



**CITY OF ARCADIA, CALIFORNIA**

**CITY CHARTER**  
**As Amended 2022**

# **CITY COUNCIL**

2022

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**CHARTER**  
**CITY OF ARCADIA**  
**TABLE OF CONTENTS**

<b>ARTICLE</b>		<b>PAGE</b>
I.	Incorporation and Succession .....	1
II.	Powers of City .....	2
III.	Form of Government.....	2
IV.	The City Council.....	2
V.	City Clerk.....	9
VI.	City Manager .....	10
VII.	Officers and Employees.....	12
VIII.	Boards and Commissions.....	16
IX.	Civil Service.....	19
X.	Retirement.....	23
XI.	Elections.....	23
XII.	Fiscal Administration .....	24
XIII.	Franchises.....	30
XIV.	Board of Education .....	31
XV.	Miscellaneous.....	33

## **ARTICLE I - Incorporation and Succession**

- Section 100. Name and Boundaries
- Section 101. Rights and Liabilities of the City
- Section 102. Ordinances, Codes, and Other Regulations
- Section 103. Officers and Employees
- Section 104. Effective Date of Charter

## **ARTICLE II - Powers of City**

- Section 200. Powers
- Section 201. Intergovernmental Relations

## **ARTICLE III - Form of Government**

- Section 300. Form of Government

## **ARTICLE IV - The City Council**

- Section 400. City Council
- Section 401. Eligibility
- Section 402. Compensation
- Section 403. Vacancies, Forfeiture of Office.
  - Filling of Vacancies
- Section 404. Mayor - Mayor Pro Tempore
- Section 405. Powers Vested in the Council
- Section 406. Prohibitions
  - (a) Holding Other Offices
  - (b) Interference in Administrative Service
- Section 407. Regular Meetings of the Council
- Section 408. Special Meetings
- Section 409. Adjourned Meetings
- Section 410. Quorum
- Section 411. Open Meetings. Ralph M. Brown Act
- Section 412. Place of Meetings
- Section 413. Proceedings
- Section 414. Public Participation
- Section 415. Adoption of Ordinances and Resolutions
- Section 416. Ordinances. Publication
- Section 417. Adoption of Codes by Reference
- Section 418. The Arcadia Municipal Code
- Section 419. Ordinance. When Effective
- Section 420. Publishing of Legal Notices

## **ARTICLE V - City Clerk**

- Section 500. City Clerk
- Section 501. Powers and Duties
- Section 502. Elimination of Elected Office

## **ARTICLE VI - City Manager**

- Section 600. City Manager. Selection and Qualifications
- Section 601. City Manager. Powers and Duties
- Section 602. City Manager. Meetings
- Section 603. City Manager Pro Tempore

## **ARTICLE VII - Officers and Employees**

- Section 700. Administrative Departments
- Section 701. City Attorney. Powers and Duties
- Section 702. Finance Office
- Section 703. Planning Office
- Section 704. Department Directors.
  - Appointive Powers
- Section 705. Personal Financial Interest
- Section 706. Administering Oaths
- Section 707. Acceptance of Other Office
- Section 708. Nepotism
- Section 709. Official Bonds

## **ARTICLE VIII - Boards and Commissions**

- Section 800. In General
- Section 801. Appropriations
- Section 802. Appointments. Terms
- Section 803. Existing Boards
- Section 804. Meetings. Chairperson
- Section 805. Compensation. Vacancies
- Section 806. Planning Commission
- Section 807. General Plan
- Section 808. Human Resources Commission.
  - Powers and Duties
- Section 809. Library Board of Trustees. Powers and Duties
- Section 810. Recreation and Parks Commission.
  - Powers and Duties

## **ARTICLE IX – Civil Service**

- Section 900. Existing Civil Service System
- Section 901. Unclassified and Classified Service
- Section 902. Appointments from Classified Service Positions
- Section 903. Recruitment
- Section 904. Suspension, Demotion and Dismissal
- Section 905. Political Activities Prohibited
- Section 906. Prohibitions, General

## **ARTICLE X – Retirement**

- Section 1000. Public Employees Retirement System

## **ARTICLE XI – Elections**

- Section 1100. General Municipal Elections
- Section 1101. Special Municipal Elections
- Section 1102. Procedure for Holding Elections
- Section 1103. Initiative, Referendum, and Recall

## **ARTICLE XII – Fiscal Administration**

- Section 1200. Fiscal Year
- Section 1201. Submission of Budget and Budget Message
- Section 1202. Budget
- Section 1203. Capital Program
- Section 1204. Council Action on Budget
- Section 1205. Council Action on Capital Program
- Section 1206. Public Records
- Section 1207. Amendments After Adoption
- Section 1208. Lapse of Appropriations
- Section 1209. Tax Limits
- Section 1210. Tax Procedure
- Section 1211. Bonded Debt Limit
- Section 1212. Contracts on Public Works
- Section 1213. Cash Basis Fund
- Section 1214. Presentation and Audit of Demands
- Section 1215. Registering Warrants

## **ARTICLE XII – Fiscal Administration(continued)**

- Section 1216. Claims Against the City
- Section 1217. Independent Audit
- Section 1218. Donations

## **ARTICLE XIII – Franchises**

- Section 1300. Granting of Franchises
- Section 1301. Terms of Franchise
- Section 1302. Eminent Domain
- Section 1303. Procedure for Granting Franchises

## **ARTICLE XIV - Board of Education**

- Section 1400. Establishment of a Board of Education
- Section 1401. Term of Office
- Section 1402. Election
- Section 1403. Meetings
- Section 1404. Board Secretary
- Section 1405. General Law Applicable

## **ARTICLE XV - Miscellaneous**

- Section 1500. Definitions
- Section 1501. Violations
- Section 1502. Validity

**“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 for two, consecutive four-year terms, 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 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) are convicted of a crime involving moral turpitude, (4) without consent of the Council are 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 accept or retain 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 the Mayor's 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 department 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.**

- (a) 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.
- (b) 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.
- (c) The newspaper with which the Council contracts for publication of legal notices shall be deemed the official newspaper.
- (d) 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.
- (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) 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.
- (i) 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 office 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 department director of one or more such departments, offices or agencies or may appoint one person as the department director of two or more of them.

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

(d) 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 or 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, the City Attorney shall serve as chief legal adviser to the Council, the City Manager, and all City departments, offices, and agencies; the City Attorney shall represent the City in all legal

proceedings and shall perform such other duties as may be prescribed by the Council. The City Attorney shall serve as the City Prosecutor and prosecute on behalf of the People any and all criminal cases arising from violations of this Charter or City ordinances; and shall, when authorized by law and the City Council, prosecute misdemeanor offenses arising out of violations of state laws.

The City Council may establish when the City Attorney shall commence, or shall cease, the prosecution of state law misdemeanors, and the City Council may limit the state law misdemeanors that may be prosecuted by the City Attorney. Alternatively, the City Council may create a separate office of City Prosecutor, who shall be appointed by and serve at the pleasure of the City Council. The City Prosecutor shall assume the prosecutorial duties of the City Attorney that are assigned by the City Council. All actions of the City Council under this paragraph shall be done by ordinance. This section is not intended to relieve the District Attorney of the duty to prosecute misdemeanors where the City Attorney or City Prosecutor is unable or not empowered to act.

To become eligible for City Attorney or City Prosecutor, 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. DEPARTMENT DIRECTORS.**

**APPOINTIVE POWERS.** Each department 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 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 department director, and pass upon and approve all proposed appointments and removals by the Librarian.
- (d) 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 department directors and designated by the Council to be in the Unclassified Service.
3. All other department 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 they 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.

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.

(b) 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 a 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 the accountant 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.

**Section 1218. DONATIONS.** The Council may accept money, personal property, or real estate donated, devised, or bequeathed to the City and authorize the City Manager to carry out the terms and conditions of the donation, devise, or bequeathment. If no terms or conditions are attached to the donation, devise, or bequeathment, the Council may designate its use for any municipal purpose. The Council may establish procedures for the administrative acceptance of donations, devises, and bequeathments by ordinance or resolution.

## **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 in 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) "Department 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 department 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.”

## CHARTER INDEX

References are to section or article numbers and to pages

Subject, section	Page
<b>-A-</b>	
Absence from meetings	
Councilmembers, 403(b)(4) .....	3
members of boards, 805 .....	17
Appropriation, see Budget	
Attorney, City, 701 .....	12
Audit	
annual independent, 1217 .....	29
by Finance Office, 702(d), 1214.....	13, 28
of bills and demands, 1214 .....	28
<b>-B-</b>	
Bidding, 1212.....	28
Boards and Commissions, Art. VIII.....	16
absence of members, 805.....	17
action, requisite vote, 804 .....	17
appointment of members, 802, 805 .....	16, 17
appropriations for, 801.....	16
compensation and expenses, 805.....	17
creation of other boards, 800 .....	16
Human Resources Commission, 808.....	18
Library Board, 809 .....	19
meetings, 804.....	17
members, number, and qualifications, 802 .....	16
Planning Commission, 806 .....	18
Recreation and Parks Commission, 810 .....	19
removal of members, 802, 805 .....	16, 17
rules and procedures, 804 .....	17

<b>Subject, section</b>	<b>Page</b>
term of office, 802 .....	16
number of terms, 802 .....	16
vacancy on, 805 .....	17
Board of Education, 1400 .....	31
Bonded debt limit, 1211 .....	28
Bonds	
fidelity, 709 .....	15
general obligation, 1211 .....	28
Boundaries, City, 100.....	1
Budget	
adoption of, 1204(b) .....	26
constitutes appropriation, 1204(b) .....	26
appropriations, 1207, 1208 .....	26, 27
lapse of, 1208 .....	27
amendment of, 1207 .....	26
boards and commissions, 801 .....	16
budget message, 1201 .....	24
capital program, 1203, 1205 .....	25, 26
contents, 1202 .....	24
copies available, 1206 .....	26
expenses and income,	
Finance Office to estimate, 702(b) .....	13
failure to adopt, 1204(b) .....	26
limit on expenditures, 1202 .....	24
manager to prepare and administer, 601(c) .....	11
public hearing, 1204 .....	25
summary of, publication, 1204(a) .....	25
time of adoption, 1204(b) .....	26
time of submission, 1201.....	24
Capital program, 1203 .....	25
Council action on, 1205.....	26
copies available, 1206 .....	26
lapse of appropriations, 1208.....	27
participation by Planning Office, 703(d).....	14

<b>Subject, section</b>	<b>Page</b>
Cash Basis Fund, 1213 .....	28
Public participation at Council meetings, 414.....	7
City, see Attorney, Clerk, Council, etc.	
boundaries, 100 .....	1
name of, 100.....	1
powers, 200 .....	2
vested in Council, 405 .....	5
City Council, Art. IV, see Council.....	2
Civil Service, Art. IX, see Employees.....	19
Claims against the City, 1216.....	29
Classified service, see Employees	
Clerk, City, Art. V .....	9
Code, Arcadia Municipal, 418.....	8
Codes, adoption by reference, 417 .....	8
Commissions, see Boards and Commissions	
Compensation	
boards and commissions, 805 .....	17
City Council, 402 .....	3
employees, 700(c) .....	12
Conflict of Interest, 705 .....	15
Contracts	
for publishing legal notices, 420 .....	9
illegal interest in, 705 .....	15
public works, 1212 .....	28
Council, see also Councilmembers	
appointments by	
attorney, 701.....	12
manager, 600.....	10
members of boards and commissions, 802 .....	16
demands, approval of 1214 .....	28
Mayor, Mayor Pro Tempore, 404 .....	5
members, number of, 400 .....	2
meetings	
adjourned, 409.....	6
public participation, 414 .....	7
compelling attendance of councilmembers, 410 .....	6
disorderly conduct, 413 .....	7

Subject, section	Page
emergency meetings (special), 408, 412 .....	6
executive session, 411 .....	6
holidays, 407 .....	6
open meetings, 411 .....	6
place of, 412 .....	6
quorum, 410 .....	6
Ralph M. Brown Act, 411 .....	6
record of, 413 .....	7
regular meetings, 407 .....	6
rules, 413 .....	7
special meeting, 408 .....	6
time and frequency, 407 .....	6
powers of City vested in, 405 .....	5
removal of member, 403 .....	3
rules, 413 .....	7
vacancy, 403 .....	3
declaration of, judicial review, 403(b) .....	3
filling, 403(c)(d) .....	4
Council-Manager form of Government, 300 .....	2
Councilmembers, see also Council .....	2
absence from meetings, 403(b)(4) .....	3
attendance at meetings, compelled, 410 .....	6
compensation, 402 .....	3
contracts, illegal interest, 705 .....	15
election, tie vote, 400 .....	2
eligibility for office, 401 .....	3
forfeiture of office, 403(b) .....	3
holding City office or employment, 406(a) .....	5
holding other public office, 403(b)(5) .....	4
interference in administrative matters, 406(b) .....	5
removal, resignation, 403 .....	3
term of office, 400 .....	2
number of terms, 401 .....	3

Subject, section	Page
<b>-D-</b>	
Debt, bonded, 1211 .....	28
Definitions, 1500 .....	33
Demands, payment, 1214.....	28
Department director	
appointed by Manager, 601(a).....	11
contracts, illegal interest in, 705 .....	15
defined, 1500(e).....	33
direction of by manager, 700(b) .....	12
holding elective office, 707 .....	15
Manager as, 700(b).....	12
power to appoint, suspend	
and remove employees, 704, 904.....	14, 21
to give oaths, 706 .....	15
Departments, 700 .....	12
City Attorney, 701 .....	12
City Clerk, 500 .....	9
City Manager, 600 .....	10
creation of, 700(a) .....	12
Finance, 702 .....	13
Library, 809 .....	19
Planning, 703 .....	14
Disciplinary action, see Employees	
Discrimination, prohibited, 906(a).....	22

**-E-**

Election	
bonded indebtedness, 1211 .....	28
Council vacancies, 403(c) .....	4
general municipal, 1100 .....	23
initiative, referendum, and recall, 1103 .....	23
Mayor, 404.....	5
procedure for holding, 1102 .....	23
special municipal, 1101 .....	23
tax limits, 1209(a).....	27

Subject, section	Page
tie vote, 400 .....	2
Emergency	
meeting of Council (special meeting), 408, 412.....	6
ordinance, 415, 419(d).....	7, 9
public works contracts, 1212.....	28
Employees	
applicants, 903 .....	20
appointment, removal, etc., 601(a), 704 .....	11, 14
904, 906.....	21, 22
classified - unclassified positions	
listed, 901 .....	19
transfer between, 902 .....	20
compensation, 700(c) .....	12
disciplinary action, 601(a), 904, 906(d) .....	11, 21, 22
discrimination, 906(a).....	22
holding elective office, 707 .....	15
interest in contracts, 705.....	15
merit principle, 700(d).....	12
political activity, 905 .....	22
prohibited actions	
generally, 906 .....	22
penalties, 906(d).....	22
political, 905.....	22
removal and suspension, 601(a), 904 .....	11, 21
retirement, 1000.....	23
testing, exams, 903, 906(b).....	20, 22
vacancy, filling, 904 .....	21
Finance Office, 702.....	13
audit of demands, 1214.....	28
Financial report	
annual, 601(d).....	11
monthly, 702(f).....	14
Fines, Charter and ordinance violation, 1501 .....	33

<b>Subject, section</b>	<b>Page</b>
Fiscal administration, Art. XII .....	24
Fiscal year, 1200 .....	24
Form of government, 300 .....	2
Franchises, Art. XIII .....	30

**-G-**

General Plan, 703(b), 806, 807 .....	14, 18
--------------------------------------	--------

**-H-**

Holiday, Council meeting on, 407 .....	6
Human Resources Commission, see also Boards and Commissions hearing, 904 .....	21
powers and duties, 808, 904 .....	18, 21

**-I-**

Illegal interest in contract, 705.....	15
Initiative, 1103 .....	23
Interference in administrative service, 406(b) .....	5
Intergovernmental relations, 201 .....	2

**-L-**

Legal notices, publication, 420 .....	9
Librarian, 809(c) .....	19
Library Board, 809.....	19

**-M-**

Manager, City, Art. VI .....	10
appointment and removal, 600 .....	10

Subject, section	Page
budget message, 1201.....	24
demands, approval of, 1214.....	28
direction and supervision of departments, 700(b) .....	12
Manager Pro Tempore, 603 .....	12
outside employment, 600.....	10
powers and duties, 601, 700(b), 904.....	11, 12, 21
reduction of appropriations, 1207(b).....	26
Mayor - Mayor Pro Tempore, 404 .....	5
Meetings, see Council, Boards and Commissions	
Merit principle, 700(d).....	12
Misdemeanor, violation of Charter or ordinance, 1501 .....	33
Money, order for payment, 415, 1214.....	7, 28
Municipal Code, 418.....	8

**-N-**

Nepotism, 708 .....	15
Newspaper, official, 420 .....	9

**-O-**

Oaths, administering of	
City Clerk, 501(e).....	10
Councilmembers, 413.....	7
department directors, 706 .....	15
Officers, see also Department director defined, 1500(i).....	33
Ordinances	
adoption of, 415.....	7
recording vote, 413.....	7
adoption of codes by reference, 417.....	8
effective, when , 419.....	8
emergency, 415 .....	7
publication, 416 .....	8
signature of Mayor and City Clerk, 415 .....	7

Subject, section	Page
------------------	------

**-P-**

Parks, see Recreation	
Penalty, violation of Charter, 403(b), 705.....	3, 15
906(d), 1501 .....	22, 33
violation of ordinance, 1501 .....	33
Pensions, see Retirement	
Planning Commission, see also Boards and Commissions, 806 .....	18
Planning Office, 703 .....	14
Police, Chief of, 901(a)(2) .....	20
Political activities, prohibitions, 905 .....	22
Publication of legal notices, 420.....	9
Public accountant, audit by, 1217 .....	29
Public Works contracts, 1212.....	28

**-Q-**

Quorum	
Commissions, 804 .....	17
Council, 410 .....	6
ordinances and resolutions, 415 .....	7

**-R-**

Ralph M. Brown Act. 411 .....	6
Recall, 1103 .....	23
Recreation and Parks Commission, see also Boards and	
Commissions, 810 .....	19
Referendum, 1103 .....	23
Resolutions	
adoption, 415 .....	7
recording vote, 413 .....	7
Retirement systems, 1000 .....	23
Revolving fund, see Cash Basis Fund	

<b>Subject, section</b>	<b>Page</b>
<b>-S-</b>	
Salaries, see Compensation	
Seal, City, 501(d) .....	10
Subpoenas, 413 .....	7

**-T-**

Taxes, property, 1209, 1210 .....	27, 28
Term of office	
Boards and Commissions, 802 .....	16
Clerk, 500 .....	9
Councilmembers, 400 .....	2
Treasurer, 702, 1214 .....	13, 28

**-V-**

Violations of Charter, 403(b), 705 .....	3, 15
906(d), 1501.....	22, 33
Violation of ordinance, 1501 .....	33

**-W-**

Warrants, unpaid, 1215 .....	29
Witnesses, 413 .....	7

CHARTER  
OF THE  
CITY OF ARCADIA

(Amended to December 6, 2022)

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	December 6, 2022