until his successor qualifies.~~

~~**Section 501. CONTINUATION OF PRESENT CITY CLERK.** The City Clerk in office at the time this Charter takes effect, or his successor, shall continue in office during the term which commenced April 16, 1968, and shall serve until his successor qualifies.~~

~~**Section 501.2. ELIGIBILITY.** No person shall be eligible to hold the office of City Clerk unless they are ~~he is~~ a legally registered voter and resident of the City. The City Clerk shall engage in no other business or occupation except as may be permitted by the affirmative vote of four members of the Council.~~

~~Section 5023. VACANCIES. FORFEITURE OF OFFICE. FILLING OF VACANCIES. The provisions of Section 403, subdivisions (a) and (b) hereof, relating to vacancies on the Council, shall apply to the office of City Clerk in the same manner as they apply to the office of Councilmember. After declaring a vacancy, the Council by a majority vote of its members shall fill such vacancy by appointment. Said appointee shall serve until the expiration of the unexpired term or~~

~~until the next municipal election, whichever shall first occur. At said election a clerk shall be elected to serve for the remainder of any unexpired term.~~

~~**Section 5034. COMPENSATION.** Compensation for the City Clerk shall be set by resolution or ordinance.~~

**Section 50145. POWERS AND DUTIES.** The City Clerk shall:

(a) Attend all meetings of the Council and be responsible for the recording and maintaining of a full and true record of all of the proceedings of the Council. ~~in books that shall bear appropriate titles and be devoted to such purpose.~~

(b) Maintain separate ~~books~~files, in which shall be recorded respectively all ordinances and resolutions, with the certificate of the Clerk annexed to each document stating that said document is the original or a correct copy, and with respect to an ordinance, stating that said ordinance has been published or posted in accordance with this Charter; all of said ~~books~~files shall be properly indexed and open to public inspection when not in actual use.

(c) Maintain separate ~~books~~files, in which a record shall be made of all written contracts and official bonds.

(d) Be the custodian of the seal of the City.

(e) Administer oaths or affirmations, take affidavits and depositions pertaining to the affairs and business of the City and certify copies of official records.

(f) Be the City Assessor, if the Council so requires.

(g) Sign all checks, except payroll checks.

(h) Conduct all City elections

(i) Perform such other duties as may be prescribed by the Council ~~or City Manager.~~

~~**Section 502. ELIMINATION OF ELECTED OFFICE.** The office of elected City Clerk shall be eliminated upon the earlier of: (1) the expiration of the term of the elected City Clerk serving at the time of adoption of this Charter, or (2) any vacancy in the elected office.~~

## ARTICLE VI CITY MANAGER

**Section 600. CITY MANAGER. SELECTION AND QUALIFICATIONS.** There shall be a City Manager who shall be the chief administrative officer of the City. The Council shall appoint, by

not less than four votes, the person who it believes to be best qualified on the basis of ~~their~~his executive and administrative qualifications, with special reference to ~~their~~his experience in and ~~his~~their knowledge of accepted practice in respect to the duties of the office as set forth in this Charter.

The City Manager shall engage in no other business or occupation except as may be permitted by the affirmative vote of four members of the Council.

REMOVAL OF CITY MANAGER. The affirmative vote of a majority of the members of the Council shall be required to remove the City Manager from office, provided the City Manager shall not be removed by the Council within 135 days after a ~~councilmanic~~ Councilmanic election, except by the unanimous vote of the entire Council.

**Section 601. CITY MANGER. POWERS AND DUTIES.**

The City Manager shall be responsible to the Council for the proper administration of all affairs of the City. Without limiting the foregoing general grant of powers, responsibilities, and duties, the City Manager, subject to the provisions of this Charter and any regulations adopted pursuant thereto, shall:

(a) Appoint and remove administrative officers, except those appointed by the Council; and when he deems it necessary for the good of the service, suspend or remove any employee.

(b) Direct and supervise the administration of all departments, offices, and agencies of the City.

(c) Prepare and submit the annual budget and capital program to the Council, and be responsible for administration of the annual budget and capital program after its adoption.

(d) Prepare and submit to the Council as of the end of the fiscal year a comprehensive report on the finances and administrative activities of the City for the preceding year.

(e) Make such other reports as the Council may require concerning the operations of City departments, offices, and agencies subject to ~~his~~theirthe City Manager's direction and supervision.

(f) Keep the Council advised of the financial condition and future needs of the City and make such recommendations as may seem to him desirable.

~~(g)~~ Prepare rules and regulations governing the contracting for, purchasing, storing, distribution, and disposal of, all supplies, materials,

and equipment required by any office department, or agency of the City government and recommend them to the Council for adoption.

~~(h)~~(g) See that all laws, provisions of this Charter, and acts of the Council, subject to enforcement by him or by officers subject to ~~his~~their direction and supervision, are faithfully executed.

~~(+)~~(h) Perform such other duties as may be prescribed by the Council.

**Section 602. CITY MANAGER. MEETINGS.** The City Manager shall be accorded a seat at the Council table and at all meetings of boards and commissions and shall be entitled to participate in their deliberations, but shall not have a vote.

**Section 603. CITY MANAGER PRO TEMPORE.** The City Manager shall appoint, subject to the approval of the Council, one of the other officers of the City to serve as City Manager Pro Tempore during any temporary absence or disability of the City Manager. During such absence or disability, the Council may revoke such designation at any time and appoint another officer of the City to serve until the City Manager shall return ~~of his~~or their disability shall cease.

## ARTICLE VII OFFICERS AND EMPLOYEES

### **Section 700. ADMINISTRATIVE DEPARTMENTS**

(a) Creation of Departments. The Council may establish City departments, offices, or agencies in addition to those created by this Charter and may prescribe the functions of all departments, offices, and agencies, except that no function assigned by this Charter to a particular department, office, or agency may be discontinued or, unless this Charter specifically so provides, assigned to any other.

~~(b)~~Direction by City Manager. Except as otherwise provided by this Charter, all departments, offices, and agencies under the direction and supervision of the City Manager shall be administered by an officer appointed by and subject to the direction and supervision of the Manager. With the consent of the Council, the Manager may serve as the departmental ~~administrator~~director of one or more such departments, offices or agencies or may appoint one person as the departmental ~~administrator~~director of two or more of them.

~~(e)~~(b) Not inconsistent with this Charter, the Council may provide for the number, titles, qualifications, powers, duties, and compensation of all officers and employees.

~~(d)~~(c) Merit Principle. All appointments and promotions of City officers and employees shall be made solely on the basis of merit and fitness demonstrated by examination of other evidence of competence.

**Section 701. CITY ATTORNEY. POWERS AND DUTIES.**

There shall be a City Attorney who shall be appointed and subject to removal by a majority vote of the entire Council. Under the administrative direction of the City Manager, ~~he~~-they shall serve as chief legal adviser to the Council, the City Manager, and all City departments, offices, and agencies; ~~he~~-they shall represent the City in all legal proceedings and shall perform such other duties as may be prescribed by the Council.

To become eligible for City Attorney, the person appointed shall be an attorney-at-law duly licensed as such under the laws of the State of California, and shall have been engaged in the practice of law for at least two years prior to ~~his~~ appointment.

**Section 702. FINANCE OFFICE.** The City Manager shall appoint an individual responsible for the Finance Office who shall:

(a) Have charge of the administration of the financial affairs of the City under the direction of the City Manager.

(b) Compile the budget expense and income estimates and supply data for the capital program as requested by the City Manager.

(c) Maintain a general accounting system for the City government and each of its offices, departments, and agencies.

(d) Supervise and be responsible for the disbursement of all moneys and have control of all expenditures to ensure that budget appropriations are not exceeded; audit all purchase orders before issuance; audit and approve before payment, all bills, invoices, payrolls, demands, or charges against the City government and, with the advice of the City Attorney, when necessary, determine the regularity, legality, and correctness of such claims, demands, or charges.

~~(e)~~ Supervise the collection, receipt, and the deposit of all moneys payable to the City in a depository designated by the Council or by the City Manager or ~~their~~~~his~~ designee, if the Council has not acted, and in compliance with all applicable laws.

(e)

(f) Submit to the Council through the City Manager a monthly statement of all receipts and disbursements in sufficient detail to show the exact financial condition of the City; and, as of the end of each fiscal year, submit a complete financial statement and report.

(g) Supervise the keeping of current inventories of all property of the City by all City departments, offices, and agencies.

(h) Perform such other duties as may be prescribed by the Council.

TREASURER. There shall be a Treasurer in the Finance Office who shall be appointed and may be removed by the Director of Administrative Services subject to the approval of the City Manager. The Treasurer shall perform those duties required by law, assigned by the Director of Administrative Services, and those provided by ordinance or resolution.

**Section 703. PLANNING OFFICE.** The City Manager shall appoint an individual responsible for the Planning Office who shall:

(a) Advise the City Manager on any matter affecting the physical development of the City.

(b) Formulate and recommend to the City Manager a general plan and modifications thereof.

(c) Review and make recommendations regarding proposed Council action implementing the general plan.

(d) Participate in the preparation and revision of the capital program.

(e) Advise the City Planning Commission in the exercise of its responsibilities and in connection therewith provide necessary staff assistance.

(f) Perform such other duties as may be prescribed by the ~~Council~~ City Manager.

**Section 704. DEPARTMENTAL  
ADMINISTRATORS/DIRECTORS.**

**APPOINTIVE POWERS.** Each departmental ~~administrator~~ directors shall have the power to appoint, supervise, suspend, or remove such assistants, deputies, subordinates, and employees as are provided for by the Council for ~~his~~ their department, subject to approval of the City Manager and subject to the civil service provisions of this Charter and the rules and regulations promulgated hereunder.

|

**Section 705. PERSONAL FINANCIAL INTEREST.**

Except as permitted by the Governmental Code, any City officer or employee who has a financial interest in any contract with the City or in the sale of any land, materials, supplies, or services to the City or to a contractor supplying the City shall make known that interest and shall refrain from voting upon or otherwise participating in ~~his~~their capacity as a City officer or employee in the making of such sale or in the making or performance of such contract. Any City officer or employee who willfully conceals such a financial interest or willfully violates the requirements of this section shall be guilty of malfeasance in office or position and shall forfeit ~~his~~their office or position. Violation of this section with the knowledge, express or implied, of the person or corporation contracting with or making a sale to the City shall render the contract or sale voidable by the City Manager or the Council.

**Section 706. ADMINISTERING OATHS.**

Each departmental ~~administrator~~director ~~and such of his~~or their deputies as ~~they~~he may designate shall have the power to administer oaths and affirmations in connection with any official business pertaining to ~~their~~his department.

**Section 707. ACCEPTANCE OF OTHER OFFICE.** Any administrative officer or any employee of the City who shall accept or retain any elective public office of the City of Arcadia shall be deemed thereby to have resigned from ~~their~~his office or employment under the City government.

**Section 708. NEPOTISM.** The Council shall not appoint to a salaried position in the City government any person who is a relative by blood or marriage within the third degree of any member of the Council, nor shall any administrative officer or other officer having appointive power appoint any relative of ~~theirs~~his within such degree to any such position.

**Section 709. OFFICIAL BONDS.** The Council shall fix by ordinance or resolution the amounts and terms of the official bonds of all officers or employees who are required by ordinance or resolution to give such bonds. All bonds shall be executed by a responsible corporate surety, shall be approved as to form by the City Attorney, and shall be filed with the City Clerk. Premiums on official bonds shall be paid by the City.

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

## ARTICLE VIII BOARDS AND COMMISSIONS

**Section 800. IN GENERAL.** There shall be the following boards and commissions which shall have the powers and duties set forth in this Charter and by ordinance not inconsistent with this Charter:

Planning Commission  
Human Resources Commission  
Library Board of Trustees  
Recreation and Parks Commission

In addition, the Council may create by ordinance such other boards or commissions as in its judgment are required and may grant to them such powers and duties as are not inconsistent with the provisions of this Charter.

**Section 801. APPROPRIATIONS.** The Council shall include in its annual budget such appropriations of funds as the Council shall determine to be sufficient for the efficient and proper functioning of boards and commissions.

**Section 802. APPOINTMENTS. TERMS.** The number of members of boards and commissions shall be specified by the Council. Except as hereafter provided, each member of each board or commission shall be appointed for a term of four years and shall serve until ~~his~~their successor qualifies; ~~they~~he shall be subject to removal by motion of the Council adopted by at least three affirmative votes. In the event an incumbent is removed or otherwise vacates ~~his~~their office, ~~his~~their successor shall be appointed for the unexpired term of said office. The members thereof shall be appointed from the legally registered voters of the City, and shall not hold any other City office or employment.

A member who has held office on the same board or commission for two consecutive four-year terms, excluding part or all of an unexpired term, shall not be eligible to hold office on such board or commission until two years after the expiration of the second consecutive term.

**Section 803. EXISTING BOARDS.** The members of the boards and commissions holding office when this Charter takes effect shall continue to hold office thereafter until their respective terms of office shall expire and until their successors are appointed and qualify.

**Section 804. MEETINGS. ~~CHAIRMEN~~CHAIRPERSON.** As soon as practicable, following the first day of July of every year, each of such boards and commissions shall organize by electing one of its members as presiding officer, and another as ~~chairman~~chairperson pro tempore, to serve at the pleasure of such board or commission. Each board or commission shall hold regular meetings as the Council may require, and such special meetings as otherwise may be necessary. The provisions of Section 411 hereof, relating to the Ralph M. Brown Act, shall apply to all meetings of boards and commissions and, subject to the provisions of said Act, all meetings shall be open to the public.

The affirmative vote of a majority of the quorum of such board or commission shall be necessary for it to take any action.

The City Manager may designate a City employee for the recording of minutes for each of such boards and commissions, who shall keep a record of its proceedings and transactions. Each board or commission may prescribe its own procedures and rules of operation which shall be kept on file in the office of the City Clerk where they shall be available for public inspection.

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

Any vacancies in any board or commission, from whatever cause arising, shall be filled by appointment by the Council. Upon a vacancy occurring leaving an unexpired portion of a term, any appointment to fill such vacancy shall be for the unexpired portion of such term.

If a member of a board or commission is absent from three consecutive regular meetings of such board or commission, unless by permission of such board or commission expressed in its official minutes; is convicted of a crime involving moral turpitude; ceases to be a legally registered voter of the City; or files or causes to be filed nomination papers with the City Clerk for elective City office, ~~his~~their office shall become vacant and shall be so declared by the Council.

**Section 806. PLANNING COMMISSION.** There shall be a City Planning Commission which shall make recommendations to the City Manager and the Council on all matters affecting the physical development of the City, shall be consulted on the general plan and the implementation thereof, and shall perform such other duties as may be prescribed by the Council.

**Section 807. GENERAL PLAN.**

(a) Content. The Council shall adopt, and may from time to time modify, a general plan setting forth in graphic and textual form ~~policies poli-cies~~ to govern the future physical development of the City. Such plan may cover the entire City and all of its functions and services or may consist of a combination of plans governing specific functions and services or specific geographic areas which together cover the entire City and all of its functions and services.

(b) Effect. The general plan shall serve as a guide to all future Council action concerning land use, development regulations, and expenditures for capital improvements.

~~(b)~~(c) Land Use Policies. Land use policies and regulations of zoning and development standards, including but not limited to policies contained within the General Plan, are municipal affairs and this Charter shall prevail over state statutes regulating land use within the City. The City Council shall have plenary authority over land use policies and regulation of zoning and development standards.

**Section 808. HUMAN RESOURCES COMMISSION. POWERS AND DUTIES.** There shall be a Human Resources

Commission which shall:

~~(a) Recommend to the Council, after a public hearing thereon, the adoption, amendment, or repeal of civil service rules and regulations.~~

~~(b) Act in an advisory capacity to the Council on problems concerning personnel administration.~~

~~(e)(a) Hear appeals of any person in the Classified Service relative to any suspension, demotion, or dismissal.~~

~~(d) Make any investigation which it may consider desirable concerning the administration of personnel in the municipal service and report its findings to the Council and City Manager.~~

~~(e)(b) Perform such other Human Resources and personnel related duties as may be prescribed by the ~~City~~ Council.~~

~~(f)(c) Have the authority to issue subpoenas under penalty of law.~~

**Section 809. LIBRARY BOARD OF TRUSTEES. POWERS AND DUTIES.** There shall be a Library Board of Trustees which shall:

(a) Administer and operate the City libraries.

(b) Establish and enforce such by-laws, procedures, and rules of operation as may be necessary for, and make all purchases and other contracts in connection with, the administration, government, and protection of the City libraries and shall designate its own Secretary.

(c) Appoint and remove the Librarian, who shall be the departmental ~~administrator~~director, and pass upon and approve all proposed appointments and removals by the Librarian.

(d) ~~Subject to the approval of the Council~~As established by resolution or ordinance of the ~~City~~ Council, accept money, personal property, or real estate donated to the City for library purposes.

(e) Subject to the approval of the Council, contract with schools, county, or other governmental agencies to render or receive library services or facilities.

**Section 810. RECREATION AND PARKS COMMISSION. POWERS AND DUTIES.** There shall be a Recreation and Parks Commission which shall:

(a) Act in an advisory capacity to the ~~City~~ Council in all matters pertaining to community recreation and parks.

(b) Perform such other duties as may be prescribed by the Council.

**ARTICLE IX  
CIVIL SERVICE**

**Section 900. EXISTING CIVIL SERVICE SYSTEM.**

To the extent that existing Civil Service ordinances and rules and regulations of the City are not in conflict with this Charter, they are continued in full force and effect, and to the extent that they are in conflict they are hereby repealed.

**Section 901. UNCLASSIFIED AND CLASSIFIED SERVICE.** The Civil Service of the City shall be divided into the Unclassified and the Classified Service.

(a) The Unclassified Service shall comprise the following officers and positions:

1. Councilmember.
2. City Manager, City Attorney, City Clerk, Chief of Police, and Fire Chief. Assistants, deputies, management and clerical ~~and stenographic~~ employees authorized for said departmental ~~administrators~~ directors and designated by the Council to be in the Unclassified Service.
3. All other departmental ~~administrators~~ directors.
4. City Manager Pro Tempore.
5. Human Resources ~~Manager~~ Administrator.
6. ~~The City~~ Librarian.
7. All members of boards and commissions.
8. Positions in any class or grade created for a special or temporary purpose and for a period of not exceeding one hundred eighty days in any one calendar year.
9. Persons employed to render professional, scientific, technical, or expert service of an occasional and exceptional character.
10. Part-time employees.

(b) The Classified Service shall comprise all positions not specifically included by this section in the Unclassified Service.

**Section 902. APPOINTMENTS FROM CLASSIFIED SERVICE POSITIONS.** In the event an employee of the City holding a position in the Classified Service is appointed to a position in the Unclassified Service, and should thereafter within one year be removed or resign therefrom, ~~he~~they shall revert to his former position in the Classified Service upon the same terms and conditions as if ~~he~~they had remained in said position continuously.

**Section 903. RECRUITMENT.** Examinations of applicants for positions in the Classified Service shall fairly test the relative capacity of the applicants to discharge the duties of the positions to which they seek to be appointed. Applicants must be citizens of the United States.

**Section 904. SUSPENSION. DEMOTION AND DISMISSAL.** The boards and officers having appointive power are vested with the right to exercise the disciplinary and removal powers provided in this section.

An employee holding a position in the Classified Service shall be subject to suspension without pay for a period not exceeding thirty days in any one calendar year, to demotion, or to removal from ~~his~~their position, but subject in each case to the right of the employee, other than one serving a probationary period, to a hearing before the Human Resources Commission in the manner set forth herein.

Such employee shall be entitled to receive upon ~~his~~their request, at the office of the board of officer taking such action, a written statement in which shall be separately stated each of the charges against ~~him~~them upon which such suspension, demotion, or removal is based, a copy of which statement shall be furnished to ~~the City Clerk~~Human Resources for delivery to the Human Resources Commission. Such statement shall be furnished such employee within two business days after ~~his~~their request therefor, which request must be filed in ~~the office of the City Clerk~~Human Resources within ten days after ~~he~~has~~they~~have been notified of such demotion, removal, or suspension. If such employee is absent from work, ~~they~~he shall be deemed to be so notified when such notice is mailed to ~~his~~their last address on file with the City by registered mail. ~~He~~They shall have thirty days after receipt of such statement within which to file with ~~the City Clerk~~Human Resources an answer to such statement of charges should he desire to do so.

In ~~his~~-~~their~~ answer, or otherwise if no statement of charges has been made available to ~~him~~-~~them~~ as required, such employee may request a hearing by the Human Resources Commission to review such suspension, demotion, or removal, which hearing shall be called and held as provided for in the rules and regulations. Within thirty days from such notification, such answer or request for a hearing shall be filed ~~in the office of the City Clerk in Human Resources~~ for delivery to the Human Resources Commission. Hearings may be conducted informally and the rules of evidence need not apply.

The Human Resources Commission shall make written findings which shall state as to each charge whether or not such charge is sustained. Such Commission shall also set forth in writing its conclusions and recommendations based upon such findings and, within ten days after concluding the hearing, it shall certify its findings, conclusions, and recommendations to the City Manager ~~and the parties involved, the officer~~ from whose action the appeal was taken, ~~and the Council.~~

The recommendations of the Human Resources Commission shall be advisory only. The City Manager shall make a final decision with respect to such recommendations, and ~~his~~-~~their~~ decision shall be final and conclusive and no further appeal shall be taken therefrom.

When an appeal is taken to the Human Resources Commission from an order of dismissal, the vacancy in the position shall be considered a temporary vacancy pending final action by the Human Resources Commission and may be filled only by a temporary appointment.

**Section 905. POLITICAL ACTIVITIES PROHIBITED.**

Any City employee, upon becoming a candidate for an elective public office of the City of Arcadia, shall be required to take and shall be granted a leave of absence without pay to remain in effect during the period of time such person is a candidate.

No City employee shall take any part in any political campaign while in a uniform bearing the insignia or name of the City of Arcadia. No person shall use the administrative offices and facilities of the City for the purpose of furthering a political campaign for public office.

**Section 906. PROHIBITIONS. GENERAL.**

(a) No person shall be appointed, removed, favored, or discriminated against with respect to any City position or office because of race, sex, political or religious opinions or affiliations.

(b) No person shall willfully make any false statement, certificate, mark, rating, or report in regard to any test, certification, or appointment under the personnel provisions of this Charter or the rules and regulations made thereunder, or in any manner commit or attempt to commit any fraud preventing the impartial execution of such provisions, rules, and regulations.

(c) No person who seeks appointment or promotion with respect to any City position or office shall directly or indirectly give, render, or pay or offer to give, render, or pay any money, service, or other valuable thing to any person for or in connection with ~~his~~-their test, appointment proposed appointment, promotion, or proposed promotion.

(d) In addition to the penalties provided in Section 1501 of this Charter, any person who by ~~himself~~-themselves or with another willfully violates any provisions of subdivisions (b) and (c) of this section shall, upon conviction thereof, be ineligible for a period of five years for employment in the City service and shall immediately forfeit ~~his~~-their office or position if ~~he~~-they are an officer or employee of the City.

**ARTICLE X  
RETIREMENT**

**Section 1000. PUBLIC EMPLOYEES RETIREMENT SYSTEM.** Plenary authority and power are hereby vested in the City, its Council, and its several officers, agents, and employees to do and perform any act, or exercise any authority granted, permitted, or required under the provisions of the Public Employees Retirement Law, as it now exists or hereafter may be amended, to enable the City to continue as a contracting City under said Retirement system. The ~~—~~Council may terminate any such contract with the Board of Administration of the Public Employees Retirement System only under authority granted by ordinance adopted by a majority vote of the legally registered voters of the City, voting on such proposition at an election at which such proposal is presented.

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**ARTICLE XI  
ELECTIONS**

**Section 1100. GENERAL MUNICIPAL ELECTIONS.** Commencing with the election of November 8, 2022, general municipal elections for the election of officers and for such purposes as the Council may prescribe shall be held in the City on the first Tuesday after the first Monday in November in each even-numbered year, except as otherwise provided by ordinance of the Council. General municipal elections for the election of officers and for such other purposes as the Council may prescribe shall be held in the City on the second Tuesday in April in each even-numbered year.

**Section 1101. SPECIAL MUNICIPAL ELECTIONS.** Other municipal elections shall be known as special municipal elections.

**Section 1102. PROCEDURE FOR HOLDING ELECTIONS.** Unless otherwise provided by ordinance hereafter enacted, all elections shall be held in accordance with the provisions of the Elections Code of the State of California, as it exists or is amended, for the holding of municipal elections, so far as the same are not in conflict with this Charter.

**Section 1103. INITIATIVE, REFERENDUM, AND RECALL.** There are hereby reserved to the voters of the City the powers of the initiative and referendum and of the recall of municipal elective officers. The provisions of the Elections Code of the State of California, as it exists or is amended, governing the initiative and referendum and the recall of municipal officers shall apply so far as the same are not in conflict with this Charter.

**ARTICLE XII  
FISCAL ADMINISTRATION**

**Section 1200. FISCAL YEAR.** The fiscal year of the City government shall begin on the first day of July of each year and end on the thirtieth day of June of the following year. The Council may by ordinance change the fiscal year.

**Section 1201. SUBMISSION OF BUDGET AND BUDGET**

**MESSAGE.** On or before the twenty-fifth day of May of each year, or at such other time as the Council may prescribe, the [City](#) Manager shall submit to the   -Council a budget for the ensuing fiscal year and an accompanying message.

The City Manager's message shall explain the budget both in fiscal terms and in terms of the work programs. It shall outline the proposed financial policies of the City for the ensuing fiscal year; describe the important features of the budget; indicate any major changes from the current year in financial policies, expenditures, and revenues together with the reasons for such changes; summarize the City's debt position; and include such other material as the City Manager deems desirable.

**Section 1202. BUDGET.** The budget shall provide a complete financial plan of all City funds and activities for the ensuing fiscal year and, except as required by law or this Charter, shall be in such form as the City Manager deems desirable or the City Council may require. In organizing the budget the City Manager shall utilize the most feasible combination of expenditure classification by fund, organization unit, program, purpose or activity, and object. It shall begin with a clear general summary of its contents; shall show in detail all estimated income, indicating the proposed property tax levy, and all proposed expenditures, including debt service, for the ensuing fiscal year; and shall be so arranged as to show comparative figures for actual and estimated income and expenditures of the preceding fiscal year. It shall indicate in separate sections:

(a) Proposed expenditures for current operations during the ensuing fiscal year, detailed by offices, departments, and agencies in terms of their respective work programs, and the method of financing such expenditures;

(b) Proposed capital expenditures during the ensuing fiscal year, detailed by offices, departments, and agencies when practicable, and the proposed method of financing each such capital expenditure; and

(c) Anticipated net surplus or deficit for the ensuing fiscal year of each utility owned or operated by the City and the proposed method of its disposition.

The total of proposed expenditures shall not exceed the total of estimated income plus available reserves.

**Section 1203. CAPITAL PROGRAM.** As used in this section, a capital improvement shall mean an improvement with an estimated ~~cost in excess of \$30,000~~ as established by Council resolution or ordinance.

~~(a)~~—Submission to City Council. The City Manager shall prepare and submit to the Council a five-year capital program no later than the final date for submission of the budget.

~~(a)~~

~~(a)~~(b) Contents. The capital program shall include:

1. A clear general summary of its contents;
2. A list of all capital improvements which are proposed to be undertaken during the five fiscal years next ensuing, with appropriate supporting information as to the necessity for such improvements.
3. Cost estimates, method of financing, and recommended time schedules for each such improvement; and
4. The estimated annual cost of operating and maintaining the facilities to be constructed or acquired.

The above information may be revised and extended each year with regard to capital improvements still pending or in process of construction or acquisition.

#### **Section 1204. COUNCIL ACTION ON BUDGET.**

(a) Notice and Hearing. The City Clerk shall publish in the official newspaper a general summary of the budget and a notice stating:

1. The times and places where copies of the message and budget are available for inspection by the public, and
2. The time and place, not less than ten days after such publication, for a public hearing on the budget.

Further Consideration and Adoption. After the conclusion of the public hearing, the Council shall further consider the proposed budget and make any revision thereof that it may deem advisable; and on or before July 1 it shall adopt the budget. Adoption of the budget shall constitute appropriations of the amounts specified therein as expenditures from the funds indicated. If it fails to adopt the budget by said date, the amounts appropriated for current operation for the current fiscal year shall be deemed adopted for the ensuing fiscal year on a month-to-month basis, with all items in it prorated accordingly, until such time as the City Council adopts a budget for the ensuing fiscal year.

**Section 1205. COUNCIL ACTION ON CAPITAL PROGRAM.**

(a) Notice and Hearing. The City Clerk shall publish in the official newspaper a general summary of the capital program and a notice stating:

1. The times and places where copies of the capital program are available for inspection by the public, and
2. The time and place, not less than ten days after such publication, for a public hearing on the capital program.

(b) Adoption. The Council by resolution shall adopt the capital program with or without amendment after the public hearing.

**Section 1206. PUBLIC RECORDS.** Copies of the budget and the capital program as adopted shall be public records and shall be made available to the public at suitable places in the City.

**Section 1207. AMENDMENTS AFTER ADOPTION.**

(a) Supplemental Appropriations. If during the fiscal year the City Manager certifies that there are available for appropriation revenues in excess of those estimated in the budget, the Council by resolution may make supplemental appropriations for the year up to the amount of such excess.

(b) Reduction of Appropriations. If at any time during the fiscal year it appears probable to the City Manager that the revenues available will be insufficient to meet the amount appropriated, ~~he~~they shall report to the Council without delay, indicating the estimated amount of the deficit, any remedial action taken by ~~him~~them, and ~~his~~their recommendations as to any other steps to be taken. The Council shall then take such further action as it deems necessary to prevent or minimize and deficit, and for the purpose it may by resolution reduce one or more appropriations.

~~(c)~~ Transfer of Appropriations. At any time during the fiscal year the City Manager may transfer part or all of any unencumbered appropriation balance among programs within a department, office or agency and, upon written request by the City Manager, the Council may by resolution transfer part of all of any unencumbered appropriation balance from one department, office, or agency to another.

(c)

(d) Limitations; Effective Date. No appropriation for debt service may be reduced or transferred, and no appropriation may be reduced below any amount required by law to be appropriated or by more than the amount of the unencumbered balance thereof. The supplemental appropriations and reduction or transfer of appropriations authorized by this section may be made effective immediately upon adoption.

**Section 1208. LAPSE OF APPROPRIATIONS.** Every appropriation, except an appropriation for a capital expenditure, shall lapse at the close of the fiscal year to the extent that it has not been expended or encumbered. An appropriation for a capital expenditure shall continue in force until the purpose for which it was made has been accomplished or abandoned; the purpose of any such appropriation shall be deemed abandoned if three years pass without any disbursement from or encumbrance of the appropriation.

**Section 1209. TAX LIMITS.**

(a) The Council shall not levy a property tax, for municipal purposes, in excess of One Dollar and Thirty Cents annually on each One Hundred Dollars of the assessed value of taxable property in the City, except as otherwise provided in this section, unless authorized by the affirmative votes of a majority of the voters voting on a proposition to increase such levy at any election at which the question of such additional levy for municipal purposes is submitted to the voters. The number of years that such additional levy is to be made shall be specified in such proposition.

(b) There shall be levied and collected at the time and in the same manner as other property taxes for municipal purposes are levied and collected, as additional taxes, if no other provision for payment thereof is made:

~~+~~A tax sufficient to meet all liabilities of the City for principal and interest of all bonds of judgments due and unpaid, or to become due during the ensuing fiscal year, which constitute general obligations of the City; and

1.

2. A tax sufficient to meet all obligations of the City to the Public Employees Retirement System for the retirement of City employees, due and unpaid or to become due during the ensuing fiscal year.

**Section 1210. TAX PROCEDURE.** The procedure for the assessment, levy, and collection of taxes upon property, taxable for municipal purposes, may be prescribed by ordinance of the Council.

**Section 1211. BONDED DEBT LIMIT.** The City shall not incur an indebtedness evidenced by general obligation bonds which shall in the aggregate exceed the sum of fifteen percent of the total assessed value, for purposes of City taxation, of all taxable real and personal property within the City.

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

**Section 1212. CONTRACTS ON PUBLIC WORKS.**

Every contract involving an expenditure ~~of more than Thirty Thousand Dollars (\$30,000)~~in an amount determined by Council resolution or ordinance for public works construction or improvement shall be let ~~to the lowest responsible bidder after notice by publication in a newspaper of general circulation by two (2) insertions, the first of which shall be at least ten (10) days before the time for opening bids. The Council may reject any and all bids presented and may readvertise at its discretion. Such contract may be let without advertising for bids if such purchase shall be deemed by the Council to be of urgent necessity for the preservation of life, health, or property and shall be authorized by resolution passed by at least four (4) affirmative votes of the Council and containing a declaration of the facts constituting the urgency. The Council shall have the right to waive any minor informality, technicality, variance or alteration in a bid. This section shall not apply to work done by the City with its own personnel if the Council determines that such work can be performed more economically by City forces than by contracting for such work~~through a competitive

selection process under such rules as the Council may prescribe. The Council may establish exceptions to this competitive process requirement, provided that the Council finds that the exception will be in the best interest of the City.

**Section 121533. CASH BASIS FUND.** The Council shall maintain unrestricted cash reserves that are adequate for the purpose of placing the payment of the operating expenses of the City on a cash basis. Said reserves shall consist of cash funds from any available sources in an amount which the Council deems sufficient with which to meet all lawful demands against the City for the first five months or longer necessary period of the succeeding fiscal year prior to the receipt of ad valorem tax revenues.

**Section 121464. PRESENTATION AND AUDIT OF DEMANDS.** Any demand against the City must be in writing and may be in the form of a bill, invoice, payroll, or formal demand. Each such demand shall be presented to the individual in charge of the Finance Office, who shall examine the same. If the amount thereof is legally due and there remains on the books an unexhausted balance of an appropriation against which the same may be charged, such individual shall approve such demand and draw a warrant on the Treasurer therefor, payable out of the proper fund.

The individual in charge of the Finance Office shall transmit such demand, with approval or rejection thereof endorsed thereon, and warrant, if any, to the City Manager. If a demand is one for an item included within an approved budget appropriation, it shall require the approval of the City Manager; otherwise it shall require the approval of the Council, following the adoption by it of an amendment to the budget authorizing such payment. Any person dissatisfied with the refusal of the City Manager to approve any demand, in whole or in part, may present the same to the Council which, after examining into the matter, may approve or disapprove the demand in whole or in part.

**Section 121575. REGISTERING WARRANTS.** Warrants on the Treasurer which are not paid for lack of funds shall be registered. All registered warrants shall be paid in the order of their registration when funds therefor are available and shall bear interest from the date of registration at such rate as shall be fixed by the Council by resolution.

**Section 121686. CLAIMS AGAINST THE CITY.** The Council by ordinance may provide for conditions precedent to the commencement of any action or proceeding to bringing suit against the City, its officers, and employees, except as the subject is preempted by State law.

**Section 121977. INDEPENDENT AUDIT.** The Council shall employ, at the beginning of each fiscal year, a certified public accountant who shall, at such time or times as may be specified by the Council and at such other times as ~~they~~he shall determine, examine the books, records, inventories, and reports of all officers and employees who receive, handle, or disburse public funds and all such other officers, employees, or departments as the Council may direct. As soon as practicable after the end of the fiscal year, a final certified audit and report shall be submitted by such accountant to the Council, one copy thereof to be submitted by such accountant to the Council, one copy thereof to be distributed to each member, one to the City Manager, Treasurer, and City Attorney, respectively, and three additional copies to be placed on file in the office of the City Clerk where they shall be available for inspection by the general public.

### **ARTICLE XIII FRANCHISES**

**Section 1300. GRANTING OF FRANCHISES.** The Council may grant a franchise to any person, partnership, corporation, or other legal entity capable of exercising the privilege conferred, whether operating under an existing franchise or not, and may prescribe the terms, conditions, and limitations of such grant, including the compensation to be paid to the City therefor. The Council may prescribe by ordinance or resolution the method or procedure for granting franchises, together with additional terms and conditions for making such grants. In the absence of such provision the method provided by the general laws of the State shall apply.

**Section 1301. TERMS OF FRANCHISE.** No franchise shall be granted for a longer period than twenty-five years, unless there be reserved to the City the right to take over at any time the works, plant, and property constructed under the grant at their physical valuation and without compensation for franchise or good will.

**Section ~~1032~~1302. EMINENT DOMAIN.** No franchise or grant of a franchise shall in any way or to any extent impair or affect the right of the City to acquire the property of the possessor thereof by purchase or condemnation, and nothing therein contained shall be construed to contract away or to modify or abridge, either for a term or in perpetuity, the City's right of eminent domain with respect to the property of the possessor of any franchise. Every franchise granted by the City is granted upon the condition, whether expressed in the grant or not, that such franchise shall not be given any value before any court or other public authority in any proceeding of any character in excess of any amount actually paid by the grantee to the City at the time of the grant.

**Section 1303. PROCEDURE FOR GRANTING FRANCHISES.** Before granting any franchise, the ~~City~~-Council shall adopt a resolution declaring its intention to grant same and stating the name of the proposed grantee, the character of the proposed franchise, and the terms and conditions upon which it is proposed to be granted. Such resolution shall fix and set forth the day, hour, and place when and where any person having an interest in or objecting to the granting of such franchise may appear before the ~~the~~-Council and be heard thereon. Said resolution shall be published at least once, not less than ten days prior to said hearing in the official newspaper. After hearing all persons desiring to be heard, the Council may by ordinance deny or grant the franchise on the terms and conditions specified in the resolution subject to the referendum of the people. No ordinance granting a franchise shall be adopted as an emergency ordinance.

#### ARTICLE XIV BOARD OF EDUCATION

**Section 1400. ESTABLISHMENT OF A BOARD OF EDUCATION.** The control, management, and administration of the public schools of the City of Arcadia and the territory that is now or may hereafter be annexed thereto for school purposes, in accordance with the Constitution and general laws of the State of California, is hereby vested in a Board of Education consisting of five members who shall be voters

in the school district; said Board is hereby vested with all the powers and charged with all the duties provided by the laws of the State for city boards of education.

**Section 1401. TERM OF OFFICE.** The members of such Board of Education shall be elected from the school district at large and shall hold office for the term of four years, and until their successors are elected and duly qualified.

**Section 1402. ELECTION.** School board elections shall be held on the third Tuesday on April of each odd-numbered year. The members of such Board of Education holding office at the time this Charter becomes effective shall continue in office for their respective terms of office and until their respective successors are elected and duly qualified as herein provided. The officers of the election for members of the Board of Education shall be compensated for their services as provided by the general laws of the State governing school elections; such compensation and any other expense incurred in the conduct of said election shall be a charge upon the School District and not upon the City.

In the preparation of ballots for the election of members for the Board of Education, there shall be printed, stamped, or written the name of each candidate for such office who has filed the required documents pursuant to the requirements of the general law of the State relating to the election of Boards of Education.

In all other matters the election for members of the Board of Education shall be governed by the general law of the State relating to the election of city boards of education.

**Section 1403. MEETINGS.** The members of the Board of Education shall enter upon the discharge of their duties on or before the second Tuesday in July after their election, and the Board shall meet upon said day and annually thereafter and organize by electing one of their number President, one of their number Vice President, and one of their number Clerk, whose terms of office shall be one year. They shall hold regular meetings at least once each month, at such time and place as may be determined by their rules. Special meetings may be called by the President or by written request of any three members. A majority of the members shall constitute a quorum. The Board may determine the rules of its proceedings, and the ayes and noes shall be taken, recorded and entered on the records of the Board. Any vacancy occurring on the Board shall be filled by the remaining members of the Board, and if there be no members, then by the Council.

**Section 1404. BOARD SECRETARY.** The Board of Education shall, at the first meeting in each school year, or at such other time as shall be fixed by resolution of the Board, appoint the Superintendent of Schools as Secretary to the Board and shall prescribe the duties of such secretary.

**Section 1405. GENERAL LAW APPLICABLE.** In all matters not specifically provided for in this Article, the Board of Education shall be governed by the provisions of the general law relating to such matters.

## ARTICLE XV MISCELLANEOUS

**Section 1500. DEFINITIONS.** Unless the provision or the context otherwise requires, as used in this Charter:

- (a) "Shall" is mandatory, and "may" is permissive.
- (b) "City" is the City of Arcadia, and "department," "board," "commission," "agency," "officer," or "employee" is a department board, commission, agency, officer, or employee, as the case may be, of the City of Arcadia.
- (c) "Council" is the City Council of the City.
- (d) "Councilmember" is a member of the Council.
- (e) "Departmental ~~administrator~~director" is the person in charge of a City department.
- (f) "Government Code" is the California Government Code as it exists upon adoption of this Charter, or is thereafter amended.
- (g) "Municipal Code" is the Arcadia Municipal Code.
- (h) "Law" includes ordinance.
- (i) "Officer" is a person holding an elected office, a member of a board of commission, the City Manager, and a departmental ~~administrator~~director in charge of a City department or a person acting in his place.
- (j) "State" is the State of California.
- (k) "Voter" is a legally registered voter.
- (l) The masculine, feminine, and neuter genders shall be interchangeable, as shall be the singular and plural. In particular, the terms "they," "their" and "them" are intended to be the singular where the context so indicates.

**Section 1501. VIOLATIONS.** A violation of this Charter or of any ordinance of the City shall constitute a misdemeanor or infraction as deemed by ordinance of the City and may be prosecuted in the name of the People of the State of California or may be redressed by civil action filed by the City [Attorney on behalf of the City](#). The maximum fine or penalty for any violation of a City ordinance shall be that sum authorized by State Penal Code provisions applicable to misdemeanors, or a term of imprisonment for a period not exceeding six months, or both such fine and imprisonment.

**Section 1502. VALIDITY.** If any provision of the Charter, or the application thereof to any person or circumstance is held invalid, the remainder of the Charter, and the application of such provision to other persons or circumstances, shall not be affected thereby.

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CHARTER  
OF THE  
CITY OF ARCADIA

(Amended to **May 12, 1998**)

HISTORY

THE ORIGINAL CITY CHARTER WAS ADOPTED AT A SPECIAL ELECTION HELD ON APRIL 24, 1951, CERTIFIED BY THE CALIFORNIA SECRETARY OF STATE, AND BECAME EFFECTIVE MAY 15, 1951.

AMENDMENTS

ELECTION:	EFFECTIVE:
November 6, 1956	January 15, 1957
February 2, 1965	March 31, 1965
November 5, 1968	January 16, 1969
September 15, 1992	October 22, 1992
April 9, 1996	May 16, 1996
April 14, 1998	May 12, 1998
<u>November 8, 2022</u>	<u>DATE</u>

Arcadia, California

# NOTES

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# NOTES

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# NOTES

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**CITY OF ARCADIA, CALIFORNIA**

**CITY CHARTER  
As Amended 2022**

# **CITY COUNCIL**

2021-2022

Sho Tay  
Paul P. Cheng  
Tom Beck  
April A. Verlato

**CITY CLERK**  
Gene Glasco

**CITY MANAGER**  
Dominic Lazzaretto

**CITY ATTORNEY**  
Stephen P. Deitsch

**CHARTER  
CITY OF ARCADIA  
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**CHARTER  
CITY OF ARCADIA**

We, the People of the City of Arcadia, State of California, do ordain and establish this Charter as the organic law of the City under the Constitution of the State.

**ARTICLE I  
INCORPORATION AND SUCCESSION**

**Section 100. NAME AND BOUNDARIES.** The City of Arcadia, hereinafter termed the City, shall continue to be a municipal corporation under its present name, "City of Arcadia." The boundaries of the City shall be as established at the time this Charter takes effect, or as they may be changed thereafter in the manner authorized by law.

**Section 101. RIGHTS AND LIABILITIES OF THE CITY.** The City shall continue to own, possess, and control all rights and property of every kind and nature owned, possessed, or controlled by it at the time this Charter takes effect and shall be subject to all its debts, obligations, liabilities, and contracts.

**Section 102. ORDINANCES, CODES, AND OTHER REGULATIONS.** All ordinances, codes, resolutions, regulations, or portions thereof, in force at the time this Charter takes effect, and not in conflict or inconsistent herewith, shall continue in force until they shall have been duly repealed, amended, changed, or superseded by proper authority.

**Section 103. OFFICERS AND EMPLOYEES.** Subject to the provisions of this Charter, the present officers and employees shall continue to perform the duties of their respective offices and employments without interruption and for the same compensations and under the same conditions until the election or appointment and qualification of their successors and subject to such removal and control as herein provided.

**Section 104. EFFECTIVE DATE OF CHARTER.** This Charter shall take effect upon its approval by the Legislature of the State of California and any amendment hereto shall be effective when filed pursuant to the California Constitution.

## **ARTICLE II POWERS OF CITY**

**Section 200. POWERS.** The City shall have the power to make and enforce all laws and regulations in respect to municipal affairs, subject only to such restrictions and limitations as may be provided in this Charter and in the Constitution of the state of California. It shall also have the power to exercise any and all rights, powers, and privileges heretofore or hereafter established, granted or prescribed by any law of the State, by this Charter, or by other lawful authority, or which a municipal corporation might or could exercise under the Constitution of the State of California. The enumeration in this Charter of any particular power, duty, or procedure shall not be held to be exclusive of, or any limitation or restriction upon, this general grant of power. The City shall have the power and may act pursuant to procedure established by ordinance or any law of the State.

**Section 201. INTERGOVERNMENTAL RELATIONS.** The City may exercise any of its powers or perform any of its functions jointly, or in cooperation, by contract or otherwise, with any one or more cities, counties, states, or civil divisions or agencies thereof, or the United States or any agency thereof.

## **ARTICLE III FORM OF GOVERNMENT**

**Section 300. FORM OF GOVERNMENT.** The municipal government established by this Charter shall be known as the “Council-Manager” form of government.

## **ARTICLE IV THE CITY COUNCIL**

**Section 400. CITY COUNCIL.** The City Council, hereinafter termed “Council,” shall consist of five Councilmembers each representing a respective district within the City and elected to office in the manner provided in this Charter. The term of office shall be four years. Alternatively, and successively, three four-year terms shall be filled at one general municipal election and two four-year terms at the next such election, consistent with the sequence of terms of Councilmembers existing on the effective date hereof. The term of a Councilmember shall commence on the first Tuesday following certification of their election and they shall serve until their successor qualifies. Any ties in voting shall be settled by the casting of lots.

Each Councilmember in office at the time this Charter takes effect shall continue in office until the end of the term for which they were elected under the previous Charter; an appointed Councilmember shall continue in office during such time as hereinafter provided.

**Section 401. ELIGIBILITY.** No person shall be eligible to hold the office of Councilmember unless that person shall reside in the City, shall be a resident of the district from which the Councilmember is elected or appointed, and shall be a registered voter of the City upon appointment or when nomination papers are issued. A Councilmember who has been elected or appointed for three, four-year terms including two years of any unexpired term, shall not be eligible to hold the office of Councilmember again regardless of redistricting. This section shall apply to all former duly elected or appointed Councilmembers and current Councilmembers holding office on the effective date of this Charter.

**Section 402. COMPENSATION.**  
.Compensation for Councilmembers is hereby set, and from time to time shall be changed, in accordance with the schedule applicable to the City of Arcadia set forth in the provisions of the Government Code relating to salaries of Councilmembers in general law cities. Such compensation may be increased or decreased by an affirmative vote of a majority of the voters voting on the proposition at any election.

**Section 403. VACANCIES, FORFEITURE OF OFFICE. FILLING OF VACANCIES.**

(a) A vacancy shall exist on the Council, and shall be declared by the Council, if a Councilmember resigns, is legally removed other than by recall, dies, or forfeits their office.

(b) A Councilmember shall forfeit their office if they (1) lack at any time while holding office any qualification for election prescribed by this Charter or by law, (2) violate any provision of this Charter, (3) is convicted of a crime involving moral turpitude, (4) without consent of the Council is absent from all regular Council meetings for a period of sixty consecutive days and the first regular meeting thereafter, said period to be computed from the last regular Council meeting they attend, (5) or accepts or retains any other elective public office. A declaration by the Council of a vacancy resulting from forfeiture of office shall be subject to judicial review, provided that within two weeks after such declaration an appropriate action, or proceeding, for review is filed in a court having jurisdiction of the action or proceeding. During the pendency of any such action or proceeding, anyone appointed by the Council to fill such vacancy shall have all the rights, duties, and powers of a Councilmember, and continue in such office as provided herein unless and until said court rules the declaration of the Council invalid and such ruling has become final.

(c) Any vacancy on the Council shall be filled by a majority vote of the remaining Councilmembers within sixty days after the vacancy occurs. If more than one vacancy exists, successive appointments shall be made, and each appointee shall participate in any succeeding appointment. If the Council fails, for any reason, to fill such vacancy within said sixty-day period, it shall forthwith call an election for the next established election date.

(d) In the event the Council does not call an election within sixty days of the effective date of the vacancy, the City Clerk shall call a special election to fill the vacancy, provided that the term of the vacant office does not expire at the next established election date. The special election shall take place at the next established election date. A special election called by the City Clerk shall be conducted by the County of Los Angeles and shall follow the same procedures as the most recent general municipal election for a vacant district seat. The City Clerk shall take any actions, including adoption of resolutions, necessary to effectuate the special election. The City Clerk shall call the special election within five working days. To effectuate this section, the City Manager shall have the powers to (i) expend funds of the City to pay for the costs of the special

election, and (ii) in the absence of the City Clerk, to appoint an acting City Clerk to take any necessary actions under this section.

(e) For purposes of this section, "established election dates" are the dates established in California Elections Code section 1000, or any successor statute or amendments, unless the Council establishes additional or alternative election dates by ordinance. The "next" established election date is the established election date that is at least 114 days away.

(f) The Council shall provide by ordinance or resolution for the continuity of the Council in the event that five vacancies simultaneously exist on the Council. If less than a quorum of Council seats are filled, the remaining Councilmembers may meet and take action to consider, deliberate on, and make appointments until a quorum is achieved.

**Section 404. MAYOR - MAYOR PRO TEMPORE.** The offices of Mayor and Mayor Pro Tem shall be filled automatically by rotation among the Councilmembers with each serving a term of approximately nine (9) and one-half (1/2) months. It is the intent of this provision that the Councilmember for each Council district to serve as Mayor and Mayor Pro Tem once during a four-year term. The Council shall adopt an appropriate procedure for implementing this requirement by ordinance or resolution.

The Mayor shall preside at Council meetings; shall be the chief official of the City for all ceremonial purposes; and shall perform such other duties consistent with the office as may be prescribed by the Council. The Mayor Pro Tempore shall perform the duties of the Mayor during their absence or disability.

Both the Mayor and Mayor Pro Tempore shall have a voice and a vote in all proceedings of the Council.

**Section 405. POWERS VESTED IN THE COUNCIL.** All powers of the City shall be vested in the Council except as otherwise provided in this Charter.

**Section 406. PROHIBITIONS.**

(a) **HOLDING OTHER OFFICES.**

No Councilmember shall hold any other City office or City employment, and no former Councilmember shall hold any compensated City office or City employment until two years after leaving the office of Councilmember.

(b) **INTERFERENCE IN ADMINISTRATIVE SERVICE.**

Neither the Council nor any of its members shall interfere with the execution by the City Manager of the City Manager's powers and duties, or order, directly or indirectly, the appointment by the City Manager or by any of the departmental officers in the administrative service of the City, of any person to an office or employment or their removal therefrom. Except for the purpose of inquiry, the Council and its members shall deal with the administrative service under the City Manager solely through the City Manager, and neither the Council nor any member thereof shall give orders to any subordinates of the City Manager, either publicly or privately.

**Section 407. REGULAR MEETINGS OF THE COUNCIL.**

The Council shall hold regular meetings at least twice each month at such times as it shall fix by ordinance or resolution, except that the Council may hold only one regular meeting in up to four months each fiscal year. At any time a regular meeting falls on a holiday, such meeting shall be held on the day designated by motion of the City Council or cancelled in accordance with this section.

**Section 408. SPECIAL MEETINGS.** Special meetings may be called at any time by the Mayor or by three members of the Council. Notice of special meetings shall be given in accordance with the Ralph M. Brown Act, commencing with Section 54950 of the Government Code

**Section 409. ADJOURNED MEETINGS.** Any regular, adjourned regular, special, or adjourned special meeting may be adjourned to a time and place specified in the order of adjournment. Any adjourned regular meeting is a regular meeting for all purposes.

**Section 410. QUORUM.** Subject to other provisions of this Charter, three Councilmembers shall constitute a quorum to do business, but a lesser number may adjourn from time to time or compel the attendance of other Councilmembers in such a manner and under such penalties as the Council may have provided.

**Section 411. OPEN MEETINGS. RALPH M. BROWN ACT.** All meetings of the Council shall be open to the public, provided the Council may adjourn to an executive session as provided by law. The provisions of the Ralph M. Brown Act, commencing with Section 54950 of the Government Code, shall apply to all meetings of the Council.

**Section 412. PLACE OF MEETINGS.** All Council meetings shall be held in the Council Chamber of the City Hall, or in a place to which any meeting may be adjourned. If, by reason of fire, flood, or other emergency, it shall be unsafe to meet in the Council Chamber, the meetings may be held for the duration of the emergency at a place designated by the Mayor, or if the Mayor should fail to act, by three members of the Council. A Council meeting may be held at, or adjourned to, a publicly accessible telephonic or electronic location.

**Section 413. PROCEEDINGS.** The Council shall cause the City Clerk to keep a correct record of all its proceedings. The Council may establish rules for the conduct of its proceedings. It may evict any member or other person for disorderly conduct at any of its meetings. Each member of the Council shall have the power to administer oaths and affirmations in any proceeding pending before the Council. The Council shall have the power to compel the attendance of witnesses, to examine them under oath, and to compel the production of evidence before it. Subpoenas shall be issued in the name of the City, signed by the Mayor, and be attested by the City Clerk. Disobedience of such subpoenas, or the refusal to testify, shall constitute a misdemeanor; the Mayor shall report such disobedience to a judge of the Superior Court for further proceedings under the provisions of the Government Code.

Upon adoption of any ordinance, resolution, or order for payment of money, or upon the demand of any member, the City Clerk shall call the roll and shall cause the ayes and noes taken on the question to be entered in the minutes of the meeting. The electronic casting of ayes and noes may be conducted in lieu of a roll call vote.

**Section 414. PUBLIC PARTICIPATION.** Any member of the public, personally or through counsel, shall have the right to present grievances at any regular meeting of the Council regarding any matter that is within the subject matter jurisdiction of the Council, or offer suggestions for the betterment of municipal affairs.

**Section 415. ADOPTION OF ORDINANCES AND RESOLUTIONS.** With the exception of ordinances which take effect upon adoption, referred to in this Article, no ordinance shall be adopted by the Council on the day of its introduction, nor within five days thereafter, nor at any time other than at a regular or adjourned regular

meeting. At the time of its introduction an ordinance shall become a part of the proceedings of such meeting in the custody of the City Clerk. At the time of adoption of an ordinance or resolution it shall not be read in full, unless reading in full is requested by consent of a majority of the Councilmembers present and voting. In the event that any ordinance is altered after its introduction, it shall not be finally adopted except at a meeting held not less than five days after the date upon which such ordinance was altered. Correction of a typographical or clerical error shall not constitute an alteration within the meaning of the foregoing sentence.

Unless otherwise required by this Charter, the affirmative votes of at least three Councilmembers shall be required for the enactment of any ordinance or resolution, or for the making or approving of any order for the payment of money.

All ordinance and resolutions shall be signed by the Mayor and attested by the City Clerk.

**EMERGENCY ORDINANCES.** Any ordinance declared by the Council to be necessary as an emergency measure for preserving the public peace, health, or safety and containing a statement of the reasons for its urgency, may be introduced and adopted at one and the same meeting if it is read in full and passed by at least four affirmative votes or, if less than four Councilmembers are present, then by unanimous vote of the Councilmembers present.

**Section 416. ORDINANCES. PUBLICATION.** The City Clerk shall cause each ordinance, or a summary of each ordinance, to be published at least once in the official newspaper within fifteen days after its adoption; provided, as an alternative, that the City Clerk may satisfy the publication requirement by posting the ordinance in at least three public places in the City as designated by the Council and on the City's website or other publicly available City-controlled internet site.

**Section 417. ADOPTION OF CODES BY REFERENCE.** Detailed regulations, pertaining to any subject, when arranged as a comprehensive code may be adopted by reference by the passage of an ordinance for such purpose. Such code need not be published in the manner required for other ordinances. A copy of any adopted code of regulations shall be made available for inspection in the City Clerk's Office or available for purchase at a reasonable price.

**Section 418. THE ARCADIA MUNICIPAL CODE.** The Arcadia Municipal Code may be amended, repealed, or added to in whole or in part by ordinance. Said Code may be rearranged and renumbered and thereupon adopted by reference in the same manner as set forth in Section 417, above.

**Section 419. ORDINANCE. WHEN EFFECTIVE.** An ordinance shall become effective on the thirty-first day after its adoption, or at any later date specified therein, except the following, which shall take effect upon adoption:

- (a) An ordinance calling or otherwise relating to an election.
- (b) An improvement proceeding ordinance adopted under some law or procedural ordinance.
- (c) An ordinance declaring the amount of money necessary to be raised by taxation, fixing the rate of taxation, levying the annual tax upon property, or levying any other tax.
- (d) An emergency ordinance adopted in the manner provided for in this Charter.

**Section 420. PUBLISHING OF LEGAL NOTICES** The publication of legal notices or other matters solely pertaining to the municipal affairs of the City, except as otherwise provided in this Charter or by ordinance of the Council, may be accomplished by posting copies thereof at three or more public places in the City as designated by the Council and posted on the City's website.

The publication of legal notices or other matters that do not solely pertain to the municipal affairs of the City shall be published in a manner consistent with applicable law.

The newspaper with which the Council contracts for publication of legal notices shall be deemed the official newspaper.

No defect or irregularity in proceedings taken under this section shall invalidate any publication where the same is otherwise in conformity with this Charter or law.

**ARTICLE V  
CITY CLERK**

**Section 500. CITY CLERK.** There shall be a City Clerk who shall be appointed by the City Manager.

**Section 501. POWERS AND DUTIES.** The City Clerk shall:

(a) Attend all meetings of the Council and be responsible for the recording and maintaining of a full and true record of all of the proceedings of the Council.

(b) Maintain separate files, in which shall be recorded respectively all ordinances and resolutions, with the certificate of the Clerk annexed to each document stating that said document is the original or a correct copy, and with respect to an ordinance, stating that said ordinance has been published or posted in accordance with this Charter; all of said files shall be properly indexed and open to public inspection when not in actual use.

(c) Maintain separate files, in which a record shall be made of all written contracts and official bonds.

(d) Be the custodian of the seal of the City.

(e) Administer oaths or affirmations, take affidavits and depositions pertaining to the affairs and business of the City and certify copies of official records.

(f) Be the City Assessor, if the Council so requires.

(g) Sign all checks, except payroll checks.

(h) Conduct all City elections

(i) Perform such other duties as may be prescribed by the Council or City Manager.

**Section 502. ELIMINATION OF ELECTED OFFICE.** The office of elected City Clerk shall be eliminated upon the earlier of: (1) the expiration of the term of the elected City Clerk serving at the time of adoption of this Charter, or (2) any vacancy in the elected office.

**ARTICLE VI  
CITY MANAGER**

**Section 600. CITY MANAGER. SELECTION AND QUALIFICATIONS.** There shall be a City Manager who shall be the chief administrative officer of the City. The Council shall appoint, by not less than four votes, the person who it believes to be best qualified on the basis of their executive and administrative qualifications, with special reference to their experience in and their knowledge of accepted practice in respect to the duties of the office as set forth in this Charter.

The City Manager shall engage in no other business or occupation except as may be permitted by the affirmative vote of four members of the Council.

**REMOVAL OF CITY MANAGER.** The affirmative vote of a majority of the members of the Council shall be required to remove the City Manager from office, provided the City Manager shall not be removed by the Council within 135 days after a Councilmanic election, except by the unanimous vote of the entire Council.

**Section 601. CITY MANGER. POWERS AND DUTIES.** The City Manager shall be responsible to the Council for the proper administration of all affairs of the City. Without limiting the foregoing general grant of powers, responsibilities, and duties, the City Manager, subject to the provisions of this Charter and any regulations adopted pursuant thereto, shall:

(a) Appoint and remove administrative officers, except those appointed by the Council; and when he deems it necessary for the good of the service, suspend or remove any employee.

(b) Direct and supervise the administration of all departments, offices, and agencies of the City.

(c) Prepare and submit the annual budget and capital program to the Council, and be responsible for administration of the annual budget and capital program after its adoption.

(d) Prepare and submit to the Council as of the end of the fiscal year a comprehensive report on the finances and administrative activities of the City for the preceding year.

(e) Make such other reports as the Council may require concerning the operations of City departments, offices, and agencies subject to the City Manager's direction and supervision.

(f) Keep the Council advised of the financial condition and future needs of the City and make such recommendations as may seem to him desirable.

Prepare rules and regulations governing the contracting for, purchasing,

storing, distribution, and disposal of, all supplies, materials, and equipment required by any office department, or agency of the City government and recommend them to the Council for adoption.

(g) See that all laws, provisions of this Charter, and acts of the Council, subject to enforcement by him or by officers subject to their direction and supervision, are faithfully executed.

(h) Perform such other duties as may be prescribed by the Council.

**Section 602. CITY MANAGER. MEETINGS.** The City Manager shall be accorded a seat at the Council table and at all meetings of boards and commissions and shall be entitled to participate in their deliberations, but shall not have a vote.

**Section 603. CITY MANAGER PRO TEMPORE.** The City Manager shall appoint, subject to the approval of the Council, one of the other officers of the City to serve as City Manager Pro Tempore during any temporary absence or disability of the City Manager. During such absence or disability, the Council may revoke such designation at any time and appoint another officer of the City to serve until the City Manager shall return or their disability shall cease.

## **ARTICLE VII OFFICERS AND EMPLOYEES**

### **Section 700. ADMINISTRATIVE DEPARTMENTS**

(a) Creation of Departments. The Council may establish City departments, offices, or agencies in addition to those created by this Charter and may prescribe the functions of all departments, offices, and agencies, except that no function assigned by this Charter to a particular department, office, or agency may be discontinued or, unless this Charter specifically so provides, assigned to any other.

(b) Direction by City Manager. Except as otherwise provided by this Charter, all departments, offices, and agencies under the direction and supervision of the City Manager shall be administered by an officer appointed by and subject to the direction and supervision of the Manager. With the consent of the Council, the Manager may serve as the departmental director of one or more such departments, offices or agencies or may appoint one person as the departmental director of two or more of them. Not inconsistent with this Charter, the Council may provide for the number, titles, qualifications, powers, duties, and

compensation of all officers and employees.

(c) Merit Principle. All appointments and promotions of City officers and employees shall be made solely on the basis of merit and fitness demonstrated by examination of other evidence of competence.

**Section 701. CITY ATTORNEY. POWERS AND DUTIES.**

There shall be a City Attorney who shall be appointed and subject to removal by a majority vote of the entire Council. Under the administrative direction of the City Manager, they shall serve as chief legal adviser to the Council, the City Manager, and all City departments, offices, and agencies; they shall represent the City in all legal proceedings and shall perform such other duties as may be prescribed by the Council.

To become eligible for City Attorney, the person appointed shall be an attorney-at-law duly licensed as such under the laws of the State of California, and shall have been engaged in the practice of law for at least two years prior to appointment.

**Section 702. FINANCE OFFICE.** The City Manager shall appoint an individual responsible for the Finance Office who shall:

(a) Have charge of the administration of the financial affairs of the City under the direction of the City Manager.

(b) Compile the budget expense and income estimates and supply data for the capital program as requested by the City Manager.

(c) Maintain a general accounting system for the City government and each of its offices, departments, and agencies.

(d) Supervise and be responsible for the disbursement of all moneys and have control of all expenditures to ensure that budget appropriations are not exceeded; audit all purchase orders before issuance; audit and approve before payment, all bills, invoices, payrolls, demands, or charges against the City government and, with the advice of the City Attorney, when necessary, determine the regularity, legality, and correctness of such claims, demands, or charges.

(e) Supervise the collection, receipt, and the deposit of all moneys payable to the City in a depository designated by the Council or by the City Manager or their designee, if the Council has not acted, and in compliance with all applicable laws.

(f) Submit to the Council through the City Manager a monthly statement of all receipts and disbursements in sufficient detail to show the exact financial condition of the City; and, as of the end of each fiscal year, submit a complete financial statement and report.

(g) Supervise the keeping of current inventories of all property

of the City by all City departments, offices, and agencies.

(h) Perform such other duties as may be prescribed by the Council.

**TREASURER.** There shall be a Treasurer in the Finance Office who shall be appointed and may be removed by the Director of Administrative Services subject to the approval of the City Manager. The Treasurer shall perform those duties required by law, assigned by the Director of Administrative Services, and those provided by ordinance or resolution.

**Section 703. PLANNING OFFICE.** The City Manager shall appoint an individual responsible for the Planning Office who shall:

(a) Advise the City Manager on any matter affecting the physical development of the City.

(b) Formulate and recommend to the City Manager a general plan and modifications thereof.

(c) Review and make recommendations regarding proposed Council action implementing the general plan.

(d) Participate in the preparation and revision of the capital program.

(e) Advise the City Planning Commission in the exercise of its responsibilities and in connection therewith provide necessary staff assistance.

(f) Perform such other duties as may be prescribed by the City Manager.

**Section 704. DEPARTMENTAL DIRECTORS.**

**APPOINTIVE POWERS.** Each departmental director shall have the power to appoint, supervise, suspend, or remove such assistants, deputies, subordinates, and employees as are provided for by the Council for their department, subject to approval of the City Manager and subject to the civil service provisions of this Charter and the rules and regulations promulgated hereunder.

**Section 705. PERSONAL FINANCIAL INTEREST.**

Except as permitted by the Governmental Code, any City officer or employee who has a financial interest in any contract with the City or in the sale of any land, materials, supplies, or services to the City or to a contractor supplying the City shall make known that interest and shall refrain from voting upon or otherwise participating in their capacity as a City officer or employee in the making of such sale or in the making

or performance of such contract. Any City officer or employee who willfully conceals such a financial interest or willfully violates the requirements of this section shall be guilty of malfeasance in office or position and shall forfeit their office or position. Violation of this section with the knowledge, express or implied, of the person or corporation contracting with or making a sale to the City shall render the contract or sale voidable by the City Manager or the Council.

**Section 706. ADMINISTERING OATHS.**

Each department director or their deputies as they may designate shall have the power to administer oaths and affirmations in connection with any official business pertaining to their department.

**Section 707. ACCEPTANCE OF OTHER OFFICE.** Any administrative officer or any employee of the City who shall accept or retain any elective public office of the City of Arcadia shall be deemed thereby to have resigned from their office or employment under the City government.

**Section 708. NEPOTISM.** The Council shall not appoint to a salaried position in the City government any person who is a relative by blood or marriage within the third degree of any member of the Council, nor shall any administrative officer or other officer having appointive power appoint any relative of theirs within such degree to any such position.

**Section 709. OFFICIAL BONDS.** The Council shall fix by ordinance or resolution the amounts and terms of the official bonds of all officers or employees who are required by ordinance or resolution to give such bonds. All bonds shall be executed by a responsible corporate surety, shall be approved as to form by the City Attorney, and shall be filed with the City Clerk. Premiums on official bonds shall be paid by the City.

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

**ARTICLE VIII  
BOARDS AND COMMISSIONS**

**Section 800. IN GENERAL.** There shall be the following boards and commissions which shall have the powers and duties set forth in this Charter and by ordinance not inconsistent with this Charter:

Planning Commission  
Human Resources Commission  
Library Board of Trustees  
Recreation and Parks Commission

In addition, the Council may create by ordinance such other boards or commissions as in its judgment are required and may grant to them such powers and duties as are not inconsistent with the provisions of this Charter.

**Section 801. APPROPRIATIONS.** The Council shall include in its annual budget such appropriations of funds as the Council shall determine to be sufficient for the efficient and proper functioning of boards and commissions.

**Section 802. APPOINTMENTS. TERMS.** The number of members of boards and commissions shall be specified by the Council. Except as hereafter provided, each member of each board or commission shall be appointed for a term of four years and shall serve until their successor qualifies; they shall be subject to removal by motion of the Council adopted by at least three affirmative votes. In the event an incumbent is removed or otherwise vacates their office, their successor shall be appointed for the unexpired term of said office. The members thereof shall be appointed from the legally registered voters of the City, and shall not hold any other City office or employment.

A member who has held office on the same board or commission for two consecutive four-year terms, excluding part or all of an unexpired term, shall not be eligible to hold office on such board or commission until two years after the expiration of the second consecutive term.

**Section 803. EXISTING BOARDS.** The members of the boards and commissions holding office when this Charter takes effect shall continue to hold office thereafter until their respective terms of office shall expire and until their successors are appointed and qualify.

**Section 804. MEETINGS. CHAIRPERSON.** As soon as practicable, following the first day of July of every year, each of such boards and commissions shall organize by electing one of its members as presiding officer, and another as chairperson pro tempore, to serve at

the pleasure of such board or commission. Each board or commission shall hold regular meetings as the Council may require, and such special meetings as otherwise may be necessary. The provisions of Section 411 hereof, relating to the Ralph M. Brown Act, shall apply to all meetings of boards and commissions and, subject to the provisions of said Act, all meetings shall be open to the public.

The affirmative vote of a majority of the quorum of such board or commission shall be necessary for it to take any action.

The City Manager may designate a City employee for the recording of minutes for each of such boards and commissions, who shall keep a record of its proceedings and transactions. Each board or commission may prescribe its own procedures and rules of operation which shall be kept on file in the office of the City Clerk where they shall be available for public inspection.

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

Any vacancies in any board or commission, from whatever cause arising, shall be filled by appointment by the Council. Upon a vacancy occurring leaving an unexpired portion of a term, any appointment to fill such vacancy shall be for the unexpired portion of such term.

If a member of a board or commission is absent from three consecutive regular meetings of such board or commission, unless by permission of such board or commission expressed in its official minutes; is convicted of a crime involving moral turpitude; ceases to be a legally registered voter of the City; or files or causes to be filed nomination papers with the City Clerk for elective City office, their office shall become vacant and shall be so declared by the Council.

**Section 806. PLANNING COMMISSION.** There shall be a City Planning Commission which shall make recommendations to the City Manager and the Council on all matters affecting the physical development of the City, shall be consulted on the general plan and the implementation thereof, and shall perform such other duties as may be

prescribed by the Council.

**Section 807. GENERAL PLAN.**

(a) Content. The Council shall adopt, and may from time to time modify, a general plan setting forth in graphic and textual form policies to govern the future physical development of the City. Such plan may cover the entire City and all of its functions and services or may consist of a combination of plans governing specific functions and services or specific geographic areas which together cover the entire City and all of its functions and services.

(b) Effect. The general plan shall serve as a guide to all future Council action concerning land use, development regulations, and expenditures for capital improvements.

(c) Land Use Policies. Land use policies and regulations of zoning and development standards, including but not limited to policies contained within the General Plan, are municipal affairs and this Charter shall prevail over state statutes regulating land use within the City. The Council shall have plenary authority over land use policies and regulation of zoning and development standards.

**Section 808. HUMAN RESOURCES COMMISSION. POWERS AND DUTIES.** There shall be a Human Resources Commission which shall:

(a) Hear appeals of any person in the Classified Service relative to any suspension, demotion, or dismissal.

(b) Perform such other Human Resources and personnel related duties as may be prescribed by the Council.

(c) Have the authority to issue subpoenas under penalty of law.

**Section 809. LIBRARY BOARD OF TRUSTEES. POWERS AND DUTIES.** There shall be a Library Board of Trustees which shall:

(a) Administer and operate the City libraries.

(b) Establish and enforce such by-laws, procedures, and rules of operation as may be necessary for, and make all purchases and other contracts in connection with, the administration, government, and protection of the City libraries and shall designate its own Secretary.

(c) Appoint and remove the Librarian, who shall be the departmental director, and pass upon and approve all proposed appointments and removals by the Librarian.

(d) As established by resolution or ordinance of the Council,

accept money, personal property, or real estate donated to the City for library purposes.

(e) Subject to the approval of the Council, contract with schools, county, or other governmental agencies to render or receive library services or facilities.

**Section 810. RECREATION AND PARKS COMMISSION. POWERS AND DUTIES.** There shall be a Recreation and Parks Commission which shall:

(a) Act in an advisory capacity to the Council in all matters pertaining to community recreation and parks.

(b) Perform such other duties as may be prescribed by the Council.

## **ARTICLE IX CIVIL SERVICE**

**Section 900. EXISTING CIVIL SERVICE SYSTEM.** To the extent that existing Civil Service ordinances and rules and regulations of the City are not in conflict with this Charter, they are continued in full force and effect, and to the extent that they are in conflict they are hereby repealed.

**Section 901. UNCLASSIFIED AND CLASSIFIED SERVICE.** The Civil Service of the City shall be divided into the Unclassified and the Classified Service.

(a) The Unclassified Service shall comprise the following officers and positions:

1. Councilmember.
2. City Manager, City Attorney, City Clerk, Chief of Police, and Fire Chief. Assistants, deputies, management and clerical employees authorized for said departmental directors and designated by the Council to be in the Unclassified Service.
3. All other departmental directors.
4. City Manager Pro Tempore.
5. Human Resources Administrator.
6. City Librarian.
7. All members of boards and commissions.
8. Positions in any class or grade created for a special or

temporary purpose and for a period of not exceeding one hundred eighty days in any one calendar year.

9. Persons employed to render professional, scientific, technical, or expert service of an occasional and exceptional character.

10. Part-time employees.

(b) The Classified Service shall comprise all positions not specifically included by this section in the Unclassified Service.

**Section 902. APPOINTMENTS FROM CLASSIFIED SERVICE POSITIONS.** In the event an employee of the City holding a position in the Classified Service is appointed to a position in the Unclassified Service, and should thereafter within one year be removed or resign therefrom, they shall revert to his former position in the Classified Service upon the same terms and conditions as if they had remained in said position continuously.

**Section 903. RECRUITMENT.** Examinations of applicants for positions in the Classified Service shall fairly test the relative capacity of the applicants to discharge the duties of the positions to which they seek to be appointed. Applicants must be citizens of the United States.

**Section 904. SUSPENSION. DEMOTION AND DISMISSAL.** The boards and officers having appointive power are vested with the right to exercise the disciplinary and removal powers provided in this section.

An employee holding a position in the Classified Service shall be subject to suspension without pay for a period not exceeding thirty days in any one calendar year, to demotion, or to removal from their position, but subject in each case to the right of the employee, other than one serving a probationary period, to a hearing before the Human Resources Commission in the manner set forth herein.

Such employee shall be entitled to receive upon their request, at the office of the board of officer taking such action, a written statement in which shall be separately stated each of the charges against them upon which such suspension, demotion, or removal is based, a copy of which statement shall be furnished to Human Resources for delivery to the Human Resources Commission. Such statement shall be furnished such employee within two business days after their request therefor, which request must be filed in Human Resources within ten days after

they have been notified of such demotion, removal, or suspension. If such employee is absent from work, they shall be deemed to be so notified when such notice is mailed to their last address on file with the City by registered mail. They shall have thirty days after receipt of such statement within which to file with Human Resources an answer to such statement of charges should he desire to do so.

In their answer, or otherwise if no statement of charges has been made available to them as required, such employee may request a hearing by the Human Resources Commission to review such suspension, demotion, or removal, which hearing shall be called and held as provided for in the rules and regulations. Within thirty days from such notification, such answer or request for a hearing shall be filed in Human Resources for delivery to the Human Resources Commission. Hearings may be conducted informally and the rules of evidence need not apply.

The Human Resources Commission shall make written findings which shall state as to each charge whether or not such charge is sustained. Such Commission shall also set forth in writing its conclusions and recommendations based upon such findings and, within ten days after concluding the hearing, it shall certify its findings, conclusions, and recommendations to the City Manager and the parties involved from whose action the appeal was taken.

The recommendations of the Human Resources Commission shall be advisory only. The City Manager shall make a final decision with respect to such recommendations, and their decision shall be final and conclusive and no further appeal shall be taken therefrom.

When an appeal is taken to the Human Resources Commission from an order of dismissal, the vacancy in the position shall be considered a temporary vacancy pending final action by the Human Resources Commission and may be filled only by a temporary appointment.

**Section 905. POLITICAL ACTIVITIES PROHIBITED.**

Any City employee, upon becoming a candidate for an elective public office of the City of Arcadia, shall be required to take and shall be granted a leave of absence without pay to remain in effect during the period of time such person is a candidate.

No City employee shall take any part in any political campaign while in a uniform bearing the insignia or name of the City of Arcadia.

No person shall use the administrative offices and facilities of the City for the purpose of furthering a political campaign for public office.

**Section 906. PROHIBITIONS. GENERAL.**

(a) No person shall be appointed, removed, favored, or discriminated against with respect to any City position or office because of race, sex, political or religious opinions or affiliations.

(b) No person shall willfully make any false statement, certificate, mark, rating, or report in regard to any test, certification, or appointment under the personnel provisions of this Charter or the rules and regulations made thereunder, or in any manner commit or attempt to commit any fraud preventing the impartial execution of such provisions, rules, and regulations.

(c) No person who seeks appointment or promotion with respect to any City position or office shall directly or indirectly give, render, or pay or offer to give, render, or pay any money, service, or other valuable thing to any person for or in connection with their test, appointment proposed appointment, promotion, or proposed promotion.

(d) In addition to the penalties provided in Section 1501 of this Charter, any person who by themselves or with another willfully violates any provisions of subdivisions (b) and (c) of this section shall, upon conviction thereof, be ineligible for a period of five years for employment in the City service and shall immediately forfeit their office or position if they are an officer or employee of the City.

**ARTICLE X  
RETIREMENT**

**Section 1000. PUBLIC EMPLOYEES RETIREMENT SYSTEM.** Plenary authority and power are hereby vested in the City, its Council, and its several officers, agents, and employees to do and perform any act, or exercise any authority granted, permitted, or required under the provisions of the Public Employees Retirement Law, as it now exists or hereafter may be amended, to enable the City to continue as a contracting City under said Retirement system. The Council may terminate any such contract with the Board of Administration of the Public Employees Retirement System only under authority granted by ordinance adopted by a majority vote of the legally registered voters of the City, voting on such proposition at an election at which such proposal is presented.

## **ARTICLE XI ELECTIONS**

### **Section 1100. GENERAL MUNICIPAL ELECTIONS.**

Commencing with the election of November 8, 2022, general municipal elections for the election of officers and for such purposes as the Council may prescribe shall be held in the City on the first Tuesday after the first Monday in November in each even-numbered year, except as otherwise provided by ordinance of the Council.

### **Section 1101. SPECIAL MUNICIPAL ELECTIONS.**

Other municipal elections shall be known as special municipal elections.

**Section 1102. PROCEDURE FOR HOLDING ELECTIONS.** Unless otherwise provided by ordinance hereafter enacted, all elections shall be held in accordance with the provisions of the Elections Code of the State of California, as it exists or is amended, for the holding of municipal elections, so far as the same are not in conflict with this Charter.

**Section 1103. INITIATIVE, REFERENDUM, AND RECALL.** There are hereby reserved to the voters of the City the powers of the initiative and referendum and of the recall of municipal elective officers. The provisions of the Elections Code of the State of California, as it exists or is amended, governing the initiative and referendum and the recall of municipal officers shall apply so far as the same are not in conflict with this Charter.

## **ARTICLE XII FISCAL ADMINISTRATION**

**Section 1200. FISCAL YEAR.** The fiscal year of the City government shall begin on the first day of July of each year and end on the thirtieth day of June of the following year. The Council may by ordinance change the fiscal year.

**Section 1201. SUBMISSION OF BUDGET AND BUDGET MESSAGE.** On or before the twenty-fifth day of May of each year, or

at such other time as the Council may prescribe, the City Manager shall submit to the Council a budget for the ensuing fiscal year and an accompanying message.

The City Manager's message shall explain the budget both in fiscal terms and in terms of the work programs. It shall outline the proposed financial policies of the City for the ensuing fiscal year; describe the important features of the budget; indicate any major changes from the current year in financial policies, expenditures, and revenues together with the reasons for such changes; summarize the City's debt position; and include such other material as the City Manager deems desirable.

**Section 1202. BUDGET.** The budget shall provide a complete financial plan of all City funds and activities for the ensuing fiscal year and, except as required by law or this Charter, shall be in such form as the City Manager deems desirable or the City Council may require. In organizing the budget the City Manager shall utilize the most feasible combination of expenditure classification by fund, organization unit, program, purpose or activity, and object. It shall begin with a clear general summary of its contents; shall show in detail all estimated income, indicating the proposed property tax levy, and all proposed expenditures, including debt service, for the ensuing fiscal year; and shall be so arranged as to show comparative figures for actual and estimated income and expenditures of the preceding fiscal year. It shall indicate in separate sections:

(a) Proposed expenditures for current operations during the ensuing fiscal year, detailed by offices, departments, and agencies in terms of their respective work programs, and the method of financing such expenditures;

(b) Proposed capital expenditures during the ensuing fiscal year, detailed by offices, departments, and agencies when practicable, and the proposed method of financing each such capital expenditure; and

(c) Anticipated net surplus or deficit for the ensuing fiscal year of each utility owned or operated by the City and the proposed method of its disposition.

The total of proposed expenditures shall not exceed the total of estimated income plus available reserves.

**Section 1203. CAPITAL PROGRAM.** As used in this section, a capital improvement shall mean an improvement with an

estimated cost as established by Council resolution or ordinance.

(a) Submission to City Council. The City Manager shall prepare and submit to the Council a five-year capital program no later than the final date for submission of the budget.

(b) Contents. The capital program shall include:

1. A clear general summary of its contents;
2. A list of all capital improvements which are proposed to be undertaken during the five fiscal years next ensuing, with appropriate supporting information as to the necessity for such improvements.
3. Cost estimates, method of financing, and recommended time schedules for each such improvement; and
4. The estimated annual cost of operating and maintaining the facilities to be constructed or acquired.

The above information may be revised and extended each year with regard to capital improvements still pending or in process of construction or acquisition.

#### **Section 1204. COUNCIL ACTION ON BUDGET.**

(a) Notice and Hearing. The City Clerk shall publish in the official newspaper a general summary of the budget and a notice stating:

1. The times and places where copies of the message and budget are available for inspection by the public, and
2. The time and place, not less than ten days after such publication, for a public hearing on the budget.

Further Consideration and Adoption. After the conclusion of the public hearing, the Council shall further consider the proposed budget and make any revision thereof that it may deem advisable; and on or before July 1 it shall adopt the budget. Adoption of the budget shall constitute appropriations of the amounts specified therein as expenditures from the funds indicated. If it fails to adopt the budget by said date, the amounts appropriated for current operation for the current fiscal year shall be deemed adopted for the ensuing fiscal year on a month-to-month basis, with all items in it prorated accordingly, until such time as the Council adopts a budget for the ensuing fiscal year.

#### **Section 1205. COUNCIL ACTION ON CAPITAL PROGRAM.**

(a) Notice and Hearing. The City Clerk shall publish in the

official newspaper a general summary of the capital program and a notice stating:

1. The times and places where copies of the capital program are available for inspection by the public, and
2. The time and place, not less than ten days after such publication, for a public hearing on the capital program.

(b) Adoption. The Council by resolution shall adopt the capital program with or without amendment after the public hearing.

**Section 1206. PUBLIC RECORDS.** Copies of the budget and the capital program as adopted shall be public records and shall be made available to the public at suitable places in the City.

**Section 1207. AMENDMENTS AFTER ADOPTION.**

(a) Supplemental Appropriations. If during the fiscal year the City Manager certifies that there are available for appropriation revenues in excess of those estimated in the budget, the Council by resolution may make supplemental appropriations for the year up to the amount of such excess.

(b) Reduction of Appropriations. If at any time during the fiscal year it appears probable to the City Manager that the revenues available will be insufficient to meet the amount appropriated, they shall report to the Council without delay, indicating the estimated amount of the deficit, any remedial action taken by them, and their recommendations as to any other steps to be taken. The Council shall then take such further action as it deems necessary to prevent or minimize and deficit, and for the purpose it may by resolution reduce one or more appropriations.

(c) Transfer of Appropriations. At any time during the fiscal year the City Manager may transfer part or all of any unencumbered appropriation balance among programs within a department, office or agency and, upon written request by the City Manager, the Council may by resolution transfer part of all of any unencumbered appropriation balance from one department, office, or agency to another.

(d) Limitations; Effective Date. No appropriation for debt service may be reduced or transferred, and no appropriation may be reduced below any amount required by law to be appropriated or by more than the amount of the unencumbered balance thereof. The supplemental appropriations and reduction or transfer of appropriations authorized by this section may be made effective immediately upon adoption.

**Section 1208. LAPSE OF APPROPRIATIONS.** Every

appropriation, except an appropriation for a capital expenditure, shall lapse at the close of the fiscal year to the extent that it has not been expended or encumbered. An appropriation for a capital expenditure shall continue in force until the purpose for which it was made has been accomplished or abandoned; the purpose of any such appropriation shall be deemed abandoned if three years pass without any disbursement from or encumbrance of the appropriation.

**Section 1209. TAX LIMITS.**

(a) The Council shall not levy a property tax, for municipal purposes, in excess of One Dollar and Thirty Cents annually on each One Hundred Dollars of the assessed value of taxable property in the City, except as otherwise provided in this section, unless authorized by the affirmative votes of a majority of the voters voting on a proposition to increase such levy at any election at which the question of such additional levy for municipal purposes is submitted to the voters. The number of years that such additional levy is to be made shall be specified in such proposition.

(b) There shall be levied and collected at the time and in the same manner as other property taxes for municipal purposes are levied and collected, as additional taxes, if no other provision for payment thereof is made:

1. A tax sufficient to meet all liabilities of the City for principal and interest of all bonds of judgments due and unpaid, or to become due during the ensuing fiscal year, which constitute general obligations of the City; and
2. A tax sufficient to meet all obligations of the City to the Public Employees Retirement System for the retirement of City employees, due and unpaid or to become due during the ensuing fiscal year.

**Section 1210. TAX PROCEDURE.** The procedure for the assessment, levy, and collection of taxes upon property, taxable for municipal purposes, may be prescribed by ordinance of the Council.

**Section 1211. BONDED DEBT LIMIT.** The City shall not incur an indebtedness evidenced by general obligation bonds which shall in the aggregate exceed the sum of fifteen percent of the total assessed value, for purposes of City taxation, of all taxable real and personal property within the City.

No bonded indebtedness which shall constitute a general

obligation of the City may be created unless authorized by the affirmative votes of two-thirds of the voters voting on such proposition at any election at which the question is submitted to the voters and unless in compliance with the provisions of the State Constitution and of this Charter.

**Section 1212. CONTRACTS ON PUBLIC WORKS.**

Every contract involving an expenditure in an amount determined by Council resolution or ordinance for public works construction or improvement shall be let through a competitive selection process under such rules as the Council may prescribe. The Council may establish exceptions to this competitive process requirement, provided that the Council finds that the exception will be in the best interest of the City.

**Section 1213. CASH BASIS FUND.** The Council shall maintain unrestricted cash reserves that are adequate for the purpose of placing the payment of the operating expenses of the City on a cash basis. Said reserves shall consist of cash funds from any available sources in an amount which the Council deems sufficient with which to meet all lawful demands against the City for the first five months or longer necessary period of the succeeding fiscal year prior to the receipt of ad valorem tax revenues.

**Section 1214. PRESENTATION AND AUDIT OF DEMANDS.** Any demand against the City must be in writing and may be in the form of a bill, invoice, payroll, or formal demand. Each such demand shall be presented to the individual in charge of the Finance Office, who shall examine the same. If the amount thereof is legally due and there remains on the books an unexhausted balance of an appropriation against which the same may be charged, such individual shall approve such demand and draw a warrant on the Treasurer therefor, payable out of the proper fund.

The individual in charge of the Finance Office shall transmit such demand, with approval or rejection thereof endorsed thereon, and warrant, if any, to the City Manager. If a demand is one for an item included within an approved budget appropriation, it shall require the approval of the City Manager; otherwise it shall require the approval of the Council, following the adoption by it of an amendment to the budget authorizing such payment. Any person dissatisfied with the refusal of the City Manager to approve any demand, in whole or in part, may present the same to the Council which, after examining into the matter, may approve or disapprove the demand in whole or in part.

**Section 1215. REGISTERING WARRANTS.** Warrants on the Treasurer which are not paid for lack of funds shall be registered. All registered warrants shall be paid in the order of their registration when funds therefor are available and shall bear interest from the date of registration at such rate as shall be fixed by the Council by resolution.

**Section 1216. CLAIMS AGAINST THE CITY.** The Council by ordinance may provide for conditions precedent to the commencement of any action or proceeding to bringing suit against the City, its officers, and employees, except as the subject is preempted by State law.

**Section 1217. INDEPENDENT AUDIT.** The Council shall employ, at the beginning of each fiscal year, a certified public accountant who shall, at such time or times as may be specified by the Council and at such other times as they shall determine, examine the books, records, inventories, and reports of all officers and employees who receive, handle, or disburse public funds and all such other officers, employees, or departments as the Council may direct. As soon as practicable after the end of the fiscal year, a final certified audit and report shall be submitted by such accountant to the Council, one copy thereof to be submitted by such accountant to the Council, one copy thereof to be distributed to each member, one to the City Manager, Treasurer, and City Attorney, respectively, and three additional copies to be placed on file in the office of the City Clerk where they shall be available for inspection by the general public.

### **ARTICLE XIII FRANCHISES**

**Section 1300. GRANTING OF FRANCHISES.** The Council may grant a franchise to any person, partnership, corporation, or other legal entity capable of exercising the privilege conferred, whether operating under an existing franchise or not, and may prescribe the terms, conditions, and limitations of such grant, including the compensation to be paid to the City therefor. The Council may prescribe by ordinance or resolution the method or procedure for granting franchises, together with additional terms and conditions for making such grants. In the absence of such provision the method provided by the general laws of the State shall apply.

**Section 1301. TERMS OF FRANCHISE.** No franchise shall be granted for a longer period than twenty-five years, unless there be reserved to the City the right to take over at any time the works, plant, and property constructed under the grant at their physical valuation and without compensation for franchise or good will.

**Section 1302. EMINENT DOMAIN.** No franchise or grant of a franchise shall in any way or to any extent impair or affect the right of the City to acquire the property of the possessor thereof by purchase or condemnation, and nothing therein contained shall be construed to contract away or to modify or abridge, either for a term or in perpetuity, the City's right of eminent domain with respect to the property of the possessor of any franchise. Every franchise granted by the City is granted upon the condition, whether expressed in the grant or not, that such franchise shall not be given any value before any court or other public authority in any proceeding of any character in excess of any amount actually paid by the grantee to the City at the time of the grant.

**Section 1303. PROCEDURE FOR GRANTING FRANCHISES.** Before granting any franchise, the Council shall adopt a resolution declaring its intention to grant same and stating the name of the proposed grantee, the character of the proposed franchise, and the terms and conditions upon which it is proposed to be granted. Such resolution shall fix and set forth the day, hour, and place when and where any person having an interest in or objecting to the granting of such franchise may appear before the Council and be heard thereon. Said resolution shall be published at least once, not less than ten days prior to said hearing in the official newspaper. After hearing all persons desiring to be heard, the Council may by ordinance deny or grant the franchise on the terms and conditions specified in the resolution subject to the referendum of the people. No ordinance granting a franchise shall be adopted as an emergency ordinance.

## **ARTICLE XIV BOARD OF EDUCATION**

**Section 1400. ESTABLISHMENT OF A BOARD OF EDUCATION.** The control, management, and administration of the public schools of the City of Arcadia and the territory that is now or may hereafter be annexed thereto for school purposes, in accordance with the Constitution and general laws of the State of California, is hereby vested

in a Board of Education consisting of five members who shall be voters in the school district; said Board is hereby vested with all the powers and charged with all the duties provided by the laws of the State for city boards of education.

**Section 1401. TERM OF OFFICE.** The members of such Board of Education shall be elected from the school district at large and shall hold office for the term of four years, and until their successors are elected and duly qualified.

**Section 1402. ELECTION.** School board elections shall be held on the third Tuesday on April of each odd-numbered year. The members of such Board of Education holding office at the time this Charter becomes effective shall continue in office for their respective terms of office and until their respective successors are elected and duly qualified as herein provided. The officers of the election for members of the Board of Education shall be compensated for their services as provided by the general laws of the State governing school elections; such compensation and any other expense incurred in the conduct of said election shall be a charge upon the School District and not upon the City.

In the preparation of ballots for the election of members for the Board of Education, there shall be printed, stamped, or written the name of each candidate for such office who has filed the required documents pursuant to the requirements of the general law of the State relating to the election of Boards of Education.

In all other matters the election for members of the Board of Education shall be governed by the general law of the State relating to the election of city boards of education.

**Section 1403. MEETINGS.** The members of the Board of Education shall enter upon the discharge of their duties on or before the second Tuesday in July after their election, and the Board shall meet upon said day and annually thereafter and organize by electing one of their number President, one of their number Vice President, and one of their number Clerk, whose terms of office shall be one year. They shall hold regular meetings at least once each month, at such time and place as may be determined by their rules. Special meetings may be called by the President or by written request of any three members. A majority of the members shall constitute a quorum. The Board may determine the rules of its proceedings, and the ayes and noes shall be taken, recorded and

entered on the records of the Board. Any vacancy occurring on the Board shall be filled by the remaining members of the Board, and if there be no members, then by the Council.

**Section 1404. BOARD SECRETARY.** The Board of Education shall, at the first meeting in each school year, or at such other time as shall be fixed by resolution of the Board, appoint the Superintendent of Schools as Secretary to the Board and shall prescribe the duties of such secretary.

**Section 1405. GENERAL LAW APPLICABLE.** In all matters not specifically provided for in this Article, the Board of Education shall be governed by the provisions of the general law relating to such matters.

## **ARTICLE XV MISCELLANEOUS**

**Section 1500. DEFINITIONS.** Unless the provision or the context otherwise requires, as used in this Charter:

- (a) “Shall” is mandatory, and “may” is permissive.
- (b) “City” is the City of Arcadia, and “department,” “board,” “commission,” “agency,” “officer,” or “employee” is a department board, commission, agency, officer, or employee, as the case may be, of the City of Arcadia.
- (c) “Council” is the City Council of the City.
- (d) “Councilmember” is a member of the Council.
- (e) “Departmental director” is the person in charge of a City department.
- (f) “Government Code” is the California Government Code as it exists upon adoption of this Charter, or is thereafter amended.
- (g) “Municipal Code” is the Arcadia Municipal Code.
- (h) “Law” includes ordinance.
- (i) “Officer” is a person holding an elected office, a member of a board of commission, the City Manager, and a departmental director in charge of a City department or a person acting in his place.
- (j) “State” is the State of California.
- (k) “Voter” is a legally registered voter.
- (l) The masculine, feminine, and neuter genders shall be interchangeable, as shall be the singular and plural. In particular, the terms “they,” “their” and “them” are intended to be the singular where the context so indicates.

**Section 1501. VIOLATIONS.** A violation of this Charter or of any ordinance of the City shall constitute a misdemeanor or infraction as deemed by ordinance of the City and may be prosecuted in the name of the People of the State of California or may be redressed by civil action filed by the City Attorney on behalf of the City. The maximum fine or penalty for any violation of a City ordinance shall be that sum authorized by State Penal Code provisions applicable to misdemeanors, or a term of imprisonment for a period not exceeding six months, or both such fine and imprisonment.

**Section 1502. VALIDITY.** If any provision of the Charter, or the application thereof to any person or circumstance is held invalid, the remainder of the Charter, and the application of such provision to other persons or circumstances, shall not be affected thereby.

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CHARTER  
OF THE  
CITY OF ARCADIA

(Amended to **May 12, 1998**)

HISTORY

THE ORIGINAL CITY CHARTER WAS ADOPTED AT A SPECIAL ELECTION HELD ON APRIL 24, 1951, CERTIFIED BY THE CALIFORNIA SECRETARY OF STATE, AND BECAME EFFECTIVE MAY 15, 1951.

AMENDMENTS

ELECTION:	EFFECTIVE:
November 6, 1956	January 15, 1957
February 2, 1965	March 31, 1965
November 5, 1968	January 16, 1969
September 15, 1992	October 22, 1992
April 9, 1996	May 16, 1996
April 14, 1998	May 12, 1998
November 8, 2022	<b>DATE</b>

# NOTES

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# NOTES

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# NOTES

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## Attachment "C"

	Monthly Pay	Regular Pay	Information Provided by
Arcadia Mayor	\$ 500.00	\$ 6,000.00	
Arcadia Mayor Pro Tem	\$ 500.00	\$ 6,000.00	
Arcadia Councilmembers	\$ 500.00	\$ 6,000.00	
Big Bear Mayor	\$ 500.00	\$ 6,000.00	GCC - <a href="https://publicpay.ca.gov/Reports/Cities/Cities.aspx">https://publicpay.ca.gov/Reports/Cities/Cities.aspx</a>
Big Bear Vice Mayor	\$ 500.00	\$ 6,000.00	
Big Bear Councilmembers	\$ 500.00	\$ 6,000.00	
Alhambra Mayor	\$ 993.00	\$ 11,916.00	Provided by City
Alhambra Vice Mayor	\$ 917.00	\$ 11,004.00	
Alhambra Councilmembers	\$ 917.00	\$ 11,004.00	
Cypress Mayor	\$ 818.50	\$ 9,822.00	City Compensation report Provided by City
Cypress Vice Mayor	\$ 818.50	\$ 9,822.00	
Cypress Councilmembers	\$ 818.50	\$ 9,822.00	
Irvine Mayor	\$ 880.00	\$ 10,560.00	Provided by City
Irvine Vice Mayor	\$ 880.00	\$ 10,560.00	
Irvine Councilmembers	\$ 880.00	\$ 10,560.00	
Mountain View Mayor	\$ 1,423.17	\$ 17,078.00	GCC - <a href="https://publicpay.ca.gov/Reports/Cities/Cities.aspx">https://publicpay.ca.gov/Reports/Cities/Cities.aspx</a>
Mountain View Vice Mayor	\$ 1,152.58	\$ 13,831.00	
Mountain View Councilmembers	\$ 1,152.58	\$ 13,831.00	
Newport Beach Mayor	\$ 1,784.08	\$ 21,409.00	GCC - <a href="https://publicpay.ca.gov/Reports/Cities/Cities.aspx">https://publicpay.ca.gov/Reports/Cities/Cities.aspx</a>
Newport Beach Vice Mayor	\$ 1,428.92	\$ 17,147.00	
Newport Beach Councilmembers	\$ 1,428.92	\$ 17,147.00	
Pasadena Mayor	\$ 2,489.31	\$ 29,871.72	Provided by City
Pasadena Vice Mayor	\$ 1,659.67	\$ 19,916.04	Adjust yearly
Pasadena Councilmember	\$ 1,659.67	\$ 19,916.04	
Santa Monica Mayor	\$ 1,570.17	\$ 18,842.00	GCC - <a href="https://publicpay.ca.gov/Reports/Cities/Cities.aspx">https://publicpay.ca.gov/Reports/Cities/Cities.aspx</a>
Santa Monica Vice Mayor	\$ 1,325.83	\$ 15,910.00	
Santa Monica Councilmembers	\$ 1,316.67	\$ 15,800.00	
Temple City Mayor	\$ 720.00	\$ 8,640.00	Provided by City
Temple City Mayor Pro Tem	\$ 720.00	\$ 8,640.00	This amount does not include the stipend individual councilmembers receive for serving on regional boards
Temple City Councilmembers	\$ 720.00	\$ 8,640.00	
Indian Wells Mayor	\$ 1,725.33	\$ 20,704.00	GCC - <a href="https://publicpay.ca.gov/Reports/Cities/Cities.aspx">https://publicpay.ca.gov/Reports/Cities/Cities.aspx</a>
Indian Wells Mayor Pro Tem	\$ 1,437.75	\$ 17,253.00	
Indian Wells Councilmembers	\$ 1,150.25	\$ 13,803.00	

Average Mayor	\$	1,218.51	\$ 14,622.07
Average Mayor Pro Tem	\$	1,030.93	\$ 12,371.19
Average City Council Member	\$	1,003.96	\$ 12,047.55

**Section 404. Mayor – Mayor Pro Tempore**

The offices of Mayor and Mayor Pro Tempore shall be filled automatically by rotation among the Councilmembers, with each serving a term of approximately nine (9) and one-half (1/2) months. Each Council district shall serve as Mayor and Mayor Pro Tempore once during a four year term according to the following schedule:

(a) At the second regular City Council meeting in December of even-numbered years that are not evenly divisible by four, the Councilmember from District 1 shall take office as Mayor and the Councilmember from District 2 shall take office as Mayor Pro Tempore.

(b) At the second City Council meeting in October of the following odd-numbered year, the Councilmember from District 2 shall take office as Mayor and the Councilmember from District 3 shall take office as Mayor Pro Tempore.

(c) At the second City Council meeting in August of even-numbered years evenly divisible by four, the Councilmember from District 3 shall take office as Mayor and the Councilmember from District 4 shall take office as Mayor Pro Tempore.

(d) At the second City Council meeting in May of the next odd-numbered year, the Councilmember from District 4 shall take office as Mayor, and the Councilmember from District 5 shall take office as Mayor Pro Tempore.

(e) At the second City Council meeting in March of even-numbered years that are not evenly divisible by four, the Council Member from District 5 shall take office as Mayor, and the Council Member from District 1 shall serve as Mayor Pro Tempore.

(f) Upon completion of a rotation during a four-year period, the rotation shall repeat as outlined in subsections (a) through (e).

(g) Upon a vacancy in either office, the current Mayor Pro Tempore shall succeed to the office of Mayor and the next Councilmember in the rotation shall succeed to the office of Mayor Pro Tempore, respectively. The Mayoral rotation shall otherwise remain unchanged and the succeeding Mayor and Mayor Pro Tempore shall remain in their respective offices until their regularly scheduled turn in the rotation is complete. An appointed or specially elected Councilmember shall not take either office immediately upon appointment or special election but shall otherwise be eligible to serve in the office during their Council district's next turn in the rotation. A Councilmember may take their turn as Mayor even if they did not serve as Mayor Pro Tempore.

(h) If a Councilmember resigns from, or declines to take, an office during their turn in the rotation, that Councilmember shall select one of the other Councilmembers to fill the office. The selection shall not modify or prejudice the normal rotation in any way.

**Examples:**

For example, if District 1 becomes vacant 1 month after becoming Mayor, the Councilmember from District 2 will then become Mayor and the Councilmember from District 3 will then become Mayor Pro Tempore. If the Council fills the District 1 vacancy during its Mayoral term, the newly appointed Councilmember will not become Mayor. The Councilmember from District 2 will serve as Mayor for the remaining 8 ½ months of the District 1 rotation and then for the full 9 ½ months of District 2’s normal rotation.

For another example, if the District 2 seat becomes vacant while the Councilmember from District 1 is Mayor, then the Council Member from District 3 will become Mayor Pro Tempore. However, if a Councilmember is appointed or specially elected to fill the District 2 vacancy before the District 2 seat becomes Mayor, then the newly appointed or specially elected Councilmember for District 2 will become the next Mayor pursuant to the normal rotation.

(a)	Days in Year	365	
(b)	Term Days x 4	1460	(a) x 4
(c)	Council Members	5	
(d)	Equal Days as Mayor	292	(b) / (c)
(e)	Percentage of Days	80%	(d) / (a)
(f)	Months (12)	9.6	(e) x 12

	Start		End		Days
	Meeting	Date	Meeting	Date	
District 1	Second	12/20/2022	Second	10/17/2023	301
Distirct 2	Second	10/17/2023	Second	8/20/2024	308
Distirct 3	Second	8/20/2024	Second	5/20/2025	273
District 4	Second	5/20/2025	Second	3/17/2026	301
District 5	Second	3/17/2026	Second	12/15/2026	273



## Charter Review Committee

### 1. Transient Occupancy Taxes (TOT)

The Transient Occupancy Tax (TOT), also known as the hotel tax, is collected by hotel operators from each guest. The City's current TOT rate is 10% which is on the lower end of the TOT rates in surrounding cities. Some neighboring communities have rates as high as 15% and these rates increase closer to downtown Los Angeles and beachside communities. Because this rate is paid by visitors to the City, it is reasonably assumed that raising the rate would have no direct impact on Arcadia residents. Every 1% increase in the TOT rate would generate an additional \$365,000 in revenue. The CFAC recommended an adjustment of at least 2%, generating an additional \$730,000 in annual revenue to the General Fund.

Agoura Hills	12.0%
Alhambra	12.0%
<b>Arcadia</b>	<b>10.0%</b>
Artesia	12.5%
Avalon	12.0%
Azusa	10.0%
Baldwin Park	10.0%
Bell	12.0%
Bell Gardens	8.0%
Bellflower	9.0%
Beverly Hills	14.0%
Bradbury	none
Burbank	10.0%
Calabasas	12.0%
Carson	9.0%
Cerritos	12.0%
Claremont	10.0%
Commerce	12.0%
Compton	7.5%
Covina	10.0%
Cudahy	8.0%
Culver City	14.0%
Diamond Bar	14.0%
Downey	9.0%
Duarte	10.0%
El Monte	10.0%
El Segundo	12.0%
Gardena	11.0%
Glendale	10.0%
Glendora	6.0%

Hawaiian Gardens	9.0%
Hawthorne	12.0%
Hermosa Beach	14.0%
Hidden Hills	none
Huntington Park	5.0%
Industry	8.0%
Inglewood	14.0%
Irwindale	10.0%
La Canada Flintridge	none
La Habra Heights	none
La Mirada	9.0%
La Puente	10.0%
La Verne	10.0%
Lakewood	8.0%
Lancaster	7.0%
Lawndale	9.0%
Lomita	10.0%
Long Beach	13.0%
Los Angeles	14.0%
Lynwood	none
Malibu	15.0%
Manhattan Beach	12.0%
Maywood	5.0%
Monrovia	12.0%
Montebello	10.0%
Monterey Park	12.0%
Norwalk	10.0%
Palmdale	10.0%
Palos Verdes Estates	None
Paramount	10.0%

Pasadena	12.1%
Pico Rivera	10.0%
Pomona	10.0%
Rancho Palos Verdes	10.0%
Redondo Beach	12.0%
Rolling Hills	None
Rolling Hills Estates	10.0%
Rosemead	10.0%
San Dimas	12.0%
San Fernando	None
San Gabriel	12.0%
San Marino	None
Santa Clarita	10.0%
Santa Fe Springs	10.0%
Santa Monica	14.0%
Sierra Madre	None
Signal Hill	9.0%
South El Monte	8.0%
South Gate	8.0%
South Pasadena	None
Temple City	10.0%
Torrance	11.0%
Vernon	None
Walnut	8.5%
West Covina	10.0%
West Hollywood	12.5%
Westlake Village	10.0%
Whittier	10.0%
Los Angeles County	12.0%



# STAFF REPORT

Office of the City Manager

**DATE:** March 18, 2022

**TO:** Honorable Mayor and City Council

**FROM:** Dominic Lazzaretto, City Manager  
By: Michael Bruckner, Deputy City Manager

**SUBJECT:** ORDINANCE NO. 2386 AMENDING SECTION 1704(B) TO CHAPTER 7, ARTICLE I OF THE ARCADIA MUNICIPAL CODE DEFINING CITY COUNCIL ELECTORAL DISTRICT BOUNDARIES, AND ADOPTING REVISED CITY COUNCIL ELECTORAL DISTRICT BOUNDARIES AS SET FORTH IN EXHIBIT "A."  
**Recommendation: Introduce**

## **SUMMARY**

As a result of the 2020 Census, the City of Arcadia is required to review new population data and to rebalance its City Council election districts. Per the Elections Code, the City Council is required to adopt a new district map by Ordinance following a series of public hearings. Per the Fair Maps Act, the City has completed the required number of public hearings.

At the March 15, 2022, City Council Meeting, the City Council requested that the City's Demographer, NDC, make a second revision to Map 115 to adjust District 1, 4, and 5 boundaries. Further, the City Council recommended that all five current maps under consideration, Maps 103, 114 (Revised), 115 (Revised), 116, and 118 (Attachment "A"), be continued for further discussion at the March 18, 2022, Special Meeting of the City Council.

It is recommended that the City Council select a final map to be incorporated as Exhibit "A" to Ordinance No. 2386, and introduce Ordinance No. 2386 amending section 1704(B) to Chapter 7, Article I of the Arcadia Municipal Code defining City Council electoral district boundaries and adopting City Council district boundaries as set forth in Exhibit "A."

## **BACKGROUND**

City Council districts must be "substantially equal in population". The districts are also required to comply with the United States Constitution, the California Constitution, the Federal Voting Rights Act of 1965, and the California Fair Maps Act. On June 15, 2021,

the City entered into a contract with National Demographic Corporation (“NDC”) to provide Demographer Services for this effort.

Based on the 2020 Census and State of California adjustment factors, the City’s population is 56,780. As a result, each City Council district should ideally contain 11,356 people, with a legally acceptable deviation of less than 10% from the largest district by population to the smallest district by population (Harris v. Arizona Independent Redistricting Commission). The table below shows the current population and demographic factors by existing districts:

City of Arcadia - 2020 Census Data Total Population Statistics							
District	CA Adjusted Pop.	Deviation	% Deviation	% Hispanic Origin	% NH White	% NH Black	% NH Asian
1	11,330	-26	-0.23%	13.56%	18.60%	1.68%	64.95%
2	10,265	-1091	-9.61%	14.71%	25.20%	1.96%	56.43%
3	12,148	792	6.97%	17.05%	15.06%	2.86%	63.26%
4	11,890	534	4.70%	8.27%	14.10%	1.49%	74.52%
5	11,148	-208	-1.83%	11.98%	16.04%	1.15%	69.09%
		<b>Total</b>					
		<b>Deviation</b>	<b>16.58%</b>				

The current City Council districts have a population deviation of 16.58% (the total percentage difference between the largest and smallest deviation 9.61% + 6.97%), no longer meeting the statutory requirements for adoption. Therefore, new district boundaries must be drawn.

Under the State’s Fair Maps Act, the City must hold at least four public hearings for the community to provide input regarding the composition of City Council electoral districts. The first public hearing was held on August 17, 2021. Under the Fair Maps Act, a Community Workshop can be held in-lieu of a public hearing, and the City conducted that workshop on November 10, 2021. The third public hearing was scheduled for February 1, 2022, but was continued to February 7, 2022, due to a lack of quorum. The fourth public hearing was held on March 1, 2022. The fifth public hearing was held on March 15, 2022.

The Fair Maps Act also requires that the new district maps be adopted at least 205 days prior to the election. The next regularly scheduled municipal election is November 8, 2022, which requires the City to adopt a map no later than April 17, 2022. If the City Council is able to select a final and introduce Ordinance No. 2386 (Attachment “B”) at this meeting, the final map will be posted on the City’s redistricting page at [ArcadiaCA.gov/redistricting](http://ArcadiaCA.gov/redistricting) to meet the seven day posting requirement, and final adoption can occur at the April 5, 2022, City Council Meeting. All maps currently under consideration for adoption were posted on the City’s website on Wednesday, March 16, 2022.

It should also be noted that if the City Council is unable to adopt a draft map by the April 17, 2022, deadline, per the Fair Maps Act, the City is required to immediately petition the Court for an order to adopt City Council district boundaries. If the City does not petition the Court within five days after the deadline, any resident of the City may file that petition and will be entitled to reasonable attorney's fees and costs from the City. The Court is also authorized to appoint a special master to assist with creating new draft maps, and they must conduct one or more public hearings before the Court can adopt City Council district boundaries in accordance with the appropriate statutory criteria. All costs for the special master would be the responsibility of the City. The City Council district boundaries adopted by the Court would become effective immediately in the same manner as if the Court's order were enacted by the City Council.

## **DISCUSSION**

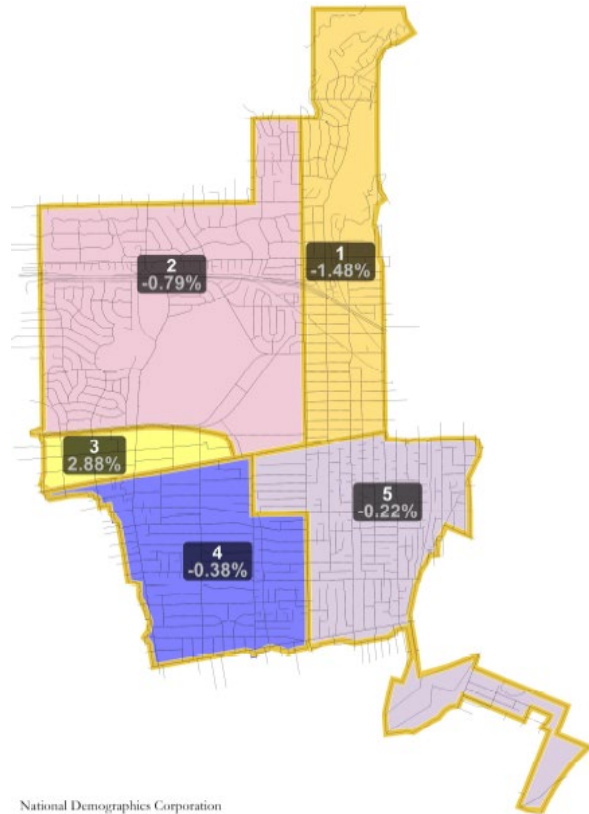
At the March 15, 2022, City Council Meeting, the City Council requested that the City's Demographer, NDC, revise Map 115 to adjust District 1, 4, and 5 boundaries. Further, the City Council recommended that all five current maps under consideration, Maps 103, 114 (Revised), 115 (Revised Version 1), 116, and 118, be continued for further discussion to the March 18, 2022, Special Meeting of the City Council.

### **Map 115 (Revised Version 2)**

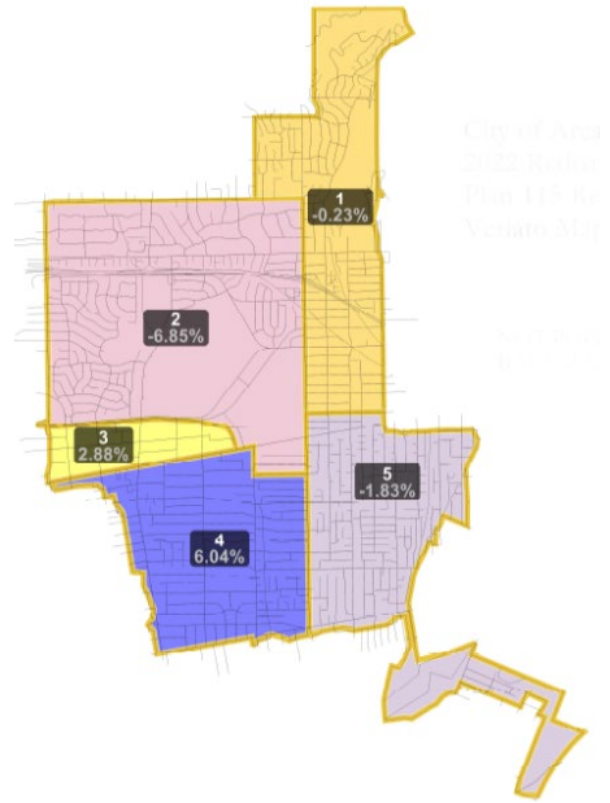
NDC has completed the second revision to Map 115 as requested by the City Council. Specifically, Map 115 (Revised Version 2), modifies the map by keeping District 1 and District 5 unchanged from the current adopted map. District 2 loses census blocks north of Orange Grove and west of Santa Anita Avenue but pushes further south past Duarte Road to W. Le Roy, between El Monte Avenue and Santa Anita Avenue. District 4 gains all remaining census blocks south of W. Le Roy and west of Santa Anita Avenue.

The net effect of these changes creates a population deviation of 12.89% in Map 115 (Revised Version 2) that is above the 10% threshold for population balance. Therefore, NDC does not recommend that the City Council move forward with adopting Map 115 (Revised Version 2); however, Map 115 (Revised Version 1) does meet all of the statutory requirements for adoption.

**Map 115 (Revised V.1)**



**Map 115 (Revised V.2)**



Based on the foregoing and the previous analyses and discussions throughout this process, it is recommended that the City Council choose a map from among the group of balanced maps that have been created: Map 103, 115 (Revised Version 1), 116, or 118. Alternately, the City Council may provide direction on creating additional maps for consideration.

If the introduction of Ordinance No. 2386 is delayed beyond this meeting, the City Attorney may need to assist the City Council with the mechanics needed at this point to beat the time limits for adoption. Virtually any date up to the Sunday, April 17, 2022, deadline is possible as long as the chosen map is on the City's website no later than April 9 and the Ordinance is introduced no later than April 12. In this scenario, if there are less than 28 days before the April 17 deadline, Elections Code § 21628(d)(1) states that a final map need only be posted 3 days prior to introduction instead of the usual 7 days. The table below summarizes the absolute final days to take action to meet the statutory deadline.

**TABLE 1: KEY DEADLINES FOR MAP ADOPTION**

<b>REQUIRED ACTION</b>	<b>TIMING</b>	<b>FINAL POSSIBLE DATE</b>
Posting Final Map on City Website	3 Days Before Introduction	Saturday, April 9, 2022
First Reading (Introduction) of Ordinance		Tuesday, April 12, 2022
Second Reading (Adoption) of Ordinance	5 Days After Introduction	Sunday, April 17, 2022

### **ENVIRONMENTAL ANALYSIS**

The proposed actions do not constitute a project under the California Environmental Quality Act (“CEQA”), based on Section 15061(b)(3) of the CEQA Guidelines, as it can be seen with certainty that they will have no impact on the environment. Thus, these matters are exempt under CEQA.

### **FISCAL IMPACT**

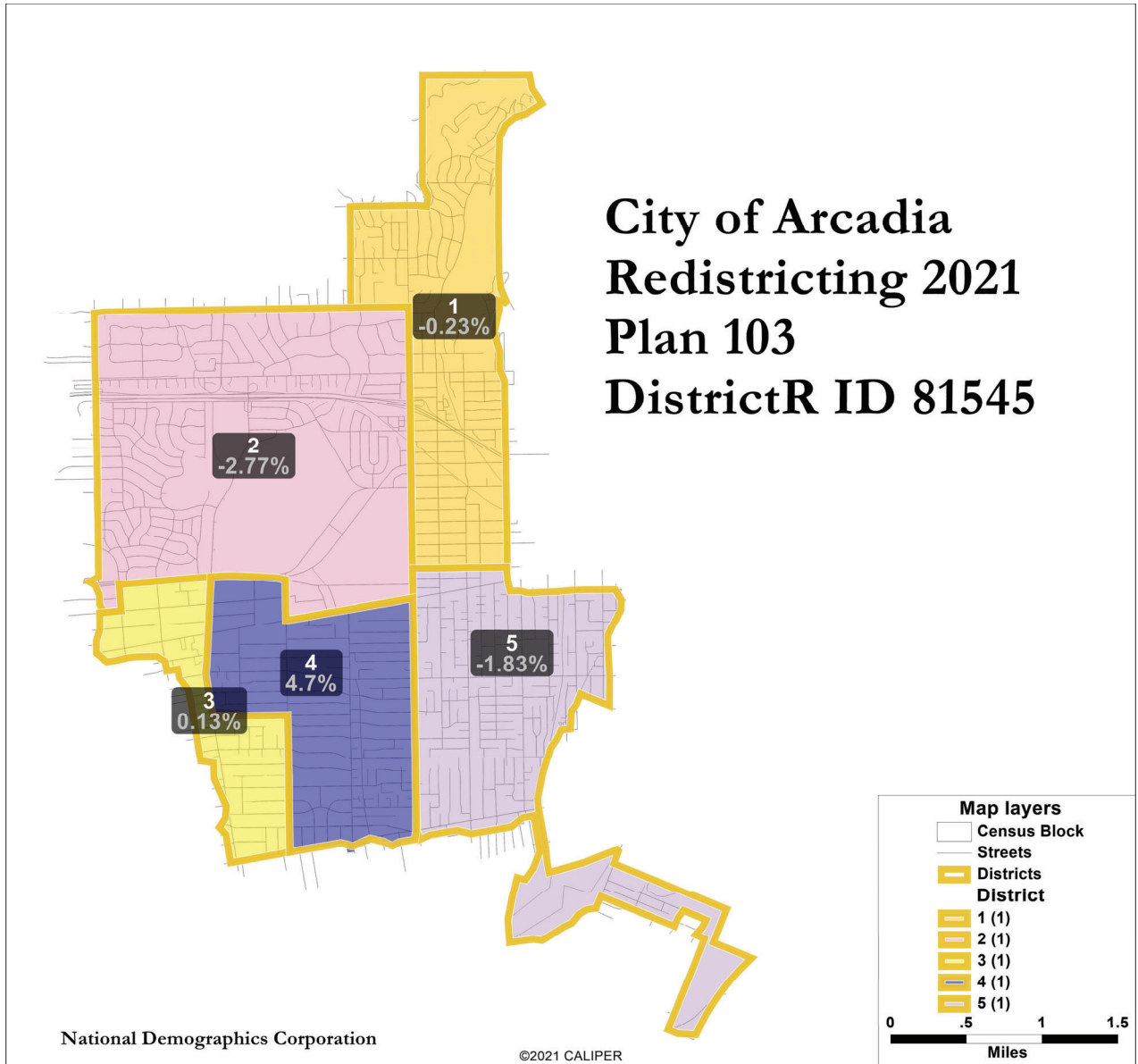
There is no impact to the General Fund to introduce Ordinance No. 2386. The cost of the entire redistricting process has been included in the FY 2021-22 operating budget and choosing different districts will have no direct impact on City costs. Failure to adopt new districts prior to the April 17, 2022, deadline may result in legal and court costs.

### **RECOMMENDATION**

It is recommended that the City Council:

- 1) Select a final map to be incorporated as Exhibit “A” to Ordinance No. 2386;
- 2) Determine that this action is exempt under the California Environmental Quality Act (“CEQA”); and
- 3) Introduce Ordinance No. 2386 amending Section 1704(B) to Chapter 7, Article I of the Arcadia Municipal Code defining City Council electoral district boundaries and adopting revised City Council district boundaries as set forth in Exhibit “A.”

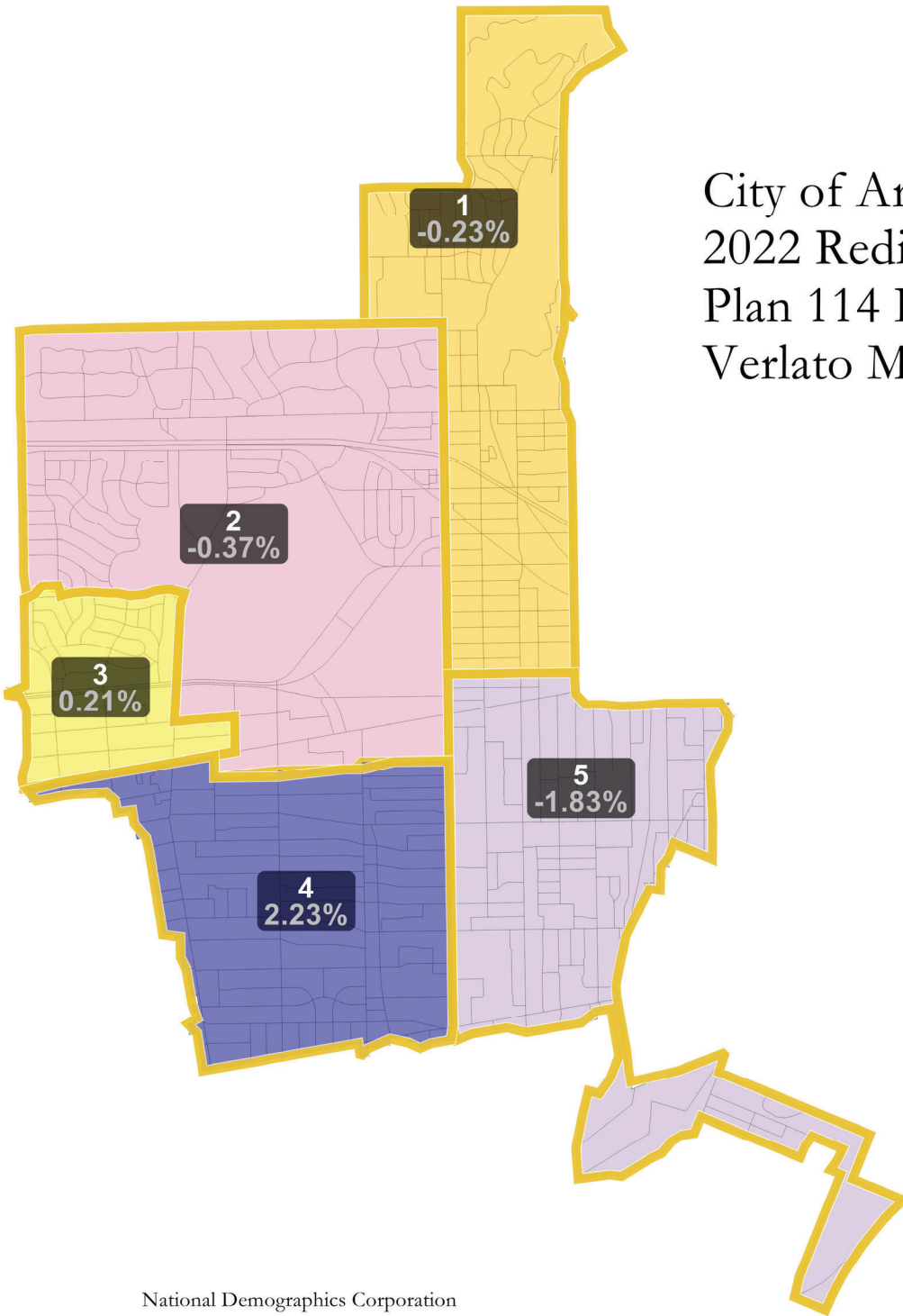
Attachments: “A” – Draft Maps  
“B” – Ordinance No. 2386



City of Arcadia - Draft Plan 103 Total Population Demographics											
District	Population	Deviation	% Deviation	Hisp Origin	% Hispanic	NH White	% NH White	NH Black	% NH Black	NH Asian	% NH Asian
1	11330	-26	-0.23%	1,536	13.56%	2,107	18.60%	190	1.68%	7,359	64.95%
2	11042	-314	-2.77%	1,672	15.14%	2,676	24.23%	233	2.11%	6,260	56.69%
3	11371	15	0.13%	1,909	16.79%	1,741	15.31%	315	2.77%	7,218	63.48%
4	11890	534	4.70%	983	8.27%	1,677	14.10%	177	1.49%	8,860	74.52%
5	11148	-208	-1.83%	1,335	11.98%	1,788	16.04%	128	1.15%	7,702	69.09%
<b>Total</b>	<b>56,781</b>		<b>7.47%</b>	<b>7,435</b>		<b>9,989</b>		<b>1,043</b>		<b>37,399</b>	

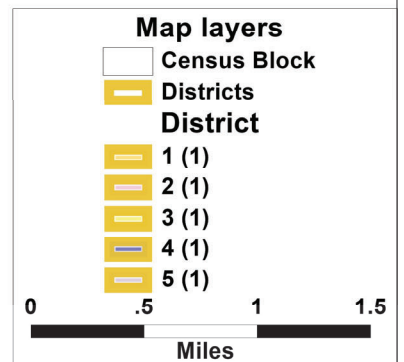
City of Arcadia - Draft Plan 103 Citizen Voting Age Population (CVAP) Demographics									
District	CVAP Population	Hisp CVAP	% Hisp CVAP	NH White CVAP	% NH White CVAP	NH Black CVAP	% NH Black CVAP	NH Asian CVAP	% NH Asian CVAP
1	7,224	595	8.24%	2,107	29.17%	184	2.54%	4,283	59.29%
2	7,701	1,033	13.41%	2,915	37.84%	176	2.29%	3,541	45.97%
3	6,641	1,124	16.93%	1,728	26.02%	350	5.26%	3,423	51.54%
4	7,637	504	6.60%	1,685	22.06%	127	1.66%	5,214	68.28%
5	7,360	670	9.11%	1,851	25.15%	36	0.48%	4,737	64.36%
<b>Total</b>	<b>36,563</b>	<b>3,927</b>		<b>10,286</b>		<b>872</b>		<b>21,198</b>	

# City of Arcadia 2022 Redistricting Plan 114 Revised Verlato Map A Revised



National Demographics Corporation

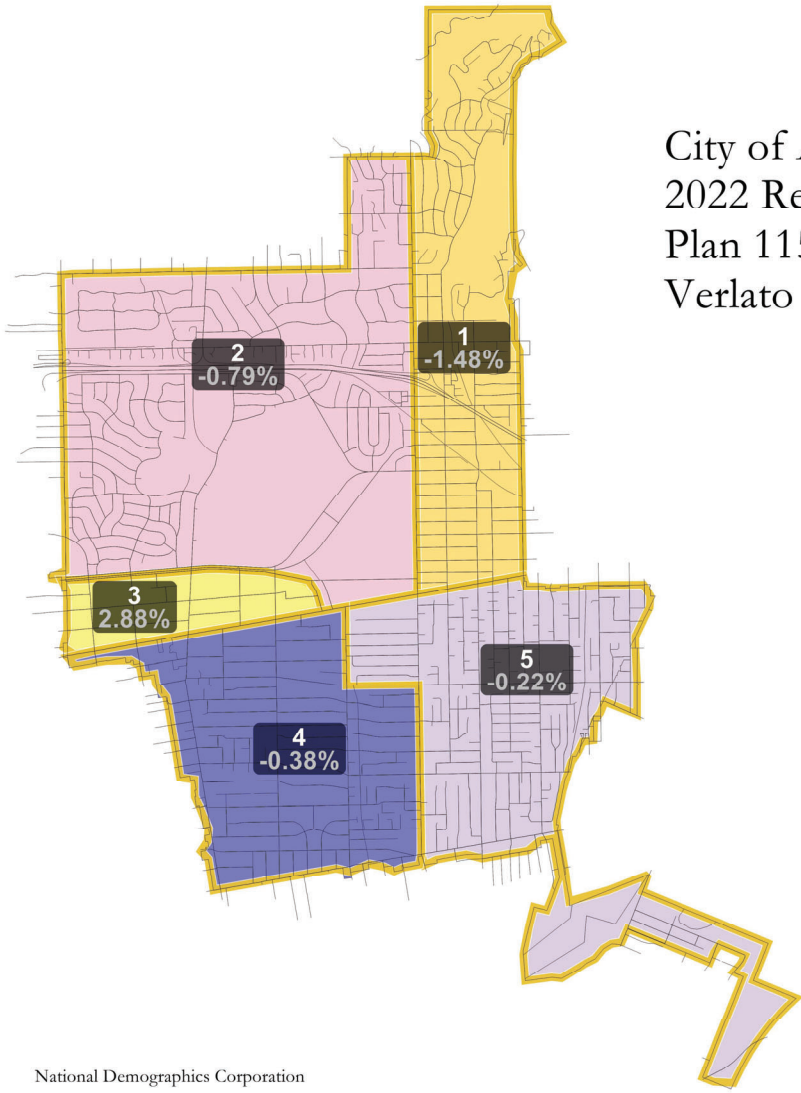
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City of Arcadia - Draft Plan 114 Revised Total Population Demographics											
District	Population	Deviation	% Deviation	Hisp Origin	% Hispanic	NH White	% NH White	NH Black	% NH Black	NH Asian	% NH Asian
1	11330	-26	-0.23%	1,536	13.56%	2,107	18.60%	190	1.68%	7,359	64.95%
2	11314	-42	-0.37%	1,308	11.56%	2,633	23.27%	186	1.64%	6,997	61.84%
3	11380	24	0.21%	2,144	18.84%	1,897	16.67%	352	3.09%	6,758	59.38%
4	11609	253	2.23%	1,112	9.58%	1,564	13.47%	187	1.61%	8,583	73.93%
5	11148	-208	-1.83%	1,335	11.98%	1,788	16.04%	128	1.15%	7,702	69.09%
<b>Total</b>	<b>56,781</b>		<b>4.06%</b>	<b>7,435</b>		<b>9,989</b>		<b>1,043</b>		<b>37,399</b>	

City of Arcadia - Draft Plan 114 Revised Citizen Voting Age Population (CVAP) Demographics									
District	CVAP Population	Hisp CVAP	% Hisp CVAP	NH White CVAP	% NH White CVAP	NH Black CVAP	% NH Black CVAP	NH Asian CVAP	% NH Asian CVAP
1	7,224	595	8.24%	2,107	29.17%	184	2.54%	4,283	59.29%
2	7,167	611	8.52%	2,630	36.69%	127	1.77%	3,726	51.98%
3	6,304	1,384	21.95%	1,886	29.92%	240	3.81%	2,758	43.75%
4	8,508	667	7.84%	1,811	21.29%	286	3.36%	5,694	66.93%
5	7,360	670	9.11%	1,851	25.15%	36	0.48%	4,737	64.36%
<b>Total</b>	<b>36,563</b>	<b>3,927</b>		<b>10,286</b>		<b>872</b>		<b>21,198</b>	

City of Arcadia  
 2022 Redistricting  
 Plan 115 Revised  
 Verlato Map B Revised



National Demographics Corporation

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**Map layers**

- Districts
- Census Block
- Streets

**District**

- 1 (1)
- 2 (1)
- 3 (1)
- 4 (1)
- 5 (1)

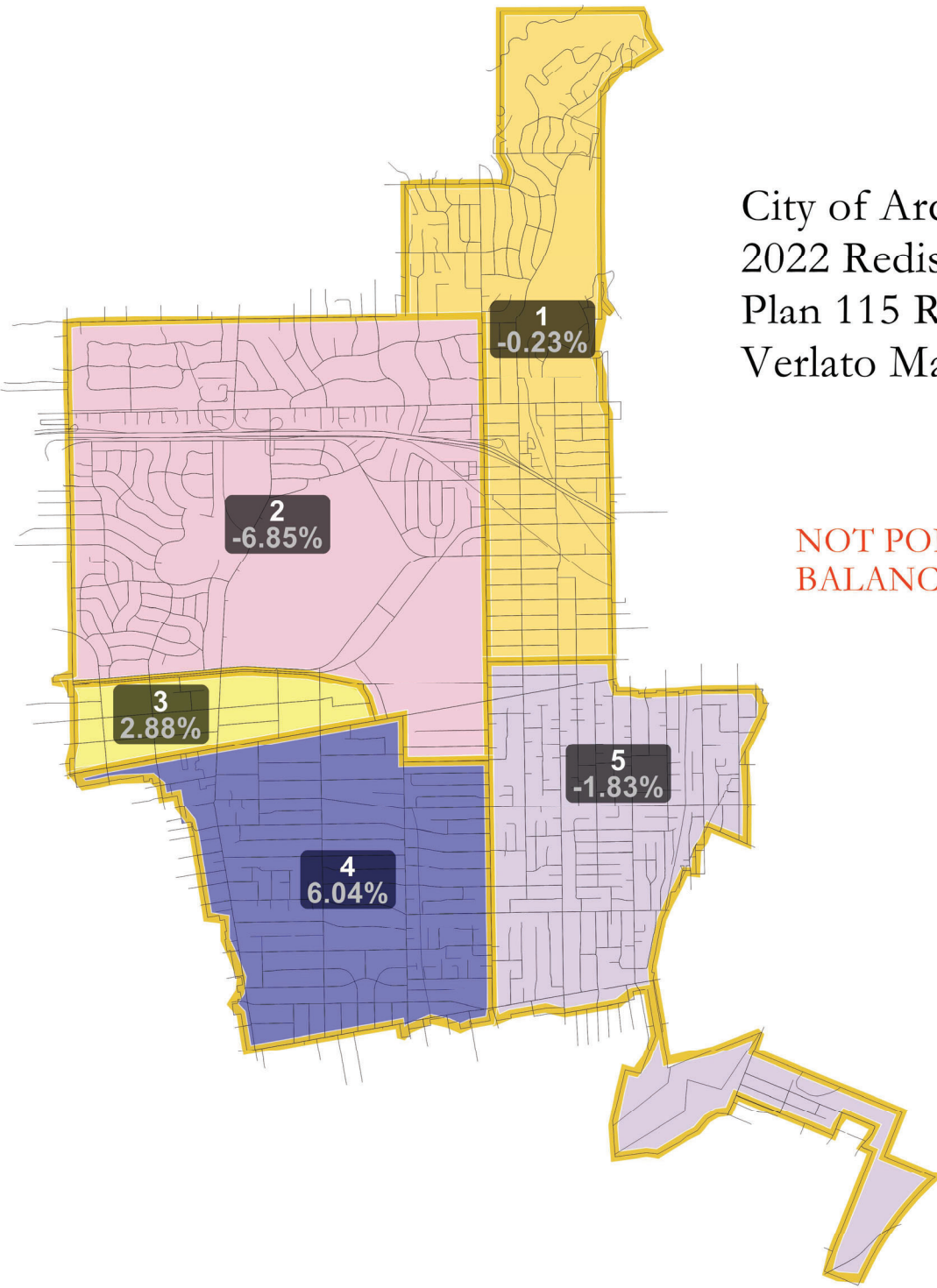
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 Miles

City of Arcadia - Draft Plan 115 Revised Total Population Demographics											
District	Population	Deviation	% Deviation	Hisp Origin	% Hispanic	NH White	% NH White	NH Black	% NH Black	NH Asian	% NH Asian
1	11188	-168	-1.48%	1,550	13.85%	1,845	16.49%	185	1.65%	7,456	66.64%
2	11266	-90	-0.79%	1,599	14.19%	2,895	25.70%	208	1.85%	6,383	56.66%
3	11683	327	2.88%	1,897	16.24%	1,836	15.72%	331	2.83%	7,389	63.25%
4	11313	-43	-0.38%	1,109	9.80%	1,566	13.84%	192	1.70%	8,294	73.31%
5	11331	-25	-0.22%	1,280	11.30%	1,847	16.30%	127	1.12%	7,877	69.52%
<b>Total</b>	<b>56,781</b>		<b>4.36%</b>	<b>7,435</b>		<b>9,989</b>		<b>1,043</b>		<b>37,399</b>	

City of Arcadia - Draft Plan 115 Revised Citizen Voting Age Population (CVAP) Demographics									
District	CVAP Population	Hisp CVAP	% Hisp CVAP	NH White CVAP	% NH White CVAP	NH Black CVAP	% NH Black CVAP	NH Asian CVAP	% NH Asian CVAP
1	6,915	580	8.39%	1,865	26.97%	170	2.46%	4,245	61.39%
2	8,135	1,015	12.48%	3,122	38.38%	199	2.44%	3,764	46.26%
3	5,652	985	17.42%	1,628	28.80%	138	2.45%	2,826	50.01%
4	8,320	668	8.03%	1,794	21.57%	303	3.64%	5,505	66.16%
5	7,541	678	9.00%	1,876	24.88%	63	0.83%	4,858	64.42%
<b>Total</b>	<b>36,563</b>	<b>3,927</b>		<b>10,286</b>		<b>872</b>		<b>21,198</b>	

City of Arcadia  
2022 Redistricting  
Plan 115 Revised  
Verlato Map B Revise 2

NOT POPULATION  
BALANCED



**Map layers**

- Districts
- Census Block
- Streets

**District**

- 1 (1)
- 2 (1)
- 3 (1)
- 4 (1)
- 5 (1)

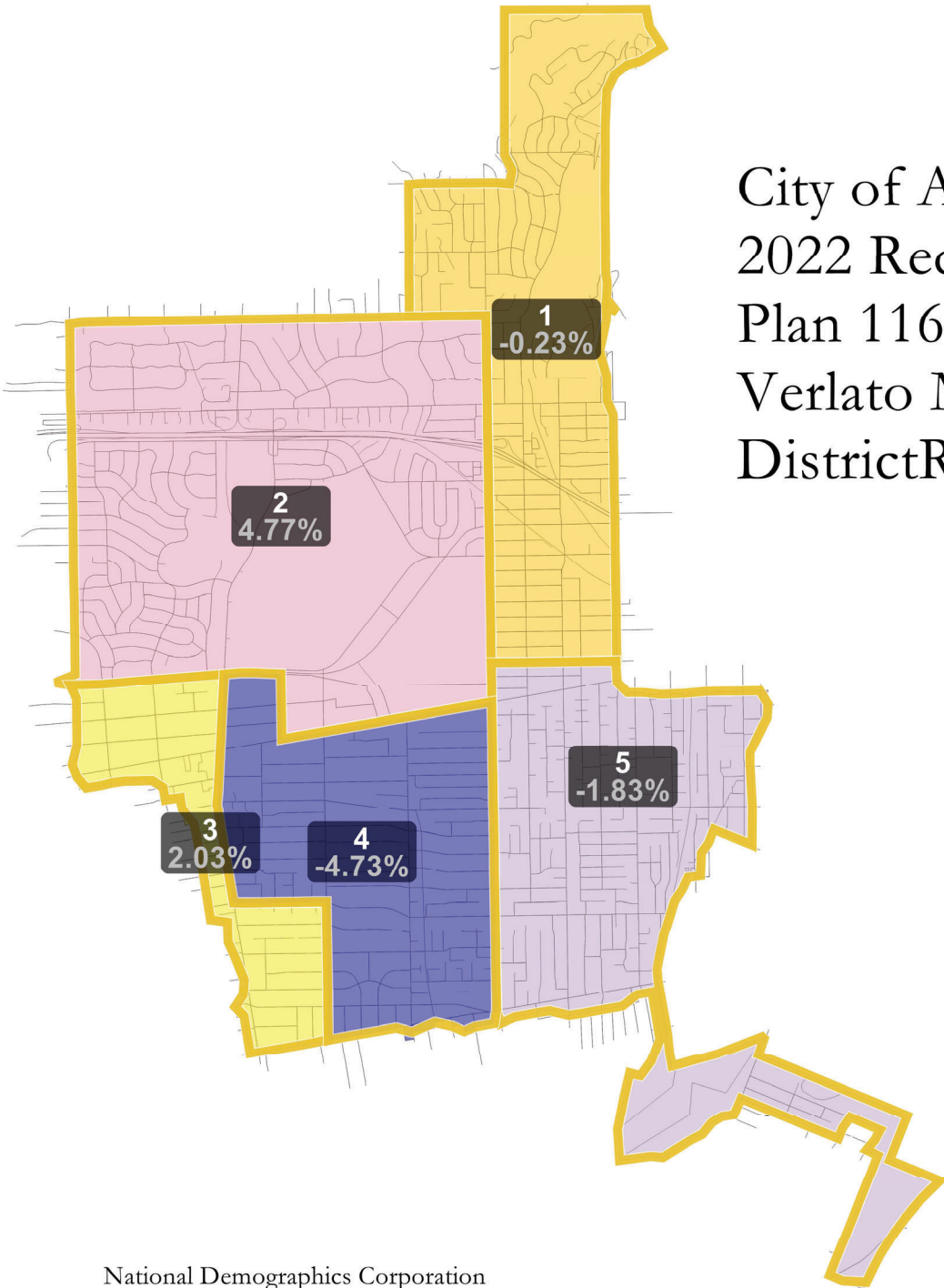
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Miles

**NOT POPULATION BALANCED**

City of Arcadia - Draft Plan 115 Revised #2 Total Population Demographics											
District	Population	Deviation	% Deviation	Hisp Origin	% Hispanic	NH White	% NH White	NH Black	% NH Black	NH Asian	% NH Asian
1	11330	-26	-0.23%	1,536	13.56%	2,107	18.60%	190	1.68%	7,359	64.95%
2	10578	-778	-6.85%	1,512	14.29%	2,607	24.65%	196	1.85%	6,076	57.44%
3	11683	327	2.88%	1,897	16.24%	1,836	15.72%	331	2.83%	7,389	63.25%
4	12042	686	6.04%	1,155	9.59%	1,651	13.71%	198	1.64%	8,873	73.68%
5	11148	-208	-1.83%	1,335	11.98%	1,788	16.04%	128	1.15%	7,702	69.09%
<b>Total</b>	<b>56,781</b>		<b>12.89%</b>	<b>7,435</b>		<b>9,989</b>		<b>1,043</b>		<b>37,399</b>	

City of Arcadia - Draft Plan 115 Revised #2 Citizen Voting Age Population (CVAP) Demographics									
District	CVAP Population	Hisp CVAP	% Hisp CVAP	NH White CVAP	% NH White CVAP	NH Black CVAP	% NH Black CVAP	NH Asian CVAP	% NH Asian CVAP
1	7,224	595	8.24%	2,107	29.17%	184	2.54%	4,283	59.29%
2	7,564	996	13.16%	2,843	37.59%	212	2.80%	3,478	45.98%
3	5,652	985	17.42%	1,628	28.80%	138	2.45%	2,826	50.01%
4	8,763	681	7.77%	1,857	21.19%	303	3.45%	5,873	67.02%
5	7,360	670	9.11%	1,851	25.15%	36	0.48%	4,737	64.36%
<b>Total</b>	<b>36,563</b>	<b>3,927</b>		<b>10,286</b>		<b>872</b>		<b>21,198</b>	

City of Arcadia  
2022 Redistricting  
Plan 116  
Verlato Map C  
DistrictR ID 110411



National Demographics Corporation

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**Map layers**

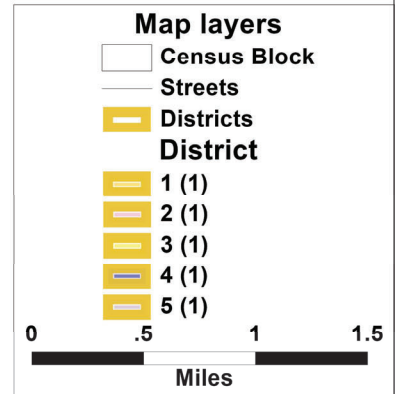
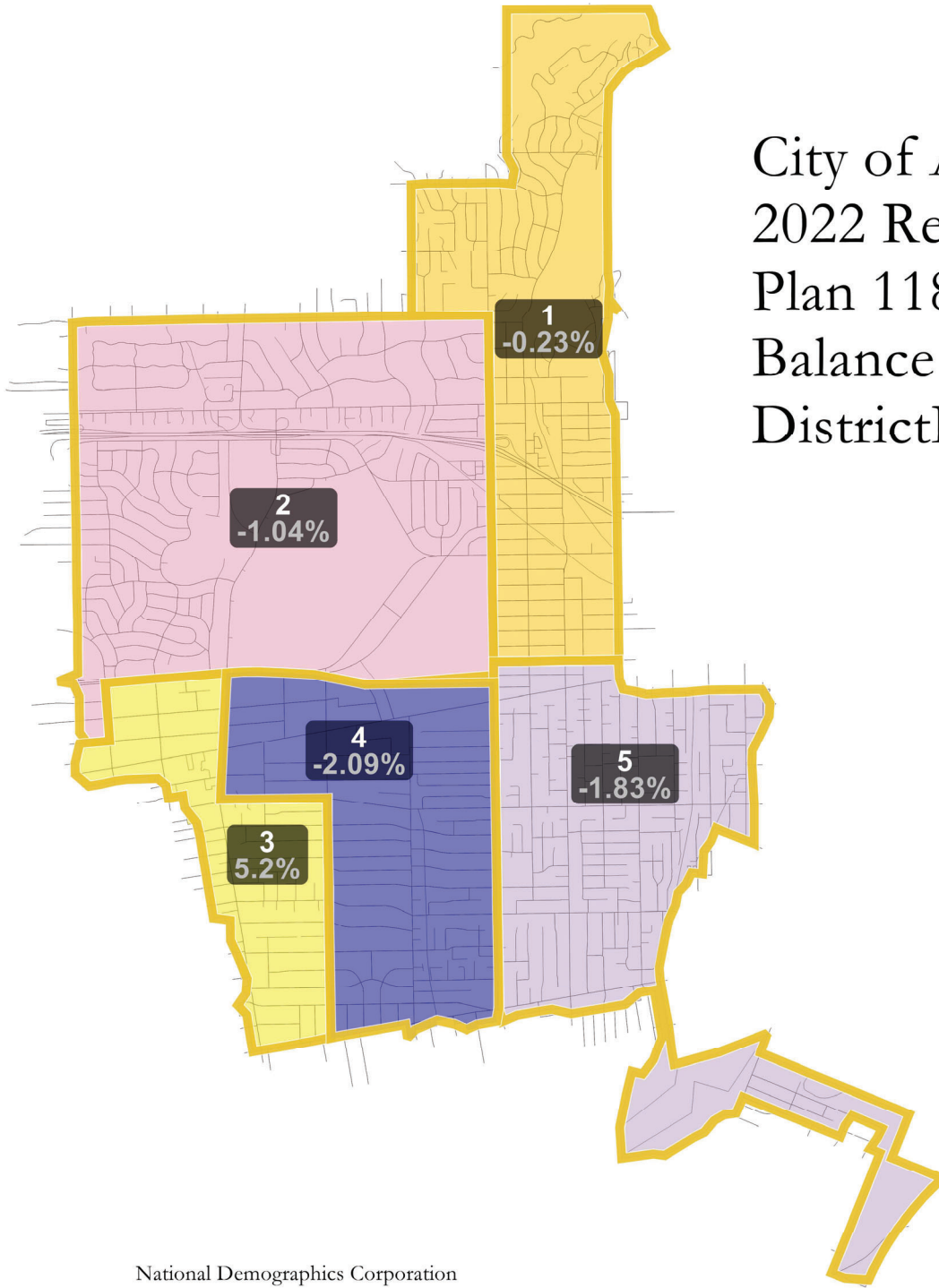
- Census Block
- Streets
- Districts
- District
- 1 (1)
- 2 (1)
- 3 (1)
- 4 (1)
- 5 (1)

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Miles

City of Arcadia - Draft Plan 116 Total Population Demographics											
District	Population	Deviation	% Deviation	Hisp Origin	% Hispanic	NH White	% NH White	NH Black	% NH Black	NH Asian	% NH Asian
1	11330	-26	-0.23%	1,536	13.56%	2,107	18.60%	190	1.68%	7,359	64.95%
2	11898	542	4.77%	1,686	14.17%	2,860	24.04%	239	2.01%	6,918	58.14%
3	11586	230	2.03%	2,019	17.43%	1,753	15.13%	342	2.95%	7,261	62.67%
4	10819	-537	-4.73%	859	7.94%	1,481	13.69%	144	1.33%	8,159	75.41%
5	11148	-208	-1.83%	1,335	11.98%	1,788	16.04%	128	1.15%	7,702	69.09%
<b>Total</b>	<b>56,781</b>		<b>9.50%</b>	<b>7,435</b>		<b>9,989</b>		<b>1,043</b>		<b>37,399</b>	

City of Arcadia - Draft Plan 116 Citizen Voting Age Population (CVAP) Demographics									
District	CVAP Population	Hisp CVAP	% Hisp CVAP	NH White CVAP	% NH White CVAP	NH Black CVAP	% NH Black CVAP	NH Asian CVAP	% NH Asian CVAP
1	7,224	595	8.24%	2,107	29.17%	184	2.54%	4,283	59.29%
2	8,140	1,040	12.78%	2,963	36.40%	197	2.42%	3,895	47.85%
3	6,576	1,107	16.84%	1,701	25.87%	348	5.30%	3,403	51.75%
4	7,263	514	7.08%	1,664	22.91%	107	1.48%	4,879	67.18%
5	7,360	670	9.11%	1,851	25.15%	36	0.48%	4,737	64.36%
<b>Total</b>	<b>36,563</b>	<b>3,927</b>		<b>10,286</b>		<b>872</b>		<b>21,198</b>	

City of Arcadia  
 2022 Redistricting  
 Plan 118  
 Balance 104  
 DistrictR ID 114807



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City of Arcadia - Draft Plan 118 Total Population Demographics											
District	Population	Deviation	% Deviation	Hisp Origin	% Hispanic	NH White	% NH White	NH Black	% NH Black	NH Asian	% NH Asian
1	11330	-26	-0.23%	1,536	13.56%	2,107	18.60%	190	1.68%	7,359	64.95%
2	11238	-118	-1.04%	1,715	15.26%	2,728	24.27%	239	2.13%	6,351	56.51%
3	11946	590	5.20%	1,897	15.88%	1,799	15.06%	312	2.61%	7,742	64.81%
4	11119	-237	-2.09%	952	8.56%	1,567	14.09%	174	1.56%	8,245	74.15%
5	11148	-208	-1.83%	1,335	11.98%	1,788	16.04%	128	1.15%	7,702	69.09%
<b>Total</b>	<b>56,781</b>		<b>7.28%</b>	<b>7,435</b>		<b>9,989</b>		<b>1,043</b>		<b>37,399</b>	

City of Arcadia - Draft Plan 118 Citizen Voting Age Population (CVAP) Demographics									
District	CVAP Population	Hisp CVAP	% Hisp CVAP	NH White CVAP	% NH White CVAP	NH Black CVAP	% NH Black CVAP	NH Asian CVAP	% NH Asian CVAP
1	7,224	595	8.24%	2,107	29.17%	184	2.54%	4,283	59.29%
2	7,758	1,057	13.63%	2,961	38.17%	186	2.39%	3,519	45.36%
3	7,182	1,112	15.48%	1,772	24.68%	355	4.94%	3,927	54.68%
4	7,039	492	6.99%	1,594	22.65%	112	1.60%	4,732	67.22%
5	7,360	670	9.11%	1,851	25.15%	36	0.48%	4,737	64.36%
<b>Total</b>	<b>36,563</b>	<b>3,927</b>		<b>10,286</b>		<b>872</b>		<b>21,198</b>	

ORDINANCE NO. 2386

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARCADIA, AMENDING SECTION 1704(B) TO CHAPTER 7, ARTICLE I OF THE ARCADIA MUNICIPAL CODE DEFINING CITY COUNCIL ELECTORAL DISTRICT BOUNDARIES, AND ADOPTING REVISED CITY COUNCIL ELECTORAL DISTRICT BOUNDARIES AS SET FORTH IN EXHIBIT "A"

WHEREAS, on October 3, 2017, the City Council of the City of Arcadia adopted Ordinance No. 2350, changing the City's at-large election system to by-district Council Member elections, and adopting boundaries for the City's five City Council electoral districts; and

WHEREAS, pursuant to Elections Code § 21601, following each decennial federal census, the City Council shall, by ordinance, adjust the boundaries of any or all City Council electoral districts so that the districts shall be generally equal in population as possible and shall comply with all applicable provisions of 42 USC § 1073, as amended; and

WHEREAS, in 2019, the Fair And Inclusive Redistricting for Municipalities And Political Subdivisions ("FAIR MAPS") Act (AB 849) amended the process and criteria by which the City Council must evaluate and adjust its electoral district boundaries; and

WHEREAS, pursuant to the FAIR MAPS Act, the City of Arcadia held public hearings on August 17, 2021, November 29, 2021, February 7, 2022, and March 1, 2022, and a Community Workshop was held in-lieu of a public hearing on November 10, 2021, to receive public input on communities of interest and the redrawing of City Council electoral districts; and

WHEREAS, in establishing district boundaries, the City Council has considered the following factors: (a) topography, (b) geography, (c) cohesiveness, contiguity, integrity, and compactness of territory, and (d) communities of interest of the districts; and

WHEREAS, at the March 15, 2022, City Council Meeting, the City Council directed staff to prepare an Ordinance for the March 18, 2022, Special City Council Meeting, to adopt one of the six final maps currently under City Council consideration; and

WHEREAS, pursuant to the FAIR MAPS Act, the six final maps were posted on the city's website at [ArcadiaCA.gov/redistricting](http://ArcadiaCA.gov/redistricting) for public inspection prior to adoption; and

WHEREAS, the six final maps under consideration are as follows: Map 103, Map 114 (revised), Map 115 (revised), Map 115 (revised 2), Map 116, and Map 118; and

WHEREAS, at the March 15, 2022, City Council Meeting, pursuant to Elections Code § 10010(a)(2), the City Council held a public hearing to select a final map and at its March 18, 2022, Special Meeting, the City Council selected Map \_\_\_\_\_, herein attached as Exhibit "A" to this Ordinance.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF ARCADIA, CALIFORNIA, DOES ORDAIN AS FOLLOWS:

SECTION 1. The recitals set forth above are true and correct and are hereby adopted as findings in support of this Ordinance as if fully set forth herein.

SECTION 2. The map attached hereto as Exhibit "A", and incorporated herein by reference, shall be and hereby is adopted as the five City Council electoral district boundaries for the City of Arcadia.

SECTION 3. City Council elections shall continue to be conducted "by-district" as provided in Government Code § 34871(a).

SECTION 4. Section 1704(B) to Chapter 7 of Article I of the Arcadia Municipal Code is hereby amended to read in its entirety as follows:

“City Council Districts and District Elections. All five Councilmembers shall be elected on a “by-district” basis from the Council districts shown and numbered on the map titled “City of Arcadia 2022 Redistricting Plan \_\_\_\_\_” attached hereto as Exhibit “A”, as posted on the City’s website, [ArcadiaCA.gov/redistricting](http://ArcadiaCA.gov/redistricting) and copy of which shall be on file in the City Clerk’s Office. In 2022, and every year four years thereafter, the following three City Council electoral districts shall be elected by-district: District 2, District 3, and District 5. In 2024, and every four years thereafter, the following two City Council electoral districts shall be elected by district: District 1 and District 4.”

SECTION 5. The City Council finds that this Ordinance is not subject to the California Environmental Quality Act (“CEQA”) pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

SECTION 6. The City Clerk shall certify to the adoption of this Ordinance and shall cause a copy of same to be published at least once in the official newspaper of the City within fifteen (15) days after its adoption. This Ordinance shall take effect on the thirty-first (31st) day after its adoption.

[SIGNATURES ON THE NEXT PAGE]

Passed, approved and adopted this \_\_\_\_\_ day of April, 2022.

\_\_\_\_\_  
Mayor of the City of Arcadia

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

*Stephen P. Deitsch*

\_\_\_\_\_  
Stephen P. Deitsch  
City Attorney

EXHIBIT "A"