

CERTIFICATE AND AUTHENTICATION OF PROCEEDINGS TAKEN BY THE CITY OF BELL IN FRAMING AND ADOPTING A CHARTER FOR ITS OWN GOVERNMENT.

We, the undersigned George Mirabal, Mayor of the City of Bell, County of Los Angeles, State of California, and Rebecca Valdez, the City Clerk of said City, do hereby certify and declare as follows:

That the undersigned, Rebecca Valdez, was at all times herein mentioned, the Clerk of the legislative body of the City, the City Council, and the City Clerk of said City.

That heretofore, the City Council of the City of Bell, of its own motion, did cause to be framed a proposed Charter for its own government, and on August 15, 2005, at a regular meeting of said City council of said City, by Resolution No. 2005-40, directed the City Clerk to place the proposition of the adoption of said proposed Charter on the ballot at a special municipal election ordered in the City of Bell for the 29th day of November, 2005, for the purpose of submitting said proposed Charter to the electors of the City of Bell; that the City Council further directed that the City Clerk publish a summary of the proposed Charter in the Bell/Maywood Industrial Post, a newspaper of general circulation, post notice of the proposed Charter in 3 public places in the City and make available a copy of the proposed Charter to the public at no expense.

That said proposed Charter of the City of Bell, was filed in the office of the City Clerk in the City Hall of Bell, California, on the 15th day of August, 2005.

That said proposed Charter was published pursuant to said direction in said newspaper on the following dates of November 10, 2005, November 17, 2005, and November 24, 2005, and was continuously available to the public to review or to receive a copy at no expense in the City Clerk's office; that the date the City Council called the special election was not less than eighty-eight (88) days prior to said election date, to wit November 29, 2005.

That said election was duly and regularly called and held on the 29th day of November, 2005; that at said election a majority of the qualified voters voting thereon voted in favor of said proposed Charter and the ratification and adoption thereof.

That thereafter on December 5, 2005, the City Council of the City of Bell duly canvassed the returns of said special election and found and declared that a majority of the qualified voters voting thereon at said special election had voted in favor of said proposed Charter and the ratification and adoption thereof.

That in all matter and in all things pertaining to said proposed Charter, all of the provisions of the applicable laws of State of California have been fully complied with in each and every particular.

That said Charter so prepared, proposed, submitted, ratified, and adopted is in the words and figures following to wit:

## **CHARTER OF THE CITY OF BELL**

We, the people of the City of Bell, State of California, do ordain and establish this Charter as the organic law of said City under the State Constitution.

### **ARTICLE I- NAME OF CITY**

Section 100. NAME. The municipal corporation now existing and known as the City of Bell shall remain and continue to exist as a municipal corporation under its present name of "City of Bell."

### **ARTICLE 11 - BOUNDARIES**

Section 200. BOUNDARIES. The boundaries of the City shall be the boundaries as established at the time this Charter takes effect, and as such boundaries may be changed thereafter from time to time in the manner authorized by law.

### **ARTICLE 111 - SUCCESSION**

Section 300. RIGHTS AND LIABILITIES. The City of Bell 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 continue to be subject to all its debts, obligations, liabilities and contracts.

Section 301. ORDINANCES CONTINUED IN EFFECT. All lawful ordinances, resolutions, rules and regulations, and portions thereof, in force at the time this Charter takes effect and not in conflict or inconsistent herewith, are hereby continued in force until the same shall have been duly repealed, amended, changed or superseded by proper authority.

Section 302. RIGHTS OF OFFICERS AND EMPLOYEES PRESERVED. Nothing in this Charter contained, unless otherwise specifically provided herein, shall affect or impair the merit system, pension or retirement rights or privileges of officers or employees of the City, or of any office, department or agency thereof, existing at the time this Charter takes effect.

Section 303. CONTINUANCE OF PRESENT OFFICERS AND EMPLOYEES. The present officers and employees of the City shall continue without interruption to perform the duties of their respective offices and employments upon the same terms and conditions and for the compensation provided by the existing ordinances, resolutions, rules or laws, but subject to such removal, amendment and control as is provided or permitted in this Charter, and, as to offices which are changed, abolished or superseded by this Charter, until the election or appointment and qualification of their respective successors under this Charter.

Section 304. CONTINUANCE OF CONTRACTS AND PUBLIC IMPROVEMENTS.

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

Section 305. PENDING ACTIONS AND PROCEEDINGS. No action or proceeding, civil or criminal, pending at the time this Charter takes effect, brought by or against the City or any officer, office, department or agency thereof, shall be affected or abated by the adoption of this Charter or by anything herein contained but all such actions or proceedings may be continued notwithstanding that functions, powers and duties of any officer, office, department or agency a party thereto, may be assigned or transferred by or under this Charter to another officer, office, department or agency, but in that event the same may be prosecuted or defended by the head of the office, department or agency to which such functions, powers and duties have been assigned or transferred by or under this Charter.

Section 306. EFFECTIVE DATE OF CHARTER. This Charter shall take effect upon its approval by the qualified voters of the City and, if approved, after filing and acceptance by the Secretary of State in accordance with State law.

#### **ARTICLE IV - POWERS OF CITY**

Section 400. POWERS OF CITY. The City shall have all powers and privileges which may be exercised by a charter city, subject only to the limitations contained in this Charter and in the State Constitution.

#### **ARTICLE V - CITY COUNCIL**

Section 500. CITY COUNCIL, TERMS. The elective officers of the City shall consist of a City Council of five members, elected at large and at the times and for the terms and in the manner provided in this Charter. The term of each office shall be for four years. Each member of the City Council, upon qualification, shall serve during said term until the term of the successor to such office commences.

The five members of the City Council in office at the time this Charter takes effect shall continue in office until their respective successor's term commences and the successor has qualified. The current rotation of office for each member which exists prior to the adoption of this Charter shall remain in effect.

The term of each member of the City Council elected at a general municipal election to fill a four year term or the remaining unexpired term of a vacant office shall commence on the first Tuesday following the certification of the canvass of the vote which shall be made by the City Clerk. The general municipal election shall occur as provided in Section 1200 below. The term of each member of the City Council elected at a special municipal election to fill a vacancy shall commence on the first Tuesday following certification of the candidate's election and shall continue during the remainder of the unexpired term of the office. The term of each member of the City Council appointed to fill a vacancy shall

commence upon appointment within 60 days following the date the office became vacant, and shall continue during the remainder of the unexpired term of office.

Ties in voting among candidates shall be settled according to State law.

Section 501. ELIGIBILITY. QUALIFICATIONS. No person shall be eligible for election to office as a member of the City Council unless such person shall have been domiciled in and a registered voter of the City for at least 30 days immediately preceding the first day upon which candidates for such office are permitted to file nominating papers with the City Clerk. For an appointee to fill a vacancy in an office, the aforementioned 30-day eligibility requirement shall immediately precede the date such office became vacant according to the provisions set forth herein below.

If a member of the City Council is absent from all regular meetings of the City Council for a period of 90 days consecutively from and after the last regular City Council meeting attended by such member, unless by permission of the City Council expressed in its official minutes, or is convicted of a crime involving moral turpitude or a felony, or ceases to be domiciled in and a voter of the City, the office shall immediately become vacant and shall be so declared by the City Council.

Vacancies shall be filled according to the provisions of Section 503. The City Council shall judge the qualifications of its members as set forth in this Section. It shall judge all municipal election returns and it shall judge the certification of the canvass of the vote which shall be made by the City Clerk.

(Charter Amendment 1, approved March 3, 2015 by the voters, effective March 25, 2015)

#### Section 502. COMPENSATION; REIMBURSABLE EXPENSES; INDEMNIFICATION.

(a) The members of the City Council shall receive compensation for their services as may be prescribed by ordinance or resolution, but with respect to service as a Council member not to exceed the amount which Council Members of general law cities of similar population would receive under State law. In the event of resignation such member shall not be entitled to vote on the selection of their successor. No ordinance of the City Council shall increase the compensation of any member of the City Council during that member's term of office unless it is after at least one Council member commences a new term of office. Members of the City Council shall not receive any salary or additional compensation for serving on any boards, commissions, or ad hoc committees of the City, other than the City Council itself unless the additional compensation is expressly permitted by State law.

(b) Members of the City Council may be reimbursed for actual and necessary expenses incurred in the performance of official duties in accordance with the following requirements:

(1) The City Council shall adopt a written reimbursement policy in a public meeting specifying the types of occurrences that qualify a member of the City Council to receive reimbursements of expenses related to travel, lodging and other actual and necessary expenses. The written reimbursement policy shall either specify the reasonable reimbursement rates for travel, lodging, and other actual and necessary expenses required in the performance of their duties, or use the Internal Revenue Service rates for such expenses as established in Publication 463 as it may be amended. The members of the

City Council shall not be reimbursed for any additional costs that are above the rates established in the written reimbursement policy.

(2) The City shall prepare written expense forms that meet the requirements of the reimbursement policy and members of the City Council must submit written expense reports no later than 30 days after incurring the expense and the reports must be accompanied by receipts documenting each expense.

(3) The City may advance the anticipated reasonable expenses but the actual supporting expense forms shall be submitted and accounts settled within 30 days after incurring the expenses. There shall be no per diems.

(c) All documents related to reimbursable City expenditures are public records and subject to disclosure under the California Public Records Act.

(d) The City through its City Council shall not indemnify any past or present elected official of the City ("Indemnitee") beyond what is required under State law.

(1) The City shall provide for the defense of any civil action or proceeding brought against the Indemnitee on account of an act or omission in the scope of his or her authorized duties as an elected official of the City in accordance with State law.

(2) The City shall not provide for the defense of a civil action or proceeding brought against the Indemnitee if the City Council determines that the defense of the action or proceeding by the City would create a specific conflict of interest between the City and the Indemnitee; or for acts or failure to act because of actual fraud, corruption, or actual malice without entering into a reimbursement agreement with the City approved by the City Council in a form approved by the City Attorney. If the City or court of competent jurisdiction determines that the Indemnitee committed actual fraud, corruption, or actual malice, then the City shall not provide for the defense of such civil action or proceeding and the Indemnitee shall reimburse City all costs plus interest of the City in providing such defense.

(Charter Amendment 2, approved March 3, 2015 by the voters, effective March 25, 2015)

#### Section 503. VACANCIES.

(a) The election of an eligible candidate to fill a vacancy caused by a recall election shall occur concurrently with the recall election. One recall election is sufficient to recall several officers. The procedures for filling a vacancy caused by a recall election are subject to the following requirements:

(1) Nominations to succeed a recalled officer shall be made in the manner prescribed for nominating a candidate to that office in a regular election. The nomination papers and the declaration of candidacy shall, in each case, be filed no less than 75 days prior to the date of the election and not before the day the order of the election is issued.

(2) No person whose recall is being sought may be a candidate to succeed himself or herself at a recall election nor to succeed any other member of the same governing board whose recall is being sought at the same election.

(3) The candidate receiving the highest number of votes for the office shall be declared elected for the unexpired term of the recalled officer. If candidate fails to qualify for the office within 10 days after receiving his or her certificate of election, the office to which he or she was elected shall be vacant, and shall be filled according to law.

(b) All other vacancies from whatever causes arising shall be filled by an eligible person as follows:

(1) The City Council shall fill the vacancy in accordance with the provisions of Section 36512 of the California Government Code.

(2) Any eligible person appointed to fill a vacancy in an office shall serve as provided in Section 500:

(3) In any case where the City Council is required to cause a special election to be held to fill a vacancy in any office, it may temporarily appoint an eligible person to fill said vacancy until an elected successor's term commences following said special election, if the City Council first determines and declares by resolution that such temporary appointment is essential to the proper conduct of city business.

(4) Any person appointed or elected under the provisions of this section must be eligible pursuant to the requirements set forth in Section 501 and shall serve for the respective terms set forth in Section 500.

(Charter Amendment 3, approved March 3, 2015 by the voters, effective March 25, 2015)

Section 504. PRESIDING OFFICER. At the first regular City Council meeting following a general municipal election in which newly elected members of the City Council are sworn and seated, and prior to the anniversary of such date, and at the first City Council meeting following a vacancy in the office of Mayor, or as otherwise established by ordinance of the City Council, the City Council shall meet and shall elect one of its members as its presiding officer, who shall have the title of Mayor. The Mayor may make and second motions and shall have a voice and vote in all its proceedings. The Mayor shall be the official head of the City for all ceremonial purposes. The Mayor shall have the primary but not exclusive responsibility for interpreting the policies, programs, and needs of the City government to the people, and, as occasion requires, may inform the people of any major change in policy or program. The Mayor shall perform such other duties consistent with the office as may be prescribed by this Charter or as may be imposed by the City Council. The Mayor shall serve in such capacity at the pleasure of the City Council.

The Council shall also designate one of its members as Vice Mayor, who shall serve in such capacity at the pleasure of the City Council. The Vice Mayor shall be elected concurrently with the selection of the Mayor. The Vice Mayor shall perform the duties of the Mayor during the Mayor's absence or disability.

(Charter Amendment 4, approved March 3, 2015 by the voters, effective March 25, 2015)

Section 505. POWERS VESTED IN THE CITY COUNCIL. All powers of the City shall be vested in the City Council except as otherwise provided in this Charter.

Section 506. REGULAR MEETINGS. The City Council shall hold regular meetings at least once each month at such times as it shall fix by resolution and may adjourn or re-adjourn any regular meeting to a date and hour certain which shall be specified in the order of adjournment. When so adjourned each adjourned meeting shall be a regular meeting for all

purposes. If the hour to which a meeting is adjourned is not stated in the order of adjournment such meeting shall be held at the hour for holding regular meetings.

Section 507. SPECIAL MEETINGS. A special meeting may be called at any time by the Mayor, or by three members of the City Council, by written notice to each member of the City Council and in accordance with the applicable provisions of the Ralph M. Brown Act (California Government Code Sections 54950 et seq.). Such notice must be delivered personally, electronically or by mail at least 24 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 person entitled thereto who, at or prior to the time the meeting convenes, files with the City Clerk a written waiver of notice. Such written notice may also be dispensed with as to any person who is actually present at the meeting at the time it convenes.

(Charter Amendment 5, approved March 3, 2015 by the voters, effective March 25, 2015)

Section 508. PLACE OF MEETINGS. All meetings shall be held within the place designated by ordinance or resolution, or in such place to which any such meeting may be adjourned, and except for closed sessions permitted under the laws of the State of California shall be open to the public. If, by reason of fire, flood or other emergency, it shall be unsafe to meet in the place designated, the meetings may be held for the duration of the emergency at such place as is designated by the Mayor, or, if the Mayor should fail to act, by three members of the City Council.

(Charter Amendment 6, approved March 3, 2015 by the voters, effective March 25, 2015)

Section 509. QUORUM. PROCEEDINGS. A majority of the members of the City Council shall constitute a quorum to do business but a lesser number may adjourn from time to time. In the absence of all the members of the City Council from any regular meeting or adjourned regular meeting, the City Clerk may declare the same adjourned to a stated day and hour. The City Clerk shall cause written notice of a meeting adjourned by less than a quorum or by the City Clerk to be delivered personally or by mail to each Council member at least 24 hours before the adjourned meeting, or such notice may be dispensed with in the same manner as specified in this Charter for dispensing with notice of special meetings of the City Council. The City Council may establish rules for the conduct of its proceedings and may evict or prosecute any member or other person for disorderly conduct at any of its meetings.

Each member of the City Council shall have the power to administer oaths and affirmations in any investigation or proceedings pending before the City Council. The City Council shall have the power and authority to compel the attendance of witnesses, to examine them under oath and to compel the production of evidence before it. Subpoenas shall be issued in the name of the City and be attested by the City Clerk. Disobedience of such subpoenas, or the refusal to testify (upon other than constitutional grounds), shall constitute a misdemeanor, and shall be punishable in the same manner as violations of this Charter are punishable.

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

Section 510. PUBLIC PARTICIPATION. All regular and special meetings of the City Council shall be open and public and all persons shall be permitted to attend such meetings, except that the provisions of this Section shall not apply to closed sessions as permitted by State law. Any person shall have the right to address the City Council, either orally or in writing on matters of City business, but such right shall be subject to reasonable rules and regulations as adopted by resolution.

Section 511. ADOPTION OF ORDINANCES AND RESOLUTIONS. With the sole exception of ordinances which take effect upon adoption, referred to in Section 514, no ordinance shall be adopted by the City 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 introduction of an ordinance or adoption of a resolution it shall be read in full, unless after the reading of the title thereof, the further reading thereof is waived by majority vote of the Council members present. In the event that any ordinance is altered after its introduction, the same shall not be finally adopted except at a regular or adjourned regular meeting held not less than five days after the date upon which such ordinance was so altered. The correction of typographical or clerical errors shall not constitute the making of an alteration within the meaning of the foregoing sentence.

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

Unless a higher vote is required by other provisions of this Charter the affirmative votes of at least three members of the City Council 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 ordinances and resolutions shall be signed by the Mayor, or other designated Member of the City Council at the time of adoption of the ordinance or resolution, and attested by the City Clerk.

Any ordinance declared by the City Council to be necessary as an urgency measure for the immediate preservation of 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 passed by at least four affirmative votes. At the time of adoption of an urgency ordinance it shall be read in full, unless after the reading of the title thereof, the further reading thereof is waived by majority vote of the Council members present. Notwithstanding provisions to the contrary, an urgency ordinance which sets forth the reason for the urgency to be that of a major disaster shall be exempt from the ten day posting and publication requirements set forth in Section 512 and such ordinance may be passed by the majority of the members of the City Council present.

Section 512. ORDINANCES. POSTING AND PUBLICATION. In addition to such other acts of the City Council as are required by this Charter to be by ordinance, every act of the City Council establishing a fine or other penalty, or granting a franchise, shall be by ordinance.

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

The City Clerk shall cause each ordinance to be published at least once in the official newspaper within 15 days after its adoption. The City Council shall designate by resolution the official newspaper, which shall be a newspaper of general circulation published and circulated in the city, or if none, a newspaper of general circulation printed and published in the county and circulated in the city. As an alternative to the publication of an ordinance as specified herein, the City Clerk may cause a summary of a proposed ordinance to be prepared and published in the official newspaper and post in the City Clerk's office a copy of such summary with a copy of the full text of the proposed ordinance at least ten days prior to the date it is to be submitted to the City Council for adoption, and thereafter within 15 days after the date of adoption, publish in the official newspaper a summary of any ordinance adopted by the City Council and post a certified copy of the full text of such adopted ordinance in the office of the City Clerk along with the names of the Council members voting for and against the ordinances.

Section 513. CODIFICATION OF ORDINANCES. Any or all ordinances of the City which have been enacted and published in the manner required at the time of their adoption, and which have not been repealed, may be compiled, consolidated, revised, indexed and arranged as a comprehensive municipal code, and such code may be adopted by reference, with the same effect as an ordinance, by the passage of an ordinance for such purpose. Such municipal code need not be published in the manner required for other ordinances, but at least one (1) copy thereof shall be filed for use and examination by the public in the office of the City Clerk prior to the adoption thereof. Amendments to the municipal code shall be enacted by ordinance.

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

Section 514. ORDINANCES. WHEN EFFECTIVE. No ordinance shall become effective until 30 days from and after the date of its adoption, except the following, which shall take effect upon adoption:

- (a) An ordinance calling or otherwise relating to an election.
- (b) An improvement proceeding ordinance adopted under some special law or procedural ordinance relating thereto.
- (c) An ordinance declaring the amount of money necessary to be raised by taxation or fixing the rate of taxation.
- (d) An urgency ordinance adopted in the manner provided for in Section 511.
- (e) An ordinance covered by particular provisions of law prescribing the manner of its passage and adoption.

Section 515. ORDINANCES. VIOLATION. PENALTY. The City Council shall by ordinance determine whether a violation of any ordinance of the City or a provision of the Bell Municipal Code shall constitute a misdemeanor or an infraction and shall be punishable as provided by State law for violation of ordinances of general law cities.

Section 516. ORDINANCES AND RESOLUTIONS. AMENDMENT. The amendment of any section or subsection of an ordinance or resolution may be accomplished solely by the re-enactment of such section or subsection at length, as amended.

Section 517. PUBLISHING OF LEGAL NOTICES. In the event that there is more than one newspaper of general circulation published in the City, the City Council, annually, prior to the beginning of each fiscal year, shall publish a notice inviting bids and contract for the publication of all legal notices or other matter required to be published in a newspaper of general circulation in the City during the ensuing fiscal year. In the event there is only one newspaper of general circulation printed and published in the City, then the City Council shall have the power to contract with such newspaper for the printing and publishing of such legal notices or matter without being required to advertise for bids therefor. The newspaper with which any such contract is made shall be designated the official newspaper for the publication of such notices or other matter for the period of such contract.

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

In the event there is no newspaper of general circulation printed and published in the City, or in the event no such newspaper will accept such notices or other matter at the rates permitted herein, then all legal notices or other matter may be published by posting copies thereof in at least three public places in the City to be designated by ordinance.

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

Section 518. CONTRACTS. RESTRICTIONS. No contract or lease or extension thereof for a longer period than 55 years shall be valid unless said contract, lease or extension be made or approved by ordinance which shall be subject to referendum. This Section shall not apply to any franchise granted pursuant to the provisions of this Charter or to any contract for the furnishing, or acquisition of the products, commodity or services of any public utility.

Section 519. CONTRACTS. EXECUTION. The City shall not be bound by any contract, except as hereinafter provided, unless the same shall be made in writing, approved by the City Council and signed on behalf of the City by the Mayor, or in the absence of the Mayor, by the Vice Mayor, or by the Member of the City Council presiding at the meeting at which the contract is approved, or by such other officer or officers as shall be designated by the City Council, and attested by the City Clerk. Any of said officers shall sign a contract on behalf of the City when directed to do so by the City Council.

By ordinance or resolution the City Council may authorize the Chief Administrative Officer or authorized representative to bind the City, with or without a written contract, for the acquisition of equipment, materials, supplies, labor, services or other items included within the budget approved by the City Council.

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

Contracts for the sale of the products, commodities or services of any public utility owned, controlled or operated by the City may be made by the manager of such utility or by the head of

the department or Chief Administrative Officer upon forms approved by the Chief Administrative Officer and at rates fixed by the City Council.

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

## **ARTICLE VI - CHIEF ADMINISTRATIVE OFFICER**

Section 600. CHIEF ADMINISTRATIVE OFFICER. There shall be a Chief Administrative Officer who shall be the chief administrative officer of the City. The Chief Administrative Officer shall be appointed by the affirmative vote of at least a majority of all members of the City Council and shall serve at the pleasure of the City Council, provided, however, that the Chief Administrative Officer shall not be removed from the office except as provided in this Charter. The Chief Administrative Officer shall be chosen on the basis of executive and administrative qualifications.

Section 601. RESIDENCE. The Chief Administrative Officer need not be a resident of the City at the time of appointment, but shall within 90 days after appointment, establish residence within such distance from the City as the City Council may establish, unless such period is extended by the City Council, and thereafter maintain residence within such distance during tenure of office.

Section 602. ELIGIBILITY. No person shall be eligible to receive appointment as Chief Administrative Officer while serving as a member of the City Council nor within one year after ceasing to be a member of the City Council.

Section 603. COMPENSATION AND BOND. The Chief Administrative Officer shall be paid a salary commensurate with the responsibilities of chief administrative officer of the City. The Chief Administrative Officer shall furnish a corporate surety bond conditioned upon the faithful performance of duties in such form and in such amount as may be determined by the City Council.

Section 604. POWERS AND DUTIES. The Chief Administrative Officer shall be the administrative head of the City Government. Except as otherwise provided in this Charter, the Chief Administrative Officer shall be responsible to the City Council for the proper administration of all affairs of the City. Without limiting the foregoing general grant of powers, responsibilities and duties, subject to the provisions of this Charter, including the personnel system provisions thereof, the Chief Administrative Officer shall have power and be required to:

(a) Appoint, and may promote, demote, suspend or remove, all department heads, officers and employees of the City except elective officers and those department heads, officers and employees the power of whose appointment is vested by this Charter in the City Council. The Chief Administrative Officer may authorize the head of any department or office to appoint or remove subordinates in such department or office. In case of the appointment or removal of any department head, the Chief Administrative Officer shall first review such appointment or removal with the City Council and obtain its approval.

(b) Prepare the budget, submit to the City Council, and be responsible for its administration after its adoption.

(c) Prepare and submit to the City Council as of the end of each fiscal year, a complete report on the finances and administrative activities to the City for the preceding fiscal year.

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

(e) Establish a centralized purchasing system for all City offices, departments and agencies.

(f) Prepare rules and regulations governing the contracting for purchasing, inspection, storing, inventory, distribution and disposal of all supplies, material and equipment required by ordinance, and administer and enforce the same after adoption.

(g) See that the laws of the State pertaining to the City, the provisions of this Charter and the ordinances, franchises and rights of the City are enforced.

(h) Exercise control of all administrative offices and departments of the City and of all appointive officers and employees except those directly appointed by the City Council and prescribe such general rules and regulations as deemed necessary or proper for the general conduct of the administrative offices and departments of the City under jurisdiction of the Chief Administrative Officer.

(i) Perform such other duties consistent with this Charter as may be required by the City Council.

Section 605. MEETINGS. The Chief Administrative Officer shall be accorded a seat at all meetings of the City Council and of all boards and commissions and shall be entitled to participate in their deliberations, but shall not have a vote. The Chief Administrative Officer shall receive notice of all special meetings of the City Council, and of all boards and commissions.

Section 606. ASSISTANT CHIEF ADMINISTRATIVE OFFICER. Deleted in its entirety.

(Charter Amendment 7, approved March 3, 2015 by the voters, effective March 25, 2015)

Section 607. REMOVAL. The Chief Administrative Officer may be removed at any regular meeting of the City Council upon the affirmative vote of a majority of all the members of the City Council. However, the Chief Administrative Officer may not be removed, nor shall the notice described in Subsection (a) be given for a period of 90 days before or following any municipal election in which a member of the City Council is elected.

The procedure for removal is as follows:

(a) The Chief Administrative Officer must be given a written notice stating the Council's intention to remove the Chief Administrative Officer from office. The written notice must be given at least 30 days before the effective date of removal. The notice must state the reason for the removal.

(b) The duties of the Chief Administrative Officer may be suspended immediately upon receipt of the notice described in Subsection (a). The compensation paid to the Chief Administrative Officer must continue until removal is completed as prescribed within this Section.

(c) In removing the Chief Administrative Officer, the City Council may use its sole and uncontrolled discretion, and its action shall be final.

Section 608. NON-INTERFERENCE WITH ADMINISTRATIVE SERVICE. Except as otherwise provided in this Charter, neither the Council nor any of its members shall interfere with the powers and duties of the Chief Administrative Officer, nor shall they directly or indirectly order the Chief Administrative Officer or subordinates to appoint or remove any person to or from any office or employment. Except for the purpose of inquiry, investigation or report, the City Council and its members shall deal with the administrative service under the jurisdiction of the Chief Administrative Officer solely through the Chief Administrative Officer, and neither the City Council nor any member thereof shall publicly or privately give orders to any subordinate of the Chief Administrative Officer.

## **ARTICLE VII - OFFICERS AND EMPLOYEES**

Section 700. ENUMERATION. In addition to the City Council and Chief Administrative Officer, the officers and employees of the City shall consist of a City Attorney, a City Clerk, a City Treasurer, such other officers, assistants, deputies, and employees as the City Council may provide by resolution.

When the positions are not incompatible, the City Council may combine in one person the powers and duties of two or more offices; provided, however, that the same person shall not hold the positions of City Treasurer and be responsible for the functions of finance at the same time.

Section 701. APPOINTMENT AND REMOVAL. The City Attorney, City Clerk, and City Treasurer shall be appointed by and may be removed by the affirmative votes of at least a majority of all the members of the City Council. All other officers, department heads and employees of the City shall be appointed and may be removed as elsewhere in this Charter provided.

Section 702. ADMINISTRATIVE FUNCTIONS. The City may provide through its own staff for all departments as may be determined necessary to carry out the business of the City. The City may provide the following functions and services: finance, public works, water, building & safety, public safety and city planning. The City Council may provide by ordinance or resolution not inconsistent with this Charter for the organization, conduct and operation of the functions of the City as established by this Charter, for the creation of additional functions, departments, divisions, offices and agencies and for their consolidation or alteration. It may further provide by ordinance or resolution for the assignment and reassignment of functions, duties, offices and agencies to offices and departments, and for the number, titles, qualifications, powers, duties, and compensation of all officers and employees, consistent with this Charter. Each department so created shall be headed by a department head.

Section 703. CITY ATTORNEY. POWERS AND DUTIES. To become and remain eligible for City Attorney the person appointed shall be an attorney at law duly licensed as such under State law and shall be chosen on the basis of legal qualifications with special reference to experience in and knowledge of municipal law. The City Attorney shall have the power and may be required to:

(a) Represent and advise the City Council and all City officers in all matters of law pertaining to their offices.

(b) Prosecute on behalf of the people any or all criminal cases arising from violation of the provisions of this Charter or of City ordinances, unless otherwise provided by the City Council.

(c) Represent and appear for the City in any or all actions or proceedings in which the City is concerned or is a party, and represent and appear for any City officer or employee, or former City officer or employee, in any or all actions or proceedings in which any such officer or employee is concerned or is a party for any act arising out of employment or by reason of official capacity.

(d) Attend all regular meetings of the City Council, unless excused, and give advice or opinion in writing whenever requested to do so by the City Council or by any of the boards or officers of the City.

(e) Approve the form of all contracts made by and all bonds given to the City, endorsing approval thereon in writing.

(f) Prepare any and all proposed ordinances and resolutions for the City and amendments thereto.

(g) Devote such time to the duties of the office as may be specified in the ordinance or resolution fixing the compensation for such office.

(h) Surrender to the City Attorney's successor all books, papers, files and documents pertaining to the City's affairs.

The City Council shall have control of all legal business and proceedings and may employ other attorneys to take charge of or may contract for any prosecutions, litigation or other legal matters or business.

Nothing in this section shall prohibit the District Attorney from prosecuting any or all criminal cases arising from violation of the provisions of this Charter or of City ordinances.

Section 704. CITY CLERK. POWERS AND DUTIES. The City Clerk shall have the power and shall be required to:

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

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

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

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

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

(f) Be ex-officio Assessor, unless the City Council has availed itself, or does in the future avail itself, of the provisions of State law relative to the assessment of property and the collection of City taxes by county officers, or unless the City Council by ordinance provides otherwise.

(g) Have charge of all City elections.

(h) Perform such other duties consistent with this Charter as may be required by ordinance or resolution of the City Council.

Section 705. CITY TREASURER. POWERS AND DUTIES. The City Treasurer or designee shall have the power and shall be required to:

(a) Receive all taxes, assessments, license fees and other revenues of the City, or for the collection of which the City is responsible, and receive all taxes or other money receivable by the City from the County, State or Federal Government, or from any Court, or from any office, department or agency of the City.

(b) Have custody of all public funds belonging to or under control of the City or any office, department or agency of the City government and deposit all funds coming into the Treasurer's hands in such depository as may be designated by resolution of the City Council, or, if no such resolution be adopted, then in such depository designated in writing by the Chief Administrative Officer, and in compliance with all the provisions of the State Constitution and State law governing the handling, depositing and securing of public funds.

(c) Disburse moneys on proper warrants in the manner provided for in this Charter.

(d) Prepare and submit monthly written reports of all cash receipts, disbursements and balances, copies of which reports shall be filed with the Chief Administrative Officer or designee responsible for the finance function.

(e) Perform such other duties consistent with this Charter as may be required by ordinance or resolution of the City Council.

Section 706. FINANCE. POWERS AND DUTIES. The Chief Administrative Officer's designee responsible for the functions of finance shall have the power and shall be required to:

(a) Administer the financial affairs of the City under the direction of the Chief Administrative Officer.

(b) Compile the budget expense and income estimates for the Chief Administrative Officer.

(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 of all expenditures to insure 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; with the advice of the City Attorney, when necessary, determine the regularity, legality and correctness of such claims, demands or charges; and draw warrants upon the City Treasurer for all claims and demands audited and approved as in this Charter provided specifying the purpose for which drawn and the fund from which payment is to be made.

(e) See that all taxes, assessments, license fees and other revenues of the City, or for the collection of which the City is responsible, and all other money receivable by the City from the County, State or Federal Government, or from any court, office, department or agency of the City are collected.

(f) Submit to the City Council and City Treasurer through the Chief Administrative Officer 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 consistent with this Charter as may be required by ordinance or resolution of the City Council.

Section 707. ADMINISTERING OATHS. Each department head and deputies of the department shall have the power to administer oaths and affirmations in connection with any official business pertaining to the department.

Section 708. FINANCIAL INTERESTS; ILLEGAL CONTRACTS. The City of Bell has suffered a municipal scandal of historic proportions arising from the corruption of the elected and appointed officers and employees. It is the desire of the citizens that their municipal officers and employees adhere to the highest ethical standards and it is the intent of this Charter provision to establish that officers and employees adhere to all ethical standards established in State law, and that the City Council be fully authorized to establish higher standards by ordinance or resolution consistent with the constitutional principles but not lesser. No member of the City Council, department head or other officer or employee of the City, or member of a board or commission shall:

(a) Engage in any employment, activity or enterprise for compensation which is inconsistent, incompatible, or in conflict with his or her duties to the City;

(b) Participate in making a decision that will have a significant effect on his or her financial interest or that of his immediate family, source of income, source of gifts, business entity, or real property;

(c) Participate in making of a contract, sale or transaction in which he or she is financially interested where the City is a party to such contract, sale or transaction;

(d) Engage in any activity or action that members of the City Council, department heads, or other officers and officials are prohibited from conducting in general law cities.

(e) Receive any personal loans from the City, any of its officers, employees, members, consultants, or from anyone who contracts with or is under the control of the City.

Any officer or employee of the City, or member of a board or commission who shall act contrary to this Section or any ordinance or resolution of City enacted pursuant hereto, shall be liable to City for restitution of any monies received in violation hereof.

The general laws of the State of California shall be used in determining the meaning and application of this Section, which general laws may be supplemented or modified by regulations of the City Council adopted by ordinance if made more restrictive than State law.

If any member of the City Council, the Chief Administrative Officer, department head or other officer of the City, or member of a board or commission shall be financially interested as aforesaid, upon conviction thereof he or she shall forfeit his or her office in addition to any other penalty which may be imposed for such violation of this Charter.

(Charter Amendment 8, approved March 3, 2015 by the voters, effective March 25, 2015)

Section 709. ACCEPTANCE OF OTHER OFFICE. Members of the Council may hold any other elective or appointive public office which is allowed by law. Any elective officer of the City who shall accept or retain any other elective public office which is determined incompatible with the office of City Council, shall be deemed thereby to have vacated the office under the City government.

Section 710. NEPOTISM. The City Council shall not appoint to a full-time salaried position under the City government any person who is a relative by blood or marriage within the third degree of any one or more of the members of such City Council, nor shall the Chief Administrative Officer or any department head or other officer having appointive power appoint any relative of the individual or any Council member within such degree to any such position.

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

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

#### **ARTICLE VIII - APPOINTIVE BOARDS AND COMMISSIONS**

Section 800. IN GENERAL. The City Council may create by ordinance or resolution advisory boards or commissions as in its judgment are required, and may grant to them such powers and duties as are consistent with the provisions of this Charter.

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

Section 802. APPOINTMENTS. TERMS. Each of the boards or commissions may consist of not less than five members. The members of each of such boards or commissions shall be appointed by the City Council from voters of the City. They shall be subject to removal by motion of the City Council adopted by the affirmative votes of a majority of the total membership thereof. The members thereof shall serve for terms which shall be established by ordinance or resolution. The members shall serve so long as they continue to be domiciled within the City, and until their respective successors are appointed and qualified. The Council shall have the authority to extend or shorten the terms of the incumbent members of boards or commissions to implement the terms of this Section. A vacancy occurring before the expiration of a term shall be filled by appointment for the remainder of the unexpired 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 shall be appointed and qualified. If the terms of any members of any board or commission are altered by this Charter, the terms shall be adjusted accordingly to comply with the provisions of this Charter.

Section 804. MEETINGS. CHAIR. As soon as practicable, following the first day of March of every year, each board and commission shall organize by electing one of its members to serve as presiding officer at the pleasure of the board or commission. Meetings of all boards and commissions shall be open to the public and all persons shall be permitted to attend such meetings, except that the provisions of this sentence shall not apply to closed sessions for purposes authorized by law.

The Chief Administrative Officer may designate a secretary for each board and commission who need not be a member of such board or commission, and who shall keep a record of its proceedings and transactions. Each board or commission may prescribe its own rules and regulations, which shall be consistent with this Charter and shall be subject to the approval of the City Council. Copies of such rules shall be kept on file in the office of the City Clerk where they shall be available for public inspection.

Section 805. OATHS. AFFIRMATIONS. Each member of any such board or commission, and the secretary thereof, shall have the power to administer oaths and affirmations in any investigation or proceeding pending before such board or commission.

Section 806. PLANNING COMMISSION. POWERS AND DUTIES. There shall be a Planning Commission consisting of five members. Each member of the Planning Commission shall be appointed by the City Council, and the Planning Commissioners shall serve at the pleasure of the City Council, unless some other process of appointment or removal is adopted by ordinance. There shall be a Director of Community Development whose duties shall be established by ordinance, resolution, or regulation, and who shall be the recording secretary for the Planning Commission. The Director of Community Development or his or her designated representative shall be staff to the Planning Commissioners and attend all Planning Commission meetings. The Planning Commission may seek legal advice from the City Attorney when it deems it necessary. The Planning Commission shall have all of the following powers and duties, which powers and duties may be modified by ordinance of the City Council:

- (a) All duties set out in the California Planning and Zoning Law for a planning agency.
- (b) After public hearing, recommend to the City Council any amendment to the General Plan or any part thereof, or any zoning ordinance amendments.
- (c) Exercise authority granted to it by ordinance over subdivisions, use permits, or other matters not inconsistent with this Charter.
- (d) Make recommendations to the City Council concerning public works and determining consistency with the General Plan.
- (e) Perform other duties specified by the City Council not inconsistent with this Charter.

(Charter Amendment 9, approved March 3, 2015 by the voters, effective March 25, 2015)

## **ARTICLE IX - PERSONNEL SYSTEM**

Section 900. SYSTEM TO BE ESTABLISHED. The City Council shall by resolution establish a personnel merit system for the selection, employment, classification, advancement, suspension and discharge of those appointive officers and employees who shall be included in the system. The system may consist of the establishment of minimum standards of employment and qualifications for the various classes of employment, or of a comprehensive system, as the City Council shall determine to be for the best interests of the public service. A resolution shall designate the departments and the appointive officers and employees who shall be included within the system. By subsequent resolutions the City Council may amend the system or the list of departments and appoint officers and employees included within the system. The system shall comply with all other provisions of this Charter.

#### **ARTICLE X - RETIREMENT**

Section 1000. STATE SYSTEM. The City, its City Council and its several officers, agents and employees are empowered to do and perform any act, and to exercise any authority granted, permitted, or required under the provisions of the Public Employees' Retirement Law to enable the City to continue as a contracting City under the Public Employees' Retirement System.

#### **ARTICLE XI- FISCAL ADMINISTRATION**

Section 1100. FISCAL YEAR. The fiscal year of the City government shall begin on the first day of July of each year and end on the 30th day of June of the following year.

Section 1101. BUDGET. PREPARATION BY THE CHIEF ADMINISTRATIVE OFFICER. The Chief Administrative Officer shall provide estimates of revenue and expenditures for city operations for the ensuing fiscal year(s), detailed in such manner and at such time as may be prescribed by the Chief Administrative Officer.

Section 1102. BUDGET. SUBMISSION TO CITY COUNCIL. At least 35 days prior to the beginning of each fiscal year, the Chief Administrative Officer shall submit to the City Council the proposed budget and shall make copies of the proposed budget available for inspection. After reviewing the same and making such revisions as it may deem advisable, the City Council shall determine the time for the holding of a public hearing thereon. Copies of the proposed budget as amended by the City Council shall be available for inspection.

Notwithstanding any provision to the contrary, the Chief Administrative Officer may submit a multi-year budget for consideration by the City Council and the City Council may adopt such multi-year budget, in its sole discretion. The City Council may approve any adjustment in a multi-year budget after a public hearing.

Section 1103. BUDGET. PUBLIC HEARING. At the time set for the public hearing or at any time to which such public hearing shall from time to time be adjourned, the City Council shall hold a public hearing on the proposed budget, at which interested persons desiring to be heard shall be given such opportunity.

Section 1104. BUDGET. FURTHER CONSIDERATION AND ADOPTION. At the conclusion of the public hearing the City Council shall further consider the proposed budget and make any revisions thereof that it may deem advisable and on or before June 30 it shall adopt the budget with revisions, if any, by the affirmative votes of at least a majority of the total members of the Council. Upon final adoption, the budget shall be in effect for the ensuing fiscal year(s). Copies thereof, certified by the City Clerk, shall be filed with the Chief Administrative Officer, Designee responsible for the functions of finance, City Treasurer, and the person employed by the City Council to perform the independent audit and a further copy shall be placed, and shall remain on file, in the office of the City Clerk where it shall be available for public inspection. The budget so certified shall be reproduced and copies made available for the use of the public and of departments, offices and agencies of the City.

Section 1105. BUDGET. APPROPRIATIONS. From the effective date of the budget, the various amounts stated therein as proposed expenditures shall be and become appropriated to the various departments, offices and agencies for the respective objects and purposes therein named. All appropriations shall lapse at the end of the fiscal year to the extent that they shall not have been expended or lawfully encumbered.

At any meeting after the adoption of the budget, the City Council may amend or supplement the budget by motion adopted by the affirmative votes of at least a majority of the total members of the City Council.

Section 1106. CENTRALIZED PURCHASING. Under the control and direction of the Chief Administrative Officer, there shall be a centralized purchasing system established for all City departments and agencies, except as otherwise provided in this Charter. The Chief Administrative Officer shall recommend and the City Council shall consider and adopt by ordinance, rules and regulations governing the contracting for, purchasing, storing and distribution of all supplies, materials and equipment required by any office, department or agency of the City government.

Section 1107. TAX LIMITS. The City Council shall be authorized to levy and impose taxes, assessments and fees for municipal purposes to the full extent permitted by the State Constitution.

Section 1108. TAX PROCEDURE. The procedure for the assessment, levy, imposition and collection of taxes for municipal purposes, may be prescribed by ordinance of the City Council to the extent permitted by the State Constitution.

Section 1109. BONDED DEBT LIMIT. The City shall only incur indebtedness as authorized by the California Constitution in accordance with State law.

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

Section 1110. REVENUE BONDS. The City shall have the power to issue revenue bonds for the purpose of financing the acquisition, construction, extension, improvement or

repair of any municipal utility or other revenue producing facilities, but no such bonds shall be issued unless the same shall first be authorized by the affirmative vote of a majority of those voters voting on the question of incurring such indebtedness at any election at which such question is submitted to the voters of the City. The Council may issue and sell bonds so authorized, may fix the terms and conditions thereof, and may make, fix and establish such covenants, conditions, terms and provisions as it deems necessary or desirable to facilitate the issuance and sale of the bonds or for the protection and security of the holders thereof. Bonds issued pursuant to this Article shall not be general obligations of the City but shall be payable, principal and interest, solely from revenues or other special funds specifically pledged to that purpose.

Section 1111. CONTRACTS ON PUBLIC WORKS. Except, as hereinafter expressly provided, every contract involving an expenditure of more than \$25,000 for the construction of improvement (excluding maintenance and repair) of public buildings, works, streets, drains, sewers, utilities, and each separate purchase of materials or supplies for the same, where the expenditure required for such purchase shall exceed the sum of \$25,000, shall be let to the lowest responsible bidder.

The City Council may reject any and all bids presented and may re-advertise in its discretion. After rejecting bids, or if no bids are received, or without advertising for bids if the total amount of the contract or project is \$50,000 or less, then the City Council may declare and determine that in its opinion, the work in question may be performed better or more economically by the City with its own employees, or that the materials or supplies may be purchased at a lower price in the open market, and after the adoption of a resolution to this effect by the affirmative vote of a majority of the total members of the City Council, it may proceed to have said work done or such materials or supplies purchased in the manner stated, without further observance of the provisions of this Section.

The limitations as provided in this Section may be increased by adoption of a resolution by the affirmative vote of two-thirds of the total members of the City Council.

Projects for the extension, construction or improvement of any public utility system operated by the City or for the purchase of supplies or equipment for any such project or any such utility may be excepted from the requirements of this Section by the affirmative vote of a majority of the total members of the City Council.

Section 1112. SPECIAL PURPOSE FUNDS. OTHER FUNDS. The City Council may establish by ordinance such other special purpose funds, consistent with the provisions of this Charter, as it may consider necessary or appropriate.

Section 1113. CLAIMS AND DEMANDS. PRESENTATION AND PAYMENT. Procedures prescribed by State law governing the presentation, consideration and enforcement of claims against chartered cities or against officers, agents and employees thereof shall apply to the presentation, consideration and enforcement of claims against the City.

Section 1114. ACTIONS AGAINST CITY. No suit shall be brought for money or damages against the City or any board, commission or officer thereof on any cause of action for which this Charter or the general law requires a claim to be presented, until a claim or

demand for the same has been presented as in this Charter provided and such claim and demand has been rejected in whole or in part. If rejected in part suit may be brought to recover the whole. Failure to complete action approving or rejecting any claim or demand within the timeframe prescribed by State Law shall be deemed a rejection thereof.

Section 1115. REGISTERING WARRANTS. Warrants on the City Treasurer which are not paid for lack of funds shall be registered. All registered warrants shall be paid in the order of their registration when funds therefor are available and shall bear interest from the date of registration at such rate as shall be fixed by the City Council by resolution.

Section 1116. INDEPENDENT AUDIT. The City Council shall employ at the beginning of each fiscal year, an independent certified public accountant who shall, at such time or times as may be specified by the City Council, at least annually, and at such other times as such accountant shall determine, examine the books, records inventories and reports of all officers and employees who receive, handle or disburse public funds and of all such other officers, employees or departments. As soon as practicable after the end of the fiscal year, a financial statement shall be submitted by such accountant to the City Council, one copy thereof to be distributed to each member, one to the Chief Administrative Officer, or the designee responsible for the functions of finance, Treasurer, and City Attorney, respectively, and sufficient additional copies of the financial statement shall be placed on file in the office of the City Clerk where they shall be available for inspection by the general public.

## **ARTICLE XII - ELECTIONS**

Section 1200. GENERAL MUNICIPAL ELECTIONS. General municipal elections for the election of officers of the City and for such other purposes as the City Council may prescribe shall be held in the City on the same date and at the same time as the General Municipal Election. The first such General Municipal Election shall be held in 2007. The general municipal election shall occur on the first Tuesday after the first Monday in March of each odd-numbered year or as may be provided by ordinance of the City.

Section 1201. SPECIAL MUNICIPAL ELECTIONS. All other municipal elections that may be held by authority of this Charter, or of any law, shall be known as special municipal elections.

Section 1202. PROCEDURE FOR HOLDING ELECTIONS. Except as otherwise provided in this Charter" and except as may otherwise be provided by ordinance enacted by the Council and not inconsistent with the provisions of this Charter, all municipal elections shall be held, canvassed, conducted and otherwise governed by State law.

Section 1203. 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. Except as may otherwise be provided by ordinance enacted by the Council, and not inconsistent with the provisions of this Charter, State law shall apply.

The vacancy created by a recall election shall be filled after such recall election, with any qualified person from the district, as set forth in Section 501. The recalled municipal officer shall not be eligible to run for such vacancy.

Section 1204. VOTERS SIGNING PETITIONS. The voters signing any petition for the nomination of any person to the office of City Council or for the recall of any person from such office shall be qualified registered voters of the City.

Section 1205. STATEMENT OF CANDIDATE QUALIFICATIONS. Any candidate for an elective City office may prepare a statement of qualifications in accordance with the restrictions set forth by State law, and subject to the following additional restriction: A statement of qualifications shall be limited to a recitation of the candidate's own personal background and qualifications and shall not in any way make reference to other candidates or to other candidate's qualifications, character or activities. The City Clerk shall not cause to be printed or circulated any candidate's statement of qualifications which the City Clerk determines is not so limited or which includes any such references.

### **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 in 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 State law shall apply.

Nothing in this Section, or elsewhere in this Article, shall apply to the City, or to any department thereof, when furnishing any utility service.

Section 1301. EMINENT DOMAIN. No franchise grant shall in any way, or to any extent, impair or limit the power of the City to acquire the property of the grantee thereof either by purchase or through the exercise of the power of eminent domain, and nothing herein contained shall be construed to contract away or to modify or to abridge, either for a term or in perpetuity, the City's power of eminent domain with respect to any public utility. 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 1302. DUTIES OF GRANTEEES. By its acceptance of any franchise hereunder, the grantee shall covenant and agree to perform and be bound by each and all of the terms and conditions imposed in the grant, or by procedural ordinance and shall further agree to:

(a) Comply with all lawful ordinances, rules and regulations theretofore or thereafter adopted by the City Council in the exercise of its police power governing the construction, maintenance and operation of its plants, works or equipment.

(b) Pay to the City on demand the cost of all repairs to public property made necessary by any of the operations of the grantee under such franchise.

(c) Indemnify and hold harmless the City and its officers from any and all liabilities for damages proximately resulting from any operations under such franchise.

(d) Remove and relocate without expense to the City any facilities installed, used and maintained under the franchise if and when made necessary by any lawful change of grade, alignment or width of any public street, way, alley or place, including the construction of any subway or elevated transit facilities, or if the public health, comfort, welfare, convenience, or safety so demands.

(e) Pay to the City during the life of the franchise a percentage, to be specified in the grant, of the gross annual receipts of the grantee within the limits of the City, or such other compensation as the City Council may prescribe in the grant.

All franchises shall be awarded by resolution adopted by the City Council at a public hearing. There shall be no "evergreen" or automatic roll over franchises and unless good cause is found therefore by a four fifths (4/5) vote of the City Council, all franchises shall terminate in no more than 10 years.

(Charter Amendment 10, approved March 3, 2015 by the voters, effective March 25, 2015)

#### **ARTICLE XIV - MISCELLANEOUS**

Section 1400. 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 Bell 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 Bell.

(c) "County" is the County of Los Angeles.

(d) "Domicile" means that place where a person has a true, fixed and permanent home and principal establishment, and to which whenever absent has the intention of returning.

(e) "State" is the State of California.

(f) "State Constitution" is the Constitution of the State of California.

(g) "Voter" is a registered voter.

(h) The masculine, feminine, or neuter gender, and the singular or plural number shall be deemed to include the others whenever the context so indicates.

Section 1401. VIOLATIONS. The violation of any provision of this Charter shall be a misdemeanor and shall be punishable per State law.

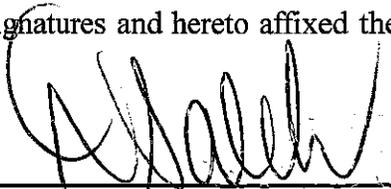
Section 1402. VALIDITY. If any provision of this Charter or the application thereof to any person or circumstance is held invalid, the remainder of the Charter, and the application of such provision to other persons or circumstances, shall not be affected thereby.

Section 1403. AMENDMENTS. Except as otherwise provided in this Charter, any amendment of this Charter shall be made pursuant to and in accordance with the applicable provisions of the State Constitution.

Any amendment of this Charter on the same subject matter shall not be voted upon twice within any 12-month period at any special or general municipal election.

We do further certify and declare that the foregoing constitutes a true and correct statement of the actions and proceedings taken by the City of Bell and the City council of said City, in the matter of framing, proposal and submission of said Charter for the government of the City of Bell, and in the calling, voting upon, and canvassing the returns and declaring the results of said election.

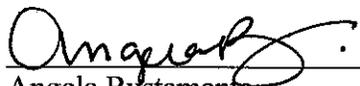
**IN WITNESS WHEREOF**, we have hereunto set our signatures and hereto affixed the seal of the City of Bell, this 4<sup>th</sup> day of November, 2015.



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Ali Saleh, Mayor  
City of Bell

Attest:  
City Clerk  
City of Bell



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Angela Bustamante