

Council Meeting of  
July 2, 2024

Honorable Mayor and Members  
of the City Council  
City Hall  
Torrance, California

Members of the Council:

**SUBJECT:** City Clerk, City Manager, and City Attorney – Adopt Resolutions Calling  
2024 Special Municipal Election on November 5, 2024 Regarding  
Amendments to the City Charter  
Expenditure: None.

**RECOMMENDATION:**

Recommendation of the City Clerk, City Manager, and City Attorney that City Council:

- 1) Adopt a **RESOLUTION** calling a Special Municipal Election on November 5, 2024 for the purpose of submitting proposed City Charter amendments to a vote of the qualified electors of the City of Torrance;
- 2) Adopt a **RESOLUTION** requesting the Los Angeles County Board of Supervisors to agree to consolidate the election on the Statewide General Election Ballot; and
- 3) Give direction to the City Clerk on whether the City Council would like to select a letter or letters for the ballot measure.

**BACKGROUND:**

On July 23, 2019, the City Council decided to have the City Council review proposed amendments to the City Charter. The City Council held public hearings on March 12, 2024, April 23, 2024, and June 4, 2024 on proposed City Charter Amendments. Tonight is the fourth public meeting and this fulfills the requirements of City Charter section 1620 and Government Code section 34458.

The City Council will decide whether to submit to the voters the proposed amendments to the City Charter that were discussed at the three prior public hearings and are being considered for the November 5, 2024, election.

**ANALYSIS:**

If the City Council wants to submit these proposed amendments to the City Charter to the voters, then it will need to adopt the attached Resolutions. The Resolutions will: (1) call the election for November 5, 2024, (2) request the County of Los Angeles to consolidate the election with the Statewide Primary Ballot, (3) direct the preparation of an impartial analysis of the City Charter amendments, (4) provide for filing of primary and rebuttal arguments, and (5)

provide for the filing of written arguments regarding a proposed City Charter amendment to be submitted at the election.

Elections Code section 9280 provides that “the city attorney shall prepare an impartial analysis of the measure showing the effect of the measure on existing law and the operation of the measure.” But, Elections Code 9280 states that “if the measure affects the organization or salaries of the office of the city attorney, the governing board may direct the city elections official to prepare the impartial analysis.” The proposed amendments to the City Charter do not affect the salaries of the City Attorney’s Office, but since one of the proposed amendments to the City Charter would change the City Attorney from a civil service position to an at-will position, then there is an argument that that affects the organization of the office. To avoid the appearance of a conflict, the City Attorney recommends that the City Council direct the City Clerk to prepare the impartial analysis.

Here is a summary of the proposed amendments to the City Charter:

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

In the current City Charter, references to individual members of the City Council, the City Clerk, the City Treasurer, and other positions use the gender pronouns he/his/him. All of these sections were updated to gender neutral language of they/their or the use of the title instead of a pronoun.

#### Articles 1, 2, and 3

Article 1 entitled Name of City, Article 2 entitled Boundaries, and Article 3 entitled Succession have been consolidated into a new Article 1 entitled Incorporation and Succession. Article 1 relates to the incorporation of the City as well as all rights, ordinances, officers, employees, contracts, franchises, actions, and the City seal.

#### Article 4

Article 4 entitled Powers of the City has been renumbered as Article 2.

#### Article 5

Article 5 entitled Elections has been renumbered as Article 3.

Section 500 entitled Procedure for Holding Elections (renumbered as Section 300) was amended to include a declaration that elections are municipal affairs under the California Constitution and therefore, the City Council retains full authority to regulate municipal elections.

There were no changes made to Section 510 entitled General Municipal Elections (renumbered as Section 301). The City’s General Municipal Elections will remain on the same day as the statewide primary election. In presidential election years, such as 2024, the City’s General Municipal Election will be held in March. In non-presidential election years, such as 2026, the City’s General Municipal Election will be held in June.

A new Section 303 entitled Procedure for Holding Elections was added to the City Charter. It provides that all elections will be held in accordance with the Elections Code as long as it does not conflict with the City Charter. Section 303 provides that the City elections will be under the control of the City Council and the City Council may, in its discretion, determine to conduct mail ballot elections, ranked choice voting (or instant runoff voting) elections, or any other voting election method.



Section 540 entitled General Municipal Election was previously repealed, but the number and title remained in the City Charter. The City Charter has been amended to delete this section.

#### Article 6

Article 6 entitled Elective Officers has been renumbered as Article 4.

Section 603 entitled Vacancies has been renumbered as Section 403. This section has been amended to add various grounds that would determine that a member of the City Council has vacated their office. The grounds include: (1) missing all City Council meetings for a period of 60 days from the last meeting attended without permission or excuse, (2) conviction of a felony, a crime involving moral turpitude, (3) resigns from office in writing, (4) sworn into another office requiring surrender of the City office, (5) removed from office by judicial procedure or other state law proceeding, (6) forfeits the office under any provisions of the City Charter, (7) no longer meets the qualifications necessary, (8) judicially determined to be incompetent, (9) permanently disabled so as unable to perform the duties of the office, or (10) dies.

Section 604 entitled Compensation has been renumbered as Section 404. The current compensation for members of the City Council is \$100 per month. The section has been amended to pay an amount equal to the minimum wage of the State of California, which is currently \$16 per hour. This would make the City Council compensation \$2,773.28 per month.

Section 621 entitled Special Powers and Duties of the City Clerk (renumbered as Section 407) has been revised to update the language about storing records. The term micrographic was replaced by the word digitizing.

Section 630 entitled City Treasurer has been renumbered Section 409. The section has been amended to require the City Treasurer to attend a minimum of one City Council meeting per month. Additionally, a provision was added that if the City Treasurer misses all regular meetings of the City Council for a period of 60 days without permission or excuse then the City Treasurer is deemed to have vacated the office.

There have been no changes made to Section 640 entitled Election As To Making Clerk Or Treasurer Appointive Offices renumbered as Section 409. The City Clerk and the City Treasurer remain elective officers.

The language of Section 650 entitled Political Activity of Those Under the System (renumbered as Section 410) has been amended to clarify and strengthen the provisions.

A new Section 411 entitled Campaign Contribution Disclosures has been added to the City Charter. This provision preserves the public's right to know the campaign contributions received by every candidate for elective office in the City. It also requires the City Clerk to post all campaign statements and reports on the City's website.

#### Article 7

Article 7 entitled City Council Powers and Duties has been renumbered as Article 5.

A new Section 506 entitled Public Participation has been added to the City Charter. It provides that the City Council and all City boards, commissions, and committees shall operate transparently and in a manner to promote public participation. It preserves the rights of all people to present grievances or suggestions for improvements to municipal affairs at a meeting of the City Council and all City boards, commissions, and committees as long as the matter is

within the subject matter jurisdiction of the body or the item is on the agenda. The section allows the body to establish time limitations and other reasonable regulations in order to preserve the orderly nature of the proceedings. The presiding officer may modify the time limits when large audiences are present and may make necessary orders to prevent disorderly conduct and disruptions from preventing the business of the body from being completed.

Section 710 entitled Organization Meeting has been deleted. The provision is not necessary as the City Council meets regularly and has to meet to certify the election results.

The language of Section 713 (renumbered as Section 504) was amended to replace the outdated term telegraphic communication with "an email, text message, or other electronic communication."

The language of Section 715 (renumbered as Section 506) was amended to remove the requirement of personal delivery to members of the City Council of any meeting adjourned due to a lack of a quorum. The amended section allows the City Clerk to provide notice of adjournment by any method.

The language of Section 721 (renumbered as Section 510) was revised to make the language consistent with Government Code section 36933 regarding the publication of an ordinance or a summary of the ordinance.

The language of Section 722 (renumbered as Section 512) was amended to delete the language "construction of buildings, plumbing, wiring" with the "California Building Standards Code (Title 24 of the California Code of Regulations) or any successor provision." Additionally, the language was amended to allow maps, charts, and diagrams to be adopted by reference.

The language of Section 724 (renumbered as Section 513) has been amended to add language confirming that the signing of ordinances and resolutions is a ministerial act and that an ordinance or resolution that is unsigned goes into effect as if it was signed. Additionally, Section 513 was amended to add provision clarifying the Mayor Pro Tem's ability to sign ordinances and resolutions if the Mayor is out of town or unable to sign due to a disability.

Section 725 entitled Ordinances; When Required has been deleted as it is not necessary. Additionally, the section is vague and can lead to misinterpretations. A survey of other city charters did not find a similar provision.

The language of Section 726 entitled Ordinances; When Effective (renumbered as Section 514) was amended to clarify which ordinances go into effect immediately.

The language of Section 728 entitled Ordinance Penalty (renumbered as Section 516) was amended to add administrative citations as one of the potential penalties for a violation of the City Charter or the Torrance Municipal Code.

#### Article 8

Article 8 entitled Board of Education has been deleted at the request of the City Council. The Board of Education of the Torrance Unified School District will be governed by the Education Code, Government Code, and the Elections Code.

#### Article 9

Article 9 entitled City Manager has been renumbered Article 6. During the three public hearings on amendments to the City Charter, this Article was handled by Peter Brown of Liebert Cassidy Whitmore due to the appearance of a conflict with the City Attorney's Office. Mr. Brown, at the direction of the City Council, made amendments to Article 9 (renumbered as Article 6) to make the City Manager an at-will position. If the voters approve the amendments to the City Charter, then the current City Manager will have the option to opt in the at-will status. If the current City Manager does not opt in, then the at-will status will apply to the next City Manager. The language of the sections pertaining to the City Manager were cleaned up and modernized.

#### Article 10

Article 10, entitled City Attorney has been renumbered Article 7. During the three public hearings on amendments to the City Charter, this Article was handled by Peter Brown of Liebert Cassidy Whitmore due to a conflict with the City Attorney's Office. Mr. Brown, at the direction of the City Council, made amendments to Article 10 (renumbered as Article 7) to make the City Attorney an at-will position. If the voters approve the amendments to the City Charter, then the current City Attorney will have the option to opt in the at-will status. If the current City Attorney does not opt in, then the at-will status will apply to the next City Attorney. The language of the sections pertaining to the City Attorney were cleaned up and modernized

#### Article 11

Article 11 entitled Director of Finance has been renumbered as Article 8.

The language of Section 1100 (renumbered as Section 800) has been amended so that the Director of Finance is appointed by the City Manager instead of the City Council.

#### Article 12

Article 12 entitled General Provisions Applicable to Officers and Employees has been renumbered as Article 9.

The language of Section 1220 (renumbered as Section 902) has been amended to clarify and strengthen the provisions relating to illegal contracts and financial interest. Section 1220 (renumbered 902) was amended to add department heads, City officials, officers, employees as well as members of boards, commissions, and committees. The amendment adds a forfeiture of office or employment as a penalty.

A new Section 904 entitled Acceptance of Employment has been added to the City Charter. It clarifies incompatibility of offices.

A new Section 905 entitled Nepotism has been added to the City Charter. It prohibits the City Council, a department head, or other officer having appointment power from appointing a relative to a salaried position.

A new Section 906 entitled Ethics Training has been added to the City Charter. It requires the City Council, the City Clerk, and the City Treasurer to complete ethics training every two years.

#### Article 13

Article 13 entitled Civil Service has been renumbered as Article 10.

The language of Section 1310 (renumbered as 1001) has been amended to limit Appointive Offices to the City Manager and the City Attorney as they are the only positions that are still appointed by the City Manager.

Section 1330 entitled Residence; Officers has been deleted since it is unconstitutional. Section 10(b) of Article 10 prohibits a city, including a charter city, from requiring that their employees be a resident of the city. Section 10(b) does allow a city to require that an employee reside within a reasonable and specific distance of their place of employment.

#### Article 14

Article 14 entitled Fiscal Affairs has been renumbered as Article 11.

Section 1411 (renumbered as Section 1102) was amended to clarify that the budget must be adopted by June 30. Additionally, Section 1411 (renumbered as Section 1102) was amended to provide greater transparency to require a copy of the budget to be on file in the City Clerk's Office and a copy on the City's website.

Sections 1431 entitled Fund for Capital Outlays, Section 1432 entitled Clerk's Petty Cash Fund, and 1440 Presentation of Demands were previously repealed, but the number and title remained in the City Charter. The City Charter has been amended to delete these sections.

Section 1441 entitled Demands and Audits has been renumbered as Section 1105 and the title changed to Demands. Section 1441 (renumbered as 1105) was amended to clarify all claims for damages will be governed by the Government Claims Act (Government Code section 810 *et seq.*). Section 1441 was amended to require claims to be made in writing and the City Council may delegate its authority regarding claims to the City Manager, Finance Director, Risk Manager, City Attorney, or other appropriate officer or department head. Finally, Section 1441 (renumbered as Section 1105) was amended to delete the provisions relating to audits, which has been moved to a new Section 1106 and entitled Independent Audit.

Section 1106 entitled Independent Audit has been added to the City Charter. Section 1106 strengthens the provisions of the independent audit and increases transparency by requiring the final audit and report be made available in the City Clerk's Office as well as on the City's website.

#### Article 12

A new Article 12 entitled Appointive Boards, Committees, and Commissions is added to the City Charter. Article 12 codifies the City's existing practice regarding boards, committees, and commissions. It provides that existing boards, committees, and commissions continue. It provides for vacancies and the grounds for vacancies that mirror the vacancy provision of the City Council.

#### Article 15

Article 15 entitled Airport Fund has been deleted. There are no other funds in the City Charter. The only other funds (noted above as Sections 1431 and 1432) that were listed in the City Charter in the past were previously repealed. The Finance Department can handle the Airport Fund internally as they do with all other funds.

#### Article 16

Article 16 entitled Miscellaneous has been deleted. Section 1600 entitled Definitions has been amended and renumbered as Section 110. Section 1610 entitled Invalidity has been amended and renumbered as Section 107 and is now entitled Severability. Section 1620 entitled Amendments has been amended and renumbered as Section 111.

Section 1630 Operating a Draw Poker Establishment Where Fee is Charged has been deleted. This provision is not needed as it is already prohibited in the Torrance Municipal Code and the Penal Code.

Section 1640 entitled Exposure of Female Breasts prohibited has been deleted. This provision is not needed as it is already prohibited in the Torrance Municipal Code and the Penal Code.

Section 1650 entitled City Judge and Section 1660 entitled City Court were previously repealed, but the number and title remained in the City Charter. The City Charter has been amended to delete these sections.

### Good Government Reforms

Section 507 entitled Public Participation has been added regarding citizen participation at City Council, board, commission, and committee meetings.

Section 603 entitled Vacancies (renumbered as Section 403) has been revised to cover more grounds for vacancies and for removal for conviction of a felony, a crime involving moral turpitude, or a crime involving a violation of the elected official's official duties.

Section 904 entitled Acceptance of Other Office has been added to clarify compliance with Government Code section 1099, which deals with incompatible offices. Section 904 further clarifies that any officer or employee that accepts or retains public office in the City shall be deemed to have resigned from their office or employment with the City.

Section 905 entitled Anti-Nepotism has been added to prohibit the City Council or a department head or other officer from appointing a person who is a relative by blood or marriage.

Section 906 entitled Ethics Training has been added to require ethics training every two years for the City Council and members of boards, commissions, and committees.

Section 1220 entitled Illegal Contracts, Financial Interests (renumbered as Section 902) has been amended to clarify some terms and to strengthen the provisions.

Section 1411 entitled Council Action On Budget (renumbered as Section 1102) has been amended to clarify that the budget must be adopted by June 30. Additionally, it was amended to require that a copy of the budget be placed on file with the City Clerk and also posted on the City's website.

Section 1441 entitled Demands and Audits (renumbered as Section 1105) was revised to delete subsection (b) dealing with audits.

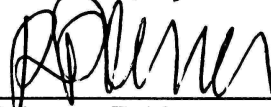
Section 1106 entitled Independent Audits was added to clarify and strengthen the existing audit provision. The revised section also provides more transparency to the public by requiring a copy of the audit to be placed on file with the City Clerk and also posted on the City's website.

### Selection of Letter for Measure on the Ballot

The City Council may give direction to the City Clerk to request from the County a certain letter or letters for the ballot measure. If the City Council chooses to do this, then they should give the City Clerk 3 options listed in order of preference. If the City Council does not do this, then the County will assign a letter to the ballot measure.

The City Council may revise the ballot question or text of the amendments to the City Charter prior to adopting the resolutions if it so chooses.

Respectfully submitted,



Rebecca Poirier  
City Clerk



Aram Chaparyan  
City Manager



Patrick Q. Sullivan  
City Attorney

Attachments:

- A. Resolution Calling November 5, 2024 Election – City Charter Amendment –  
MATERIALS AVAILABLE
- B. Resolution Requesting Consolidation of Special Municipal Election with the General  
Election on November 5, 2024
- C. City Charter
- D. Redline of Proposed Changes to City Charter

**ATTACHMENT A**

**MATERIALS AVAILABLE**





**RESOLUTION NO. 2024-XX****A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE, CALIFORNIA, REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF LOS ANGELES TO CONSOLIDATE A SPECIAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 5, 2024, WITH THE GENERAL ELECTION TO BE HELD ON THE DATE PURSUANT TO § 10403 OF THE ELECTIONS CODE**

**WHEREAS**, the City Council of the City of Torrance called a Special Municipal Election to be held on November 5, 2024, for the purpose of placing a Charter Measure on the ballot; and

**WHEREAS**, it is desirable that the Special Municipal Election be consolidated with the General Election to be held on the same date and that within the city the precincts, vote centers and election officers of the two elections be the same, and that the county election department of the County of Los Angeles canvass the returns of the Special Municipal Election and that the election be held in all respects as if there were only one election;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF TORRANCE, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:**

**SECTION 1**

That pursuant to the requirements of § 10403 of the Elections Code, the Board of Supervisors of the County of Los Angeles is hereby requested to consent and agree to the consolidation of a Special Municipal Election with the General Election on November 5, 2024, for the purpose of the placing a Charter measure on the ballot.

**SECTION 2**

That the City of Torrance acknowledges that the consolidated election will be held and conducted in the manner prescribed in California Elections Code § 10418 and Government Code 10403(a)(3).

**SECTION 3**

That the county election department is authorized to canvass the returns of the Special Municipal Election. The election shall be held in all respects as if there were only one election, and only one form of ballot shall be used. The election will be held and conducted in accordance with the provisions of law regulating the statewide election.

**SECTION 4**

That the Board of Supervisors is requested to issue instructions to the county election department to take any and all steps necessary for the holding of the consolidated election.

**SECTION 5**

That the City of Torrance recognizes that additional costs will be incurred by the County by reason of this consolidation and agrees to reimburse the County for any costs.

**SECTION 6**

That the City Clerk is hereby directed to file a certified copy of this resolution with the Board of Supervisors and the county election department of the County of Los Angeles.

**SECTION 7**

That the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

**INTRODUCED, APPROVED, and ADOPTED** this 2<sup>nd</sup> day of July, 2024.

\_\_\_\_\_  
Mayor George Chen

APPROVED AS TO FORM:  
PATRICK Q. SULLIVAN, City Attorney

ATTEST:

by \_\_\_\_\_  
Tatia Y. Strader, Assistant City Attorney

\_\_\_\_\_  
Rebecca Poirier, City Clerk

**TORRANCE CITY COUNCIL RESOLUTION NO. 2023-93**

STATE OF CALIFORNIA                     )  
COUNTY OF LOS ANGELES            )  
CITY OF TORRANCE                     )       ss

I, Rebecca Poirier, City Clerk of the City of Torrance, California, do hereby certify that the foregoing resolution was duly introduced, approved, and adopted by the City Council of the City of Torrance at an adjourned regular meeting of said Council held on the 17th day of October, 2023 by the following roll call vote:

AYES:       COUNCILMEMBERS  
NOES:       COUNCILMEMBERS  
ABSTAIN:   COUNCILMEMBERS  
ABSENT:    COUNCILMEMBERS

Date: \_\_\_\_\_

\_\_\_\_\_  
Rebecca Poirier, MMC  
City Clerk of the City of Torrance

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#### ARTICLE 1 - NAME OF CITY

##### **100 NAME.**

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

#### ARTICLE 2 - BOUNDARIES

##### **200 BOUNDARIES.**

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

## **ARTICLE 3 - SUCCESSION**

### **300 RIGHTS AND LIABILITIES.**

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

### **310 ORDINANCES CONTINUE IN FORCE.**

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

### **320 PRESERVATION OF PERSONNEL RIGHTS.**

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

## **ARTICLE 4 - POWERS OF CITY**

### **400 GENERALLY.**

The City shall have the power to make and enforce all laws and regulations in respect to municipal affairs, subject only to such restrictions and limitations as may be provided in this Charter, and in the Constitution of the State of California. It shall also have the power to exercise any and all rights, powers and privileges heretofore or hereafter established, granted or prescribed by any law of the State, by this Charter or by other lawful authority. The specifications in this Charter of any particular powers shall not be held to be exclusive of, or any limitations upon, this general grant of power. The City shall have the power to act pursuant to procedure established by any law of the State, unless a different procedure is established by ordinance.

### **410 LIMITATIONS UPON GENERAL POWERS OF THE CITY COUNCIL.**

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

### **411 TAX LIMIT.**

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

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

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

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

#### **412 BONDED DEBT LIMITATION.**

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

#### **413 ADVERTISING, PROMOTION AND MUSIC.**

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

#### **414 LIMITATION ON INDEBTEDNESS.**

The City Council shall not incur any indebtedness or liability in any manner or for any purpose exceeding in any year the income and revenue provided for such year without the assent of two-thirds of the qualified electors of said City voting at an election to be held for the purpose, nor unless before or at the time of incurring such indebtedness provision shall be made for the collection of an annual tax sufficient to pay the interest of such indebtedness as it falls due, and also provision to constitute a sinking fund for the payment of the principal thereof on or before



maturity, which shall not exceed forty (40) years from the time of contracting the same; provided, however, anything to the contrary herein notwithstanding, when two (2) or more propositions for incurring any indebtedness or liability are submitted at the same election, the votes cast for and against each proposition shall be counted separately, and when two-thirds of the qualified electors, voting on any one (1) of such propositions, vote in favor thereof such proposition shall be deemed adopted.

## **ARTICLE 5 - ELECTIONS**

### **500 PROCEDURE FOR HOLDING ELECTIONS.**

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

### **510 GENERAL MUNICIPAL ELECTIONS.**

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

### **520 SPECIAL MUNICIPAL ELECTIONS**

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

### **530 INITIATIVE, REFERENDUM AND RECALL.**

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

### **540 1958 GENERAL MUNICIPAL ELECTION. Repealed.**

## **ARTICLE 6 - ELECTIVE OFFICERS**

### **600 ELECTIVE OFFICERS.**

The elective officers of the City shall be the Mayor, six members of the City Council, five members of the Board of Education, the City Clerk and the City Treasurer. No person shall be a candidate for more than one of said offices at any municipal election.

#### **601 ELIGIBILITY FOR ELECTIVE OFFICE.**

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

#### **602 TERMS.**

- a) The six members of the City Council shall be elected by-district, and the remaining elective officers of the City shall be elected from the City at large and, except members of the Board of Education, shall hold office for a term of 4 years from and after the Tuesday next succeeding the date of such election and until their successors are elected and qualified..
- b) No person shall be elected as Mayor for more than two (2) consecutive full terms; provided, however, that such person may be successively elected to additional terms as Mayor in full compliance with this subsection where the first of such two (2) full terms succeeds the term of another person.
- c) Any person elected as a member of the City Council for two (2) consecutive full terms shall not be eligible to hold office as a member of the City Council until a period of four (4) years has elapsed from the expiration of the second consecutive term. Appointment or election to an unexpired term shall not count in determining a person's eligibility under this section. Terms completed prior to this provision taking effect, shall not be counted in determining a person's eligibility under this section. Terms which are in progress at the time this provisions goes into effect, shall count as the first term of the two (2) term limit.

#### **603 VACANCIES.**

- a) Any vacancies occurring in any of the elective offices provided for in this Charter, other than of members of the Board of Education, shall be filled by appointment by the City Council. Vacancies in the Board of Education shall be filled by appointment by the Board of Education.
- b) In the event of the City Council or the Board of Education, respectively, failing to fill a vacancy by appointment within 60 days after such vacancy occurs, the City Council or the Board of Education, as the case may be, must immediately, after the expiration of said 60 days, cause an election to be held to fill such vacancy.
- c) Any person appointed or elected to fill any vacancy on the City Council shall hold office only until the next regular municipal election at which time a person shall be elected to serve for the remainder of such unexpired term. Any person appointed or elected to fill a vacancy on the Board of Education shall hold office for the remainder of the unexpired term.
- d) In the election of member of the City Council or members of the Board of Education, where full terms and 1 or more unexpired terms are to be filled, no distinction shall be made in nomination or voting between the full terms and the unexpired terms but the person or persons elected by the highest number of votes shall be elected for the full terms or term and the persons receiving the next highest vote shall be elected for the unexpired terms or term, as the case may be.

#### **604 COMPENSATION.**

The members of the Board of Education shall receive no compensation for their services as such. The members of the City Council shall receive compensation in the amount of One Hundred Dollars (\$100.00) per month, payable on the same dates as City employees, and in addition thereto shall receive their actual and necessary expenses while engaged on City business at the direction of the City Council. Any member of the City Council making demand for reimbursement for traveling or other expenses shall provide the Director of Finance with vouchers covering such expenses, together with a sworn statement to the effect that such expenses were actually incurred in good faith by said party while on official City business. The compensation of any member of the City Council appointed or elected to fill a vacancy shall be the same as that payable to such member whose office was vacated.

#### **610 THE MAYOR.**

The Mayor shall preside at the meetings of the City Council, and in case of his absence or inability to act, the City Council shall appoint a Mayor Pro Tempore, who shall serve only until such time as the Mayor returns and is able to act, and for such period shall have all the powers

and duties of the Mayor. The Mayor shall be a member of the City Council for all purposes and shall have all the rights, powers and duties of a member of the City Council in addition to those powers and duties conferred upon him by virtue of his office as Mayor. Unless otherwise expressly provided to the contrary, any provision in this Charter which relates to the City Council or to members of the City Council shall be interpreted to include the Mayor as a member of the City Council. The Mayor shall sign all warrants drawn on the City Treasury, and shall sign all written contracts required by ordinance to be approved by the City Council and all conveyances made up or entered into by said City. The Mayor shall have the power to administer oaths and affirmations, to take affidavits and to testify the same under his hand. The Mayor is authorized to acknowledge the execution of all instruments executed by said City that are required to be acknowledged.

#### **620 CITY CLERK.**

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

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

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

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

The City Clerk and his deputy, or deputies, shall have power to administer oaths or affirmations, to take affidavits and depositions pertaining to the affairs and business of the City, which may be used in any court or proceedings in the State, and to certify the same.

The salary of the City Clerk shall be determined by the City Council.

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

**621 SPECIAL POWERS AND DUTIES OF THE CLERK.**

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

- i) The City Clerk may delegate and/or redelegate the performance of any of the foregoing duties among employees of the Clerk's office.
- j) The City Clerk, or Deputy City Clerk may attest the signatures of City officials on written contracts or conveyances.

### **630 CITY TREASURER.**

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

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

### **640 ELECTION AS TO MAKING CLERK OR TREASURER APPOINTIVE OFFICES.**

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

### **650 POLITICAL ACTIVITY OF THOSE UNDER SYSTEM.**

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

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

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

## **ARTICLE 7 - CITY COUNCIL POWERS AND DUTIES**

### **700 LEGISLATIVE POWERS.**

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

### **710 ORGANIZATION MEETING.**

The City Council shall meet on the Tuesday next succeeding the date of the holding of any general municipal election.

### **711 REGULAR MEETINGS.**

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

### **712 ADJOURNMENT.**

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

### **713 SPECIAL MEETINGS.**

Special meetings may be called at any time by the Mayor, or by a majority of the members of the City Council, upon compliance with the notice requirements for special meetings prescribed by state law; provided, however, that any special meeting of the City Council shall be a validly called special meeting, without the giving of such written notice, as provided, if all members of

the City Council shall give their consent, in writing, to the holding of such meeting, and such consent is on file in the office of the City Clerk at the time of holding such meeting. A telegraphic communication from a Councilman consenting to the holding of the meeting shall be deemed to be a consent in writing, within the meaning of the terms as expressed in the foregoing sentences. At any special meeting the powers of the City Council to transact business shall be limited to matters referred to in such written notice or written consent.

#### **714 PLACE OF MEETINGS.**

All regular or special meetings of the City Council shall be held within the corporate limits of the City, at such place as may be designated by ordinance or resolution, and shall be open to the public. If, by reason of fire, flood or other disaster or emergency, it shall be unsafe to hold a Council meeting at the designated place, the City Council may meet during such emergency at such place as is designated by the Mayor or by three members of the City Council. The City Council shall have the right and privilege to hold and conduct its meeting in accordance with an agenda and may specify the matters which shall be considered at each meeting and shall have the right to establish a time at which all communications shall be on file in the Office of the City Clerk in order that such communications may be considered at the next regular meeting of the City Council.

#### **715 QUORUM.**

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

#### **716 COUNCIL PROCEEDINGS.**

The City Council shall judge of the qualifications of its members and of all election returns, and determine contested elections of all City officers. It may establish rules for the conduct of its proceedings and punish any member or other person for disorderly behavior at any meeting. It shall have the power and authority to examine witnesses under oath and compel the attendance of witnesses and the production of evidence before it by subpoena. Such subpoenas shall be



issued in the name of the City and be attested by the City Clerk. Such subpoenas shall be served by the Chief of Police and the disobedience of such subpoenas, or the refusal to testify, shall constitute a misdemeanor for which prosecution may be had in any court of competent jurisdiction. It shall cause the City Clerk to keep a correct record of all its proceedings and at the desire of any member, the City Clerk shall call the roll, and shall cause the ayes and noes taken on any question to be entered in the record journal.

#### **720 ORDINANCES; ENACTMENT CLAUSE.**

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

#### **721 ORDINANCES: PUBLICATION.**

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

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

In the event the summary is published, the names of the Council Members voting for and against shall be shown.

#### **722 CODIFICATION OF ORDINANCES.**

Any and all ordinances of the City which have been enacted and published in the manner required at the time of their adoption, and which have not been repealed, may be compiled, consolidated, revised, indexed, including such re-statements and substantive changes as may be necessary in the interest of clarity and arranged as a comprehensive ordinance code, and such code may be adopted by reference by the passage of an ordinance for such purpose which ordinance shall be required to be adopted and approved in the manner provided in this Charter for the passage of ordinances of the City. The ordinance code itself need not be

published in the manner required for other ordinances, but not less than three (3) copies of such code shall be filed, for use and examination by the public, in the office of the City Clerk, prior to the adoption thereof. After the code has been adopted, all ordinances thereafter adopted shall be amendatory and revisory of the code, and no section of the code shall be revised or amended by reference but the section revised or amended shall be readopted and published at length as revised or amended.

### **723 ADOPTION OF CODE BY REFERENCE.**

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

### **724 ADOPTION OF ORDINANCES AND RESOLUTIONS.**

No ordinance of any kind shall be passed by the City Council on the day of its introduction, nor within five (5) days thereafter, nor at any time other than a regular or adjourned regular meeting. At the time that an ordinance or resolution is up for final passage, it shall be read in full, unless after the reading of the title thereof, the further reading thereof is waived by motion of the City Council regularly made and approved by the unanimous vote of those present. In the event that any ordinance is materially altered after its introduction, the same shall not be finally adopted except at a regular or adjourned regular meeting held not less than five (5) days after the date upon which such ordinance was so altered. The correction of typographical or clerical errors shall not constitute the making of an alteration within the meaning of the foregoing sentence.

No resolution or any order for the payment of money shall have any validity or effect unless passed by the votes of at least four (4) members of the City Council, and no ordinance shall have any validity or effect unless passed by the votes of at least four (4) members of the City Council.

### **725 ORDINANCES; WHEN REQUIRED.**

Every act of the City Council establishing a fine or other penalty, or granting a franchise, creating a commission, board or agency, or in any way restricting or governing the use of property, and in addition thereto, every act required by the City Charter to be done by ordinance shall be by ordinance.

### **726 ORDINANCES; WHEN EFFECTIVE.**

No ordinance shall become effective until thirty (30) days from and after the date of its final passage, except an ordinance calling or otherwise relating to an election, or to a street improvement proceeding taken under some law, or ordinance determining the amount of money necessary to be raised by taxation, or fixing the rate of taxes to be levied, or an ordinance for the immediate preservation of the public peace, health, or safety, which contains a declaration of facts constituting its urgency, and is passed by a five-sevenths vote of the City Council. An ordinance for the immediate preservation of the public peace, health or safety which contains a declaration of the facts constituting its urgency and is passed as aforesaid, may be introduced and passed at one and the same meeting and the requirement that no less than five (5) days shall intervene between the introduction and final passage shall not apply to such an ordinance.

### **727 ORDINANCE VIOLATION: MISDEMEANOR OR INFRACTION.**

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

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

C. For each ordinance adopted before the effective date of this amended section, the City Council may determine, by the adoption of an ordinance or ordinances that the violation of any such previously adopted ordinances shall be an infraction, or alternatively a misdemeanor or an infraction pursuant to Section 17(d) of the California Penal Code.

### **728 ORDINANCE PENALTY.**

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

## **ARTICLE 8 - BOARD OF EDUCATION**

### **800 BOARD OF EDUCATION.**

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

b) Notwithstanding any other provisions of this Charter, the members of the Board of Education shall be elected at elections called, held and conducted in accordance with the Education Code of the State of California, and shall hold office for a term of four years as prescribed by law for members of governing boards of unified school districts.

### **810 ELIGIBILITY.**

No person shall be eligible to hold office as a member of the Board of Education unless he shall have been a qualified elector of the school district for at least thirty (30) days next preceding the date of his filing of nomination papers.

### **811 VACANCIES.**

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

## **ARTICLE 9 - CITY MANAGER**

### **900 CITY MANAGER FORM OF GOVERNMENT.**

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

### **910 APPOINTMENT, REMOVAL AND SALARY OF CITY MANAGER.**

Within sixty days after this amendment shall have become effective, the City Council shall appoint without reference to the provisions of any civil service ordinance rule or regulation, a City Manager, who need not be a resident at the time of his appointment. Said City Manager, however, shall become a resident of Torrance within six months from the date of his appointment. The City Manager must be a citizen of the United States, not less than thirty years of age, and shall be a person of demonstrated administrative ability, with experience in

responsible executive positions and he shall be chosen by the City Council solely upon the basis of his executive and administrative qualifications.

The City Manager shall be appointed for an indefinite term and shall be removable at the pleasure of the City Council but only upon the adoption of a resolution by the affirmative vote of at least a majority of the members of the City Council. The City Manager, however, shall not be removed until after the expiration of six (6) months after the date of his appointment except (1) for conviction of a felony or (2) for conviction of a crime prescribed by statute applicable to municipal officials or (3) upon the passage of a resolution adopted by the unanimous vote of all City Councilmen. After the expiration of said six (6) months period, said City Manager may be removed by the City Council for either of the two reasons set forth in exceptions 1) and 2) above, and/or in the manner set forth in said exception 3) last mentioned and/or in the manner following:

At a regular meeting of the City Council, it shall adopt a Resolution of Intention to remove said City Manager, which resolution shall be approved by a majority of the members of the City Council and shall set forth the grounds for such proposed removal. A certified copy of said Resolution of Intention shall then be served personally upon said City manager who shall have the right to defend himself against said charges before said City Council at a public hearing and at a time to be fixed by it, which shall be not less than two weeks after the service of said Resolution of Intention upon said City Manager and not more than thirty (30) days thereafter.

The City Council may thereupon, or within five (5) days thereafter, enact a resolution by an affirmative vote of a majority of the members of said City Council, either discharging said City Manager or retaining him in office, as it may by such resolution determine.

Pending such hearing and by said Resolution of Intention, the City Manager may be suspended from office, but shall be entitled to his salary during the time of such suspension, if reinstated.

The salary of the City Manager shall be not less than Five Hundred Dollars (\$500.00) per month, payable in equal semi-monthly installments. Subject to the foregoing limitations, the salary of the City Manager shall be fixed by resolution of the City Council adopted by a majority vote and salary thus fixed cannot be reduced without notice to the City Manager and an opportunity to be heard thereon at a public meeting of the City Council prior to adoption of the resolution reducing his salary.

In case of absence, suspension, or disability of the City Manager, the City Council may designate some qualified person to perform the duties of the office during his absence,

suspension or disability. In case of a vacancy in the office of City Manager, the City Council shall proceed immediately to appoint a new City Manager.

The City Manager shall be entitled to vacation periods and sick leave, with pay, but in no event shall the basis of such pay be less than the basis prescribed for such compensation by the civil service ordinance of the City of Torrance for heads of municipal departments. Subject to the foregoing limitations, the City Council shall determine the extent of such periods and the compensation to be paid the City Manager during the same. Vacation periods and sick leave shall not respectively accumulate in excess of thirty (30) days.

#### **920 CITY MANAGER RESPONSIBLE TO CITY COUNCIL.**

The City Manager shall be responsible to the City Council for the proper and efficient management of all the affairs of the City placed in his charge hereby or by the City Council.

#### **921 NONINTERFERENCE BY CITY COUNCIL WITH POWERS AND DUTIES OF CITY MANAGER.**

Neither the City Council nor any member thereof, shall in any manner, direct or request the City Manager to appoint or remove any person to and/or from any office or position of employment of the City. Neither the City Council nor any member thereof shall give orders or instructions publicly or privately, to any person under the jurisdiction of the City Manager. No member of the City Council shall undertake to coerce the City Manager in respect to any of his duties and/or any municipal contract, and/or in connection with the purchase of any municipal supplies.

#### **930 THE POWER OF CITY MANAGER OVER EXECUTIVE DEPARTMENTS.**

The City Manager shall have supervision and control over all heads of departments, except the City Attorney, and elective officials of the City, and shall have the power to direct and control the administrative and executive functions of such departments and shall have power to appoint from the civil service eligible list, all heads of departments except the City Attorney, and elective officials of said City, and shall have power to prefer charges against such heads of such departments as are appointed by him in the manner prescribed by and in accordance with the provisions of any civil service ordinance of said City applicable to suspension, discipline or removal of such heads of such departments, but any decision of the Civil Service Board or the Trial Board, as the case may be, upon any such charges may be overruled by an affirmative vote of four members of the City Council.

The City Manager may recommend to the City Council, setting forth reasons therefor, the abolition, suspension or consolidation of the duties and functions of any of the heads of

departments, chief officials, subordinate officers and employees of the City. The City Council may thereafter, at any time, abolish, suspend or consolidate any such duties or functions in accordance with such recommendations or as it may determine, and thereafter remove the person or persons affected from the employment of the City, whose duties are thus abolished, suspended or consolidated.

### **931 SPECIAL POWERS AND DUTIES OF CITY MANAGER.**

The City Manager shall be specifically charged with the performance of the following duties and shall have the following powers, in addition to those enumerated above:

- a) He shall enforce all municipal ordinances, franchises, leases, contracts, permits and privileges granted by the City.
- b) He shall purchase all supplies, property or equipment needed or required by the City in accordance with such regulations as the City Council shall prescribe by ordinance.
- c) He shall prepare and submit to the City Council an annual budget estimate at least two (2) months prior to the date when the annual tax rate must be established, and in this connection, the City Manager shall have plenary power to demand of the various executive departments and elective officials of the City a full and complete statement of the estimated expenditures of such departments and elective officials for the ensuing fiscal year, and the reasons for such expenditures. The City Manager may include or exclude such items from said budget estimate as he may deem advisable. Should any such head of such department or elective official fail to submit such a statement within thirty days after demand, the City Manager shall thereupon have the right to take possession of all books and fiscal records of such department or elective official and retain the same thereafter until such time as the City Council shall order them returned to such department head or elective official and the City Council may likewise engage the service of such subordinate employees as may be necessary to maintain such books and records.

The City Council shall hold at least two (2) public hearings upon said annual budget estimate and may increase the total estimated expenditures set forth therein only upon an affirmative vote of four (4) members of the City Council.

- d) He shall make such recommendations to the City Council or the County Board of Equalization regarding taxes, assessments and/or the annual assessment roll as he may deem advisable.

- e) He shall have general supervision and control over all City property, including public buildings, parks and playgrounds.
- f) He shall advise the City Council concerning the financial needs, conditions, and requirements of the City, and may make such recommendations to the City Council in connection therewith as he may deem advisable.
- g) He shall attend all meetings of the City Council or of the members thereof when public matters are under consideration or discussion, except when his suspension, removal or reduction of his salary is under consideration by the City Council.
- h) He may examine, without notice, the official conduct or the official accounts or records, of any officer or employee of the City.
- i) The City Manager shall devote his entire time to the interests of the City and shall not engage in any private business.
- j) He shall perform such other duties and powers as may be conferred upon him by the City Council by resolution or ordinance.
- k) The City Manager may delegate and/or redelegate any of the foregoing duties to any municipal department or to the head or chief official of any such department.

#### **940 ORDINANCE AND CHARTER PROVISIONS REPEALED.**

All ordinances or parts of ordinances of the City of Torrance and all sections, subsections or parts of sections of this Charter, in conflict herewith, are hereby amended or repealed as the case may be.

**941 INVALIDITY. Repealed, Gen. Mun. Elec. 3/7/78.**

### **ARTICLE 10 - CITY ATTORNEY**

#### **1000 Eligibility.**

No person shall be eligible for the office of City Attorney unless he shall have been admitted to practice before the Supreme Court of the State of California and shall have been engaged in the practice of law in the State of California for at least five (5) years prior to his appointment.

#### **1010 POWERS AND DUTIES.**

The City Attorney shall have the power and be required to:



- a) Represent and advise the City Council and all City officials in all matters of law pertaining to their respective offices and/or duties.
- b) Represent and appear for the City and any City officer, employee or former City officer or employee, in any and all actions or proceedings in which the City or any such officer or employee, in or by reason of his official capacity, is concerned or is a party. The City Council, at the request of the City Attorney, may employ other attorneys to assist in any litigation or other matter of interest to the City.
- c) Approve the form of all bonds given to and all contracts made by the City, and amendments thereto.
- d) Prepare any and all ordinances or resolutions for the City and amendments thereto.
- e) To have charge of prosecuting on the behalf of the people all criminal cases for violations of this Charter, of City ordinances or of misdemeanor offenses arising upon violation of the laws of the State.
- f) The City Council, on the recommendation of the City Attorney, may appoint such assistant City Attorneys or Deputy City Attorneys as may be required to carry out the functions of the office of the City Attorney and they shall have such duties as may from time to time be assigned to them by the City Attorney. Any such assistants or deputies so appointed shall be members of the classified service of the City and shall be paid a salary commensurate with the duties assigned to them.
- g) On vacating the office, surrender to his successor all books, papers, files and documents pertaining to the City's affairs.

## **ARTICLE 11 - DIRECTOR OF FINANCE**

### **1100 POWERS AND DUTIES.**

There is hereby created and established the office of Director of Finance of the City of Torrance. The Director of Finance shall be appointed by the City Council upon the recommendation of the City Manager and shall be responsible to and under the supervision of the City Manager and shall be a member of the classified service of the City. The duties and functions of said Director of Finance shall be to:

- a) Maintain and operate the general accounting system of the City and of the respective departments, offices and agencies thereof.



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## **ARTICLE 1 - NAME OF CITY INCORPORATION AND SUCCESSION**

### **100 NAME AND BOUNDARIES.**

The municipal corporation now existing and known as the City of Torrance, in Los Angeles County, California, shall remain and continue to exist a body politic and corporate, as the present, in fact and in law by the name of City of Torrance and by such name shall have perpetual succession. The City of Torrance, hereinafter termed the City, shall continue to be a municipal corporation under its present name of "City of Torrance." The boundaries of the City shall be the boundaries established at the time this Charter takes effect, and as such boundaries may be changed thereafter in the manner authorized by law.

### **101 SUCCESSION, RIGHTS, AND LIABILITIES**

The City shall continue to own, hold, possess, use, lease, control, and in every way succeed to and become the owner of all rights and property of every kind and nature owned, possessed, controlled, or claimed by it at the time this Charter takes effect and shall be subject to all its debts, obligations, liabilities, duties, and contracts of the existing municipal corporation.

### **102 ORDINANCES, CODES, AND OTHER REGULATIONS.**

All lawful ordinances, codes, resolutions, rules, 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 be duly repealed, amended, changed, or superseded by proper authority.

### **103 CONTINUANCE OF PRESENT OFFICERS AND EMPLOYEES**

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 appointment or election or qualification of their successors, but subject to removal, amendment, change, or control as provided by this Charter. Nothing contained in this Charter, unless specifically otherwise provided herein, shall affect or impair the personnel, pension, or retirement rights or privileges of officers or employees of the City, or of any officer, department, or agency thereof, existing at the time this Charter takes effect.

#### **104 CONTINUANCE OF CONTRACTS, FRANCHISES, AND PUBLIC IMPROVEMENTS**

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

#### **105 PENDING ACTIONS AND PROCEEDINGS**

No action or proceeding, whether civil, criminal, or administrative, filed and 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 contained in the Charter, 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.

#### **106 SEAL**

The official seal of the City at the time this Charter takes effect shall continue to be the official seal of the City for its acts and business unless and until changed by ordinance of the City Council.

#### **107 SEVERABILITY**



If any article, section, paragraph, sentence, clause, or portion of this Charter is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such article, section, paragraph, sentence, clause, or portion shall be deemed a separate, distinct, and independent provision and severable and such holding shall not affect the validity of the remaining articles, sections, paragraphs, sentences, clauses, or portions of this Charter.

### **108 CITATION TO STATE LAW**

Any citation to any specific provision of State law in this Charter, shall be construed to apply to any successive provisions, amendments, or revisions to such sections so long as the successive provisions, amendments, or revisions are largely consistent with such authorities as of the effective date hereof.

### **109 INTERPRETATION**

The provisions of this Charter shall be construed in accordance with the generally accepted meaning of the language used, and in the event of any asserted ambiguity in, or dispute regarding, the interpretation of any matter herein, the ambiguity or dispute shall be resolved by a construction which best carry out the overall intent of this Chapter as expressed in the terms hereof. "Shall" is mandatory and "may" is permissive.

### **110 DEFINITIONS**

Whenever in this Charter the word City occurs, it means the City of Torrance, and every department, board or officer, whenever either is mentioned, means a department, board or officer, as the case may be, of the City of Torrance.

City means the City of Torrance.

Charter means the City Charter of the City of Torrance.

County means the County of Los Angeles.

Elected Official means any person who holds elective office in the City of Torrance.

Elections Code means the California Elections Code.

Municipal Code means the Torrance Municipal Code.

Officer means a person who holds the position of City Manager, Assistant City Manager, Deputy City Manager, City Clerk, City Treasurer, or Department Head.

State means the State of California.

### **111 AMENDMENTS**

This Charter may be amended in accordance with the laws of the State of California.

### **112 City Clerk Authority to Make Minor Corrections**

The City Clerk shall be authorized to make minor amendments to the Charter to correct typographical errors or to make other similar non-substantive corrections, subject to ratification by the City Council and approval as to form by the City Attorney.

### **113 EFFECTIVE DATE OF THIS CHARTER**

This Charter, and any amendment hereto, will take effect upon its ratification by the voters of the City and filing with the Secretary of State pursuant to Section 3 of Article XI of the California Constitution.

## **ARTICLE 2 – BOUNDARIES**

### **~~200 BOUNDARIES.~~**

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

## **ARTICLE 3 – SUCCESSION**

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

### **310 ORDINANCES CONTINUE IN FORCE.**



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

### **~~320~~ PRESERVATION OF PERSONNEL RIGHTS.**

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

## **ARTICLE ~~42~~ - POWERS OF CITY**

### **~~400-200~~ GENERALLY.**

The City shall have the power to make and enforce all laws and regulations in respect to municipal affairs, subject only to such restrictions and limitations as may be provided in this Charter, and in the Constitution of the State of California. It shall also have the power to exercise or act pursuant to any and all rights, powers, ~~and~~ privileges, or procedures 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, or act pursuant to, under the Constitution of the State of California. The ~~specifications-enumeration~~ in this Charter of any particular powers shall not be held to be exclusive of, or any limitations upon, this general grant of power. The City shall have the power to act pursuant to procedure established by any law of the State, unless a different procedure is established by ordinance. This Charter shall be liberally construed to vest the City with all legal authority and powers necessary to protect the health, safety, and general welfare of all of the residents of the City.

### **~~410-210201~~ LIMITATIONS UPON GENERAL POWERS OF THE CITY COUNCIL.**

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

### **~~411-211202~~ TAX LIMIT.**

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

of bonds heretofore or hereafter issued and any taxes levied for the purpose of payment thereof may be in excess of ~~said the~~ limitation.

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

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

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

#### **~~412-212203~~ BONDED DEBT LIMITATION.**

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

#### **~~413-213204~~ ADVERTISING, PROMOTION AND MUSIC.**

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

#### **~~414-214205~~ LIMITATION ON INDEBTEDNESS.**

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



indebtedness or liability are submitted at the same election, the votes cast for and against each proposition shall be counted separately, and when two-thirds of the qualified electors, voting on any one (1) of such propositions, vote in favor thereof such proposition shall be deemed adopted.

## **ARTICLE ~~53~~ - ELECTIONS**

### **~~500-300~~ PROCEDURE FOR HOLDING ELECTIONS.**

Section 5 of Article XI of the California Constitution provides that elections are municipal affairs and therefore the City Council retains full authority to regulate municipal elections. All elections shall be held in the manner prescribed in the Elections Code of the State of California for the holding of elections in general law cities, so far as the same may be applicable and excepting as herein otherwise provided. No person shall be entitled to vote in any such election unless ~~he~~the person shall be a qualified elector of ~~said the~~ City ~~or school district~~. The City Council may by ordinance provide a procedure for the holding of City elections, in which event such procedure shall prevail over the provisions of the ~~said the~~ Elections Code.

### **~~510-310~~~~301~~ GENERAL MUNICIPAL ELECTIONS.**

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

### **~~520-320~~~~302~~ 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.

### **303 PROCEDURE FOR HOLDING ELECTIONS**

Unless otherwise provided by ordinance after the adoption of this Charter, all municipal elections will be held in accordance with the provisions of the Elections Code of the State of California, as it exists or may be amended, for the holding of municipal elections provided that the provisions of the Elections Code are not in conflict with this Charter. The conduct of all municipal elections will be under the control of the City Council, and the City Council will, by ordinance or resolution, provide for the holding of each municipal election. The City Council may, in its discretion, determine to conduct mail ballot elections, ranked choice voting (or instant runoff voting) elections, or any other voting election method. The City Clerk, as the City's election official, shall conduct City elections.

### **~~530-340304~~ INITIATIVE, REFERENDUM AND RECALL.**

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

### **~~540-1958 GENERAL MUNICIPAL ELECTION. Repealed.~~**

## **ARTICLE ~~64~~ - ELECTIVE OFFICERS**

### **~~600-400~~ ELECTIVE OFFICERS.**

The elective officers of the City shall be the Mayor, ~~and~~ six members of the City Council, ~~five members of the Board of Education,~~ the City Clerk and the City Treasurer. No person shall be a candidate for more than one of ~~said the~~ offices at any municipal election.

### **~~601-401~~ ELIGIBILITY FOR ELECTIVE OFFICE.**

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

### **~~602-402~~ TERMS.**

a) The six members of the City Council shall be elected by-district, and the remaining elective officers of the City shall be elected from the City at large and, ~~except members of the Board of Education,~~ shall hold office for a term of 4 years from and after the



Tuesday next succeeding the date of such election and until their successors are elected and qualified.

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

c) Any person elected as a member of the City Council for ~~two~~(2) consecutive full terms shall not be eligible to hold office as a member of the City Council until a period of ~~four~~(4) years has elapsed from the expiration of the second consecutive term.

Appointment or election to an unexpired term shall not count in determining a person's eligibility under this section. Terms completed prior to this provision taking effect, shall not be counted in determining a person's eligibility under this section. Terms which are in progress at the time this provisions goes into effect, shall count as the first term of the ~~two~~(2) term limit.

#### **~~603~~ 403 VACANCIES.**

a) A City Councilmember or Mayor shall be deemed to have vacated their office on the date that the elected official:

1) is absent from all regular meetings of the City Council for a period of 60 days consecutively from and after the last regular City Council meeting attended by such member without permission or excuse approved by the City Council;

2) is convicted of a felony, a crime involving moral turpitude, or a crime involving a violation of the elected official's official duties;

3) resigns from office in writing;

4) is sworn into another office or position requiring surrender of the City office;

5) is removed from office by judicial procedure or other state law proceeding;

6) foreits the office under any provisions of this Charter;

7) no longer meets the qualifications necessary

8) is judicially determined to be incompetent

9) is permanently disabled as to be unable to perform the duties of the position. A finding of disability shall require the affirmative vote of at least two-thirds of the members of the City Council after considering competent medical evidence bearing on the physical or mental capability of the officer; or

10) dies.

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

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

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

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

#### **604 404 COMPENSATION.**

~~The members of the Board of Education shall receive no compensation for their services as such.~~ The members of the City Council shall receive compensation in the amount of One Hundred Dollars (\$100.00) per month for their services in an amount equal to the minimum wage as set published by the State of California Department of Industrial Relations, or any successor agency, in its Minimum Wage Order (or any successor order, notice, or publication of the State of California's minimum wage), which amount shall reimburse the City Council member for expenditures imposed on the



City Councilmember in serving as a City Councilmember. For the avoidance of doubt, the -monthly compensation for Councilmembers will be calculated by taking the minimum wage of the State of California and multiplying it by 173.33 hours. City Councilmembers are not employees, are not hourly workers, and will not be entitled to overtime. The reference to minimum wage is just for the purposes of calculating the monthly compensation. Councilmembers, -payable will be paid on the same dates as City employees, and in addition thereto shall receive their actual and necessary expenses while engaged on City business at the direction of the City Council. Any member of the City Council making demand for reimbursement for traveling or other expenses shall provide the Director of Finance with vouchers covering such expenses, together with a sworn statement to the effect that such expenses were actually incurred in good faith by said the party Councilmember while on official City business. The compensation of any member of the City Council appointed or elected to fill a vacancy shall be the same as that payable to such member whose office was vacated.

#### **610-405 THE MAYOR.**

The Mayor shall preside at the meetings of the City Council, and in case of his the Mayor's absence or inability to act, the City Council shall appoint a Mayor Pro Tempore, who shall serve only until such time as the Mayor returns and is able to act, and for such period shall have all the powers and duties of the Mayor. The Mayor shall be a member of the City Council for all purposes and shall have all the rights, powers and duties of a member of the City Council in addition to those powers and duties conferred upon him the Mayor by virtue of his the office as Mayor. Unless otherwise expressly provided to the contrary, any provision in this Charter which relates to the City Council or to members of the City Council shall be interpreted to include the Mayor as a member of the City Council. The Mayor shall sign all warrants drawn on the City Treasury, and shall sign all written contracts required by ordinance to be approved by the City Council and all conveyances made up or entered into by said the City. The Mayor shall have the power to administer oaths and affirmations, to take affidavits and to testify the same under his hand. The Mayor is authorized to acknowledge the execution of all instruments executed by said the City that are required to be acknowledged.

#### **620406 CITY CLERK.**

It shall be the duty of the City Clerk to keep a full and true record of all the proceedings of the City Council in books that shall bear appropriate titles and be devoted exclusively

to such purposes, respectively. Such books shall have a general index sufficiently comprehensive to enable a person readily to ascertain matters contained therein.

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

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

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

The City Clerk and ~~his the City Clerk's~~ deputy, or deputies, shall have power to administer oaths or affirmations, to take affidavits and depositions pertaining to the affairs and business of the City, which may be used in any court or proceedings in the State, and to certify the same.

The salary of the City Clerk shall be determined by the City Council.

The City Clerk shall devote ~~his their~~ entire time to the interests of the City, and shall be entitled to receive expenses, vacation periods and sick leave, with pay, the same as prescribed by the civil service ordinances of the City for heads of departments.

#### **~~621407~~ SPECIAL POWERS AND DUTIES OF THE CLERK.**

a) The City Clerk shall keep at least one (1) original copy of each contract and conveyance executed or accepted by direction of the City Council. ~~Said The~~ documents shall be kept in a secure manner and sufficiently indexed to enable a person readily to ascertain matters contained therein.



b) The City Clerk shall maintain a central records system for storage of all records of the various City departments referred by the various departments. ~~Such The~~ records shall be readily available to the various departments and the public. ~~Said The documents may be retained either in their original state or as photographed, microphotographed, or reproduced on film in a form approved for permanent photographic records by state law~~ The documents shall be retained in their original state or digitized according to State law. ~~Said The~~ documents shall be sufficiently indexed to enable a person readily to ascertain matters contained therein.

c) The City Clerk shall ~~supervise all micrographic digitizing or other record reproduction functions~~ ensure that City records are digitized according to State law and in accordance with pertaining to the City records retention under ~~his the City Clerk's~~ control.

d) The City Clerk, subject to the provisions of Section ~~500-300~~ of this Charter, shall conduct all municipal elections as shall be required by law, and shall keep and maintain the necessary records and facilities for registering voters, administering oaths of office, and accepting the filing of election and campaign documents in accordance with law.

e) The City Clerk shall be the agent for service of legal process on the City of Torrance.

f) The City Clerk shall conduct openings of bids for public works projects undertaken by the City.

g) The City Clerk shall acknowledge the execution of all instruments executed by the City that are required to be acknowledged.

h) The City Clerk shall have such other powers and perform such other duties not otherwise delegated or in conflict with this Charter as may be assigned by the City Council.

i) The City Clerk may delegate and/or redelegate the performance of any of the foregoing duties among employees of the Clerk's office.

j) The City Clerk, or Deputy City Clerk may attest the signatures of City officials on written contracts or conveyances.

**630408 CITY TREASURER.**

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

The City Treasurer shall attend a minimum of one City Council meeting per month. The City Treasurer shall be deemed to have vacated the office of City Treasurer on the date that the City Treasurer is absent from all regular meetings of the City Council for a period of 60 days consecutively from and after the last regular City Council meeting attended by such member without permission or excuse approved by the City Council;

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

#### **640409 ELECTION AS TO MAKING CLERK OR TREASURER APPOINTIVE OFFICES.**

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

#### **650410 POLITICAL ACTIVITY OF THOSE UNDER SYSTEM.**



~~No person in the classified service of the City shall seek or accept election, nomination or appointment as an officer of a political club, or organization or take an active part in a county or municipal campaign or serve as a member of a committee of such club, organization or circle, or seek signatures to any petition or act as a worker at the polls, or distribute badges, pamphlets, dodgers or handbills of any kind, favoring or opposing any candidate for election, or for nomination to a public office or for nomination to a county or municipal public office; provided, however, that n~~No elective officer, appointive officer, or employee of the City shall:

- (a) Directly or indirectly use, promise, threaten, or attempt to use any official influence in the aid of any partisan political activity, or to affect the result of any election to partisan or political office or otherwise at or fail to act, in their official capacity as a result of any or partisan or political consideration;
- (b) Solicit or coerce from any other officer or employee of the City, any political payment, contribution, or membership;
- (c) Use any office or position within the City in any activity in support or opposition to any person running for any elected office

Nothing in this Act-Section shall be construed to prevent any such officer or employee from becoming or continuing to be a member of a political group or organization, or from attendance at a political meeting, or from enjoying entire freedom from all interference in casting ~~his-a~~ vote or from seeking or accepting election or appointment to any public office.

Any willful violation hereof, or violation through ~~culpable-gross~~ negligence of this Section, in addition to any other remedies provided in this Charter for violations hereof, shall be sufficient grounds for the discharge of any such officer or employee.

No officer or employee, or seeking admission thereto, shall be employed, promoted, demoted, or discharged, or in any way favored or discriminated against because of political opinions or affiliations.

#### **411 CAMPAIGN CONTRIBUTION DISCLOSURES**

(a) All candidates for elective office in the City must disclose their campaign contributions in accordance with State's Political Reform Act, or any successor statute or provision.

(b) The City Clerk shall post all campaign statements and reports on the City's website.

## ARTICLE ~~75~~ - CITY COUNCIL POWERS AND DUTIES

### ~~700~~500 LEGISLATIVE POWERS.

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

### ~~710 ORGANIZATION MEETING.~~

~~The City Council shall meet on the Tuesday next succeeding the date of the holding of any general municipal election.~~

### ~~711~~501 REGULAR MEETINGS.

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

### ~~712~~502 ADJOURNMENT.

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

### ~~713~~503 SPECIAL MEETINGS.

Special meetings may be called at any time by the Mayor, or by a majority of the members of the City Council, upon compliance with the notice requirements for special meetings prescribed by state law; provided, however, that any special meeting of the City Council shall be a validly called special meeting, without the giving of such written notice, as provided, if all members of the City Council shall give their consent, in writing, to the holding of such meeting, and such consent is on file in the office of the City Clerk at the time of holding such meeting. ~~A telegraphic~~ An email, text message, or other electronic communication from a Councilman consenting to the holding of the meeting shall be deemed to be a consent in writing, within the meaning of the terms as expressed in the foregoing sentences. At any special meeting the powers of the City Council to transact business shall be limited to matters referred to in such written notice or written consent.

### ~~714~~504 PLACE OF MEETINGS.



All regular or special meetings of the City Council shall be held within the corporate limits of the City, at such place as may be designated by ordinance or resolution, and shall be open to the public. If, by reason of fire, flood or other disaster or emergency, it shall be unsafe to hold a Council meeting at the designated place, the City Council may meet during such emergency at such place as is designated by the Mayor or by three members of the City Council. The City Council shall have the right and privilege to hold and conduct its meeting in accordance with an agenda and may specify the matters which shall be considered at each meeting and shall have the right to establish a time at which all communications shall be on file in the Office of the City Clerk in order that such communications may be considered at the next regular meeting of the City Council.

#### **~~715-505~~ QUORUM.**

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

#### **~~716-506~~ COUNCIL PROCEEDINGS.**

The City Council shall judge of the qualifications of its members and of all election returns, and determine contested elections of all City officers. It may establish rules for the conduct of its proceedings and punish any member or other person for disorderly behavior at any meeting. It shall have the power and authority to examine witnesses under oath and compel the attendance of witnesses and the production of evidence before it by subpoena. Such subpoenas shall be issued in the name of the City and be attested by the City Clerk. ~~Such subpoenas shall be served by the Chief of Police and the~~ ~~The~~ disobedience of such subpoenas, or the refusal to testify, shall constitute a misdemeanor for which prosecution may be had in any court of competent jurisdiction. It shall cause the City Clerk to keep a correct record of all its proceedings and at the

desire of any member, the City Clerk shall call the roll, and shall cause the ayes and noes taken on any question to be entered in the record journal.

### **507 Public Participation**

The City Council and all City boards, commissions, and committees shall operate transparently and in a manner to promote public participation. No person shall be denied the right, personally or through counsel, to present grievances or offer suggestions for the betterment of municipal affairs at any regular meeting, adjourned regular meeting, or special meeting of the City Council, board, commission, or committee if the item is within the subject matter jurisdiction of the City Council, board, commission, or committee or if such item is on the agenda, prior to the item being considered by the City Council, board, commission, or committee. The City Council may, by ordinance or resolution, establish time limitations for speaking and impose other reasonable regulations on the exercise of such right in order to preserve the orderly nature of its proceedings. The Mayor, Mayor Pro Tem, or presiding officer may modify the regular rules of order in a nondiscriminatory fashion where large audiences are present and may make necessary orders to prevent disorderly conduct or disruptions when the meeting is being disrupted and preventing the business of the City Council from being completed. All boards, commissions, and committees shall conduct their meetings in a similar fashion consistent with the City Council's rules of order or with their own procedures so long as the procedures are consistent with the City Council's rules of order.

### **720-509 ORDINANCES; ENACTMENT CLAUSE.**

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

### **721-510 ORDINANCES: PUBLICATION.**

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



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

In the event the summary is published, the names of the Council Members voting for and against shall be shown.

### **722-511 CODIFICATION OF ORDINANCES.**

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

### **723-512 ADOPTION OF CODE BY REFERENCE.**

Detailed regulations pertaining to any subject, ~~such as the construction of buildings, plumbing, wiring~~ including by not limited to the California Building Standards Code (Title 24 of the California Code of Regulations) or any successor provision, or other subjects which require extensive regulations, after having been arranged as a comprehensive code, may be adopted by reference by the passage of an ordinance for such purposes; which ordinance may be adopted in the same manner as specified for the adoption of a comprehensive ordinance code. Maps, charts, and diagrams also may be adopted by reference.

### **724-513 ADOPTION OF ORDINANCES AND RESOLUTIONS.**

No ordinance of any kind shall be passed by the City Council on the day of its introduction, nor within five (5) days thereafter, nor at any time other than a regular or adjourned regular meeting. At the time that an ordinance or resolution is up for final passage, it shall be read in full, unless after the reading of the title thereof, the further reading thereof is waived by motion of the City Council regularly made and approved by the unanimous vote of those present. In the event that any ordinance is materially altered after its introduction, the same shall not be finally adopted except at a regular or adjourned regular meeting held not less than five (5) days after the date upon which such ordinance was so altered. The correction of typographical or clerical errors shall not constitute the making of an alteration within the meaning of the foregoing sentence.

No resolution or any order for the payment of money shall have any validity or effect unless passed by the votes of at least four (4) members of the City Council, and no ordinance shall have any validity or effect unless passed by the votes of at least four (4) members of the City Council.

All ordinances and resolutions shall be signed by the Mayor, attested by the City Clerk and approved to legal form by the City Attorney. The Mayor shall sign all ordinances and resolutions within 30 days of passage or adoption. The signature of the Mayor on a ordinance or resolution is a ministerial act. The failure of the Mayor to sign an ordinance or resolution does not invalidate that ordinance or resolution and does not prevent that ordinance or resolution from taking effect. If the Mayor does not sign an ordinance or a resolution within 30 days of its passage, it will take effect in the same manner as if the Mayor had signed it. The Mayor Pro Tem may sign ordinances and resolutions if the Mayor is unable to sign due to being out of town or due to disability.

#### **~~725 ORDINANCES; WHEN REQUIRED.~~**

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

#### **~~726-514~~ ORDINANCES; WHEN EFFECTIVE.**

No ordinance shall become effective until thirty (30) days from and after the date of its final passage, except an ordinance



- (a) ~~calling or otherwise relating to an election, or~~
- (b) ~~to a street improvement proceeding taken under some law, or~~
- (c) ordinance determining the amount of money necessary to be raised by taxation, or fixing the rate of taxes to be levied, or
- (d) an ordinance for the immediate preservation of the public peace, health, or safety, which contains a declaration of facts constituting its urgency, and is passed by a five-sevenths vote of the City Council. An ordinance for the immediate preservation of the public peace, health or safety which contains a declaration of the facts constituting its urgency and is passed as aforesaid, may be introduced and passed at one and the same meeting and the requirement that no less than five (5) days shall intervene between the introduction and final passage shall not apply to such an ordinance.
- (e) As otherwise provided by State law.

#### **727-5515 ORDINANCE VIOLATION: MISDEMEANOR OR INFRACTION.**

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

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

C. For each ordinance adopted before the effective date of this amended section, the City Council may determine, by the adoption of an ordinance or ordinances that the violation of any such previously adopted ordinances shall be an infraction, or alternatively a misdemeanor or an infraction pursuant to Section 17(d) of the California Penal Code.

#### **728-516 ORDINANCE PENALTY.**

The maximum fine or penalty for any violation of this Charter or for any violation of an ordinance of this City which is a misdemeanor, shall be the sum of One Thousand Dollars (\$1000), or a term in the County Jail or in the City Jail for a period not exceeding six (6) months, or by both such fine and imprisonment, or as otherwise provided in Section 36901 of the California Government Code. The maximum fine or penalty for

violation of any ordinance of this City which is an infraction, or which is charged as an infraction, shall be provided in Section 36900 of the California Government Code. The City may also provide for the issuance of administrative citations and administrative fines for violations of any provisions of this Charter or any provisions of the Municipal Code. By ordinance or resolution of the City Council, any persons imprisoned for a violation of any ordinance may be compelled to labor on the streets or other public property or works within the City.

## **~~ARTICLE 8 - BOARD OF EDUCATION~~**

### **~~800 BOARD OF EDUCATION.~~**

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

b) ~~—Notwithstanding any other provisions of this Charter, the members of the Board of Education shall be elected at elections called, held and conducted in accordance with the Education Code of the State of California, and shall hold office for a term of four years as prescribed by law for members of governing boards of unified school districts.~~

### **~~810 ELIGIBILITY.~~**

~~No person shall be eligible to hold office as a member of the Board of Education unless he shall have been a qualified elector of the school district for at least thirty (30) days next preceding the date of his filing of nomination papers.~~

### **~~811 VACANCIES.~~**

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

## **~~ARTICLE 9 - CITY MANAGER~~**

### **900-600 CITY MANAGER FORM OF GOVERNMENT.**



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

**910-601 APPOINTMENT, REMOVAL AND TERMS AND CONDITIONS OF EMPLOYMENT SALARY OF THE CITY MANAGER.**

~~Within sixty days after this amendment shall have become effective, t~~The City Council shall appoint ~~without reference to the provisions of any civil service ordinance rule or regulation, a City Manager, who need not be a resident at the time of his appointment.~~ Said City Manager, however, shall become a resident of Torrance within six months from the date of his appointment.

The City Manager must be a citizen of the United States, ~~not less than thirty years of age, and shall be a person of demonstrated administrative ability, with relevant experience as determined by the City Council to effectively serve as the City Manager. in responsible executive positions and he~~ The City Manager shall be chosen by the City Council ~~based on the Council's assessment solely upon the basis of theirhis executive and administrative qualifications.~~

The City Manager shall be an at-will employee who shall serve at the pleasure of the City Council. The City Manager position is exempt from the Civil Service System of the City.

~~The City Manager shall be appointed for an indefinite term and shall be removable at the pleasure of the City Council but only upon the adoption of a resolution by the affirmative vote of at least a majority of the members of the City Council. The City Manager, however, shall not be removed until after the expiration of six (6) months after the date of his appointment except (1) for conviction of a felony or (2) for conviction of a crime prescribed by statute applicable to municipal officials or (3) upon the passage of a resolution adopted by the unanimous vote of all City Councilmen. After the expiration of said six (6) months period, said City Manager may be removed by the City Council for either of the two reasons set forth in exceptions 1) and 2) above, and/or in the manner set forth in said exception 3) last mentioned and/or in the manner following:~~

~~At a regular meeting of the City Council, it shall adopt a Resolution of Intention to remove said City Manager, which resolution shall be approved by a majority of the members of the City Council and shall set forth the grounds for such proposed removal. A certified copy of said Resolution of Intention shall then be served personally upon said City~~

manager who shall have the right to defend himself against said charges before said City Council at a public hearing and at a time to be fixed by it, which shall be not less than two weeks after the service of said Resolution of Intention upon said City Manager and not more than thirty (30) days thereafter. The City Council may thereupon, or within five (5) days thereafter, enact a resolution by an affirmative vote of a majority of the members of said City Council, either discharging said City Manager or retaining him in office, as it may by such resolution determine.

Pending such hearing and by said Resolution of Intention, the City Manager may be suspended from office, but shall be entitled to his salary during the time of such suspension, if reinstated. The salary of the City Manager shall be not less than Five Hundred Dollars (\$500.00) per month, payable in equal semi-monthly installments. Subject to the foregoing limitations, the terms and conditions of employment salary of the City Manager shall be set forth in fixed by an employment agreement resolution of between the City Council and the City Manager, adopted by a majority vote and salary thus fixed cannot be reduced without notice to the City Manager and an opportunity to be heard thereon at a public meeting of the City Council prior to adoption of the resolution reducing his salary.

In case of absence, suspension, or disability of the City Manager, the City Council may designate some qualified person to perform the duties of the office during his absence, suspension or disability. In case of a vacancy in the office of City Manager, the City Council shall proceed immediately to appoint a new City Manager. If the City Manager is absent from work for reasons other than use of vacation leave, the City Council has the discretion to appoint either an Acting or Interim City Manager. If the City Manager's employment ends with the City, the City Council shall proceed to appoint a new City Manager. In that situation, the City Council may also appoint an Acting or Interim City Manager.

The City Manager shall be entitled to vacation periods and sick leave, with pay, but in no event shall the basis of such pay be less than the basis prescribed for such compensation by the civil service ordinance of the City of Torrance for heads of municipal departments. Subject to the foregoing limitations, the City Council shall determine the extent of such periods and the compensation to be paid the City Manager during the same. Vacation periods and sick leave shall not respectively accumulate in excess of thirty (30) days.

## **920-602 CITY MANAGER RESPONSIBLE TO CITY COUNCIL.**



The City Manager shall be responsible to the City Council for the proper and efficient management of all the affairs of the City placed in ~~theirs~~ charge ~~hereby or~~ by the City Council.

**~~921-603~~ NONINTERFERENCE BY CITY COUNCIL WITH POWERS AND DUTIES OF CITY MANAGER.**

Neither the City Council nor any individual City Council member ~~thereof~~, shall in any manner, direct or request the City Manager to appoint or remove any person to and/or from any office or position of employment of the City. Neither the City Council nor any individual City Council member ~~thereof~~ shall give orders or instructions publicly or privately, to any person under the jurisdiction of the City Manager. No member of the City Council shall undertake to coerce the City Manager ~~regarding in respect to~~ any of ~~their~~his duties, ~~as well as regarding and/or~~ any municipal contract, and/or in connection with the purchase of any municipal supplies.

**~~930-604~~ THE POWER OF CITY MANAGER OVER CITYEXECUTIVE DEPARTMENTS.**

The City Manager shall have supervision and control over all ~~heads of~~ department ~~heads~~, except the City Attorney, and elective officials of the City. ~~and~~

The City Manager shall have the power to direct and control the administrative and executive functions of such departments.

The City Manager~~and~~ shall have power to appoint from the civil service eligible list, all department heads ~~of departments~~ except the City Attorney, and elective officials of thesaid City.

The City Manager~~and~~ shall have power to discipline (up to, and including termination) ~~prefer department heads subject to charges against such heads of such departments as are appointed by him in the manner prescribed by and in accordance with~~ the provisions of applicable any civil service requirements ~~ordinance of said City applicable to~~ suspension, discipline or removal of such heads of such departments, but any decision of the Civil Service Board or the Trial Board, as the case may be, upon any such charges may be overruled by an affirmative vote of four members of the City Council.

The City Manager may recommend to the City Council ~~for, setting forth reasons therefor,~~ the abolition, suspension or consolidation of the duties and functions of any of the ~~heads of department~~ heads as well as any of their subordinate employees (i.e., department staff employees) ~~s, chief officials, subordinate officers and employees~~ of the City. Such

recommendation must include the City Manager's reason(s) for this proposed action. The City Council may ~~thereafter~~, at any time, abolish, suspend or consolidate any such duties or functions in accordance with such recommendations or as it may determine, and ~~thereafter—~~ remove the affected employee(s)~~person or persons affected~~ from the employment ~~with~~of the City, subject to any requirements of a memorandum of understanding applicable to the particular employee(s)., ~~whose duties are thus abolished, suspended or consolidated.~~

### **931-605 SPECIAL ADDITIONAL POWERS AND DUTIES OF CITY MANAGER.**

The City Manager shall be ~~specifically~~ charged with the performance of the following duties and shall have the following powers, in addition to those ~~set forth~~enumerated above:

- a) ~~Th~~Hey shall enforce all municipal ordinances, franchises, leases, contracts, permits and privileges granted by the City.
- b) ~~H~~The y shall purchase all supplies, property or equipment needed or required by the City in accordance with such regulations as the City Council shall prescribe by ordinance.
- c) ~~H~~The y shall prepare and submit to the City Council an annual budget estimate at least two (2) months prior to the end of the fiscal year~~date when the annual tax rate must be established~~, and in this connection, the City Manager shall have ~~right~~plenary power to demand of the various ~~executive~~ departments and elective officials of the City a full and complete statement of the estimated expenditures of such departments and elective officials for the ensuing fiscal year, and the reasons for such expenditures. The City Manager may include or exclude such items from ~~said the~~ budget estimate as they may deem advisable. ~~Should any such head of such department head or elective official fail to submit such a statement within thirty (30) days after demand, the City Manager shall thereupon have the right to take possession of all books and fiscal records of such department or elective official and retain the same thereafter until such time as the City Council shall order them returned to such department head or elective official and the City Council may likewise engage the service of such subordinate employees as may be necessary to maintain such books and records.~~

The City Council shall hold at least two (2) public hearings upon ~~said the~~ annual budget estimate and may increase the total estimated expenditures set forth therein only upon an affirmative vote of four (4) members of the City Council.



- d) ~~H~~They shall make such recommendations to the City Council or the County Board of Equalization regarding taxes, assessments and/or the annual assessment roll as ~~they~~ may deem advisable.
- e) ~~H~~They shall have general supervision and control over all City property, including public buildings, parks and playgrounds.
- f) ~~H~~They shall advise the City Council concerning the financial needs, conditions, and requirements of the City, ~~and may make such recommendations to the City Council in connection therewith as he may deem advisable.~~
- g) ~~H~~They shall attend all ~~meetings of the City Council~~ meetings ~~or of the members thereof when public matters are under consideration or discussion, except when their suspension, removal or reduction of their salary is under consideration by the City Council.~~
- h) ~~H~~They may evaluate and/or investigate ~~examine, without notice, the official~~ conduct or ~~the official accounts or records,~~ of any ~~officer or~~ employee of the City.
- i) The City Manager ~~shall devote their entire time to the interests of the City and~~ shall not engage in any private business in conflict with their role as the City Manager.
- j) ~~H~~They shall perform such other duties ~~and powers~~ as may be conferred upon ~~hithem~~ by the City Council by resolution or ordinance.
- k) The City Manager may delegate ~~and/or redelegate~~ any of the foregoing duties to any ~~municipal~~ department head or to the head or chief official of any such department.

#### **~~940-606~~ ORDINANCE AND CHARTER PROVISIONS REPEALED.**

All ordinances or parts of ordinances of the City of Torrance and all sections, subsections or parts of sections of this Charter, in conflict with Article 96 of this Charter~~herewith~~, are hereby amended or repealed as the case may be.

#### **ARTICLE ~~10-7~~ - CITY ATTORNEY**

#### **~~1000-700~~ Eligibility ELIGIBILITY.**

No person shall be eligible for the office of City Attorney unless they shall have been admitted to practice before the Supreme Court of the State of California and shall have been engaged in the practice of law in the State of California for at least five (5) years prior to theirs appointment by the City Council.

#### **1010701 APPOINTMENT, REMOVAL AND TERMS AND CONDITIONS OF EMPLOYMENT OF THE CITY ATTORNEY.**

The City Attorney shall be appointed by the City Council.

The City Attorney shall be chosen by the City Council based on the Council's assessment of their qualifications.

The City Attorney shall be an at-will employee of the City and shall serve at the pleasure of the City Council. The City Attorney is exempt from the Civil Service System of the City.

The terms and conditions of employment of the City Attorney shall be set forth in an employment agreement between the City Council and the City Attorney.

If the City Attorney is absent from work for reasons other than use of vacation leave, the City Council has the discretion to appoint either an Acting or Interim City Attorney. If the City Attorney's employment ends with the City, the City Council shall proceed to appoint a new City Attorney. In that situation, the City Council may also appoint an Acting or Interim City Attorney.

#### **10210702 POWERS AND DUTIES.**

The City Attorney shall have the power and be required to:

- a) Represent and advise the City Council and all City officials in all matters of law pertaining to their respective offices and/or duties.
- b) Represent and appear for the City and any City officer, employee or former City officer or employee, in any and all actions or proceedings in which the City or any such officer or employee, in or by reason of theirs official capacity, is concerned or is a party. The City Council, at the request of the City Attorney, may employ other attorneys to assist in any litigation, administrative law proceedings or other matter of interest to the City.

- c) Approve the form of all bonds given to and all contracts made by the City, and amendments thereto.
- d) Prepare any and all ordinances or resolutions for the City and amendments thereto.
- e) To have charge of prosecuting on the behalf of the people all criminal cases for violations of this Charter, of City ordinances or of misdemeanor offenses arising upon violation of the laws of the State.
- f) The City Council, on the recommendation of the City Attorney, may appoint such ~~a~~Assistant ~~City Attorneys~~ or Deputy City Attorneys as may be required to carry out the functions of the office of the City Attorney and they shall have ~~the~~such duties as may ~~from time to time~~ be assigned to them by the City Attorney. Any such ~~a~~Assistants or ~~D~~deputies so appointed shall be members of the classified service of the City ~~and shall be paid a salary commensurate with the duties assigned to them.~~
- g) ~~Upon ending their employment~~On vacating the office, surrender to ~~theirs~~ successor all ~~books, papers,~~ files and documents pertaining to the City's affairs.

## ARTICLE ~~118~~ - DIRECTOR OF FINANCE

### ~~1100-800~~ POWERS AND DUTIES.

There is hereby created and established the office of Director of Finance of the City of Torrance. The Director of Finance shall be appointed by ~~the City Council upon the recommendation of~~ the City Manager and shall be responsible to and under the supervision of the City Manager and shall be a member of the classified service of the City. The duties and functions of ~~said the~~ Director of Finance shall be to:

- a) Maintain and operate the general accounting system of the City and of the respective departments, offices and agencies thereof.
- b) Keep and maintain, or to prescribe and require the keeping and maintaining of inventory records of municipal properties.
- c) Cooperative with the City Manager and City Treasurer in establishing and maintaining sufficient and satisfactory procedures and controls over municipal revenues and expenditures in all departments of the City.



- d) To assume and perform all municipal functions and duties relating to the preparation, auditing, presenting and disbursement of claims and demands against the City, including payrolls.
- e) Assist the City Manager in the preparation of the annual budget and in the administration thereof.
- f) Prepare and present to the City Council through the City Manager, in sufficient detail to show the exact financial condition of the City, an annual statement and report of the financial condition of the City and such other financial reports as may be required by the City Council or the City Manager.
- g) Supervise such subordinate employees or assistants as may be authorized by the City Council.
- h) Perform such additional duties as may be hereafter required by the City Council or the City Manager.

## **ARTICLE ~~12-9~~- GENERAL PROVISIONS APPLICABLE TO OFFICERS AND EMPLOYEES**

### **1200-900 OFFICIAL BONDS.**

The City Clerk and the City Treasurer and such other officers or employees as may be required to do so by ordinance of the City Council, shall each execute a bond to the City for the faithful performance of official duties; which bonds shall be in the amount fixed by the City Council. ~~Said-The~~ bonds shall be approved by the City Council and with the exception of the bond of the City Clerk, shall be filed with the City Clerk. The bond of the City Clerk shall be filed with the Mayor. Premiums upon ~~said-the~~ bonds shall be paid by the City out of its general fund. All the provisions of any law of this State relating to the official bonds of officers shall apply to any bonds herein required or authorized to the extent that such provisions are not in conflict herewith.

### **1210-901 OATHS OF OFFICE.**

All officials, officers, members of boards, or commissions and employees shall take and file with the City Clerk the oath of office required by the constitution and the laws of the State. In addition to the oath of office, and as a part thereof, the City Council shall by ordinance require all of the persons herein mentioned, including members of the City

Council, to affirm their loyalty to the United States of America and its principles of government. The oath of office of the City Clerk shall be taken by and filed with the Mayor.

**1220-902 ILLEGAL CONTRACTS. FINANCIAL INTEREST.**

- (a) No member of the City Council shall be financially interested, directly or indirectly, in any contract, sale, purchase, or transaction:
1. made in their official City capacity, by the City Council, or made by any board or body of which the Councilmember is a member, or to which the City is a party
  2. or as otherwise described in Article 4 of Division 4 of Title 1 (commencing with Section 1090) of the California Government Code or any successor provision.
- (b) No department head, City official, officer, or employee shall be financially interested, directly or indirectly, in any contract, sale or transaction
1. Made in their official City capacity or to which the City is a party, ~~and or~~ which comes before ~~said the department head, City~~ official, officer, or employee, or the department of the government with which ~~hethe~~ official or employee is connected, for official action.
  2. or as otherwise described in Article 4 of Division 4 of Title 1 (commencing with Section 1090) of the California Government Code or any successor provision.
- (c) No member of any board, commission, or committee shall participate in any decision when the member has a financial interest in any contract, sale, purchase, or transaction to which the City is a party and which comes before the board, commission, or committee of which the person is a member for approval or other official action.
- (d) Any contract, sale, purchase, or transaction ~~hereinabove mentioned~~ in which any ~~such Councilmember, department head, City official,~~ officer, or employee of the City shall be or become financially interested, shall become void at the election of the City, when so declared by resolution of the City Council.
- (e) No member of the City Council, department head, City official, officer, or employee or member of any board, commission, or committee shall be deemed to be financially interested, within the meaning of the foregoing provisions: ~~;~~ (1) in any contract made with a corporation by reason of the ownership of stock in such corporation unless ~~said the~~ stock so owned ~~by him~~ shall amount to at least ~~three~~



~~(3)~~ percent of all stock of such corporation issued and outstanding and (2) if an exception under California Government Code Section 1090 et seq., or any successor statute, is applicable. No City Councilman or member of any board or commission shall vote on or participate in any contract or transaction in which ~~he~~the official or employee is directly or indirectly financially interested, whether as a stockholder of the corporation or otherwise.

(f) If any member of the City Council, department head, officer of the City, or member of a board, commission, or committee during the term for which he was elected or appointed, shall so vote or participate, or be financially interested as aforesaid defined in this Section, then upon conviction thereof, he shall forfeit his office or employment with the City and be punished for misdemeanor and in addition to any other penalty imposed by the Government Code, State law, or this Charter.

### **1230-903 DUTIES OF OFFICERS AND EMPLOYEES.**

In addition to the powers and duties prescribed by this Charter, the officers and employees of the City shall have such other powers and perform such other duties as may be prescribed by the laws of the State of California, or by ordinances, resolutions or orders of the City Council, and not in conflict with the provisions of this Charter.

### **904 ACCEPTANCE OF OTHER OFFICE**

- (a) Any elective officer of the City shall comply with California Government Code section 1099, or any successor statute, relating to incompatible offices.
- (b) Any officer or employee of the City that accepts or retains any elective public office in the City shall be deemed to have resigned from their office or employment under the City government.

### **905 ANTI-NEPOTISM**

- (a) The City Council shall not appoint to a salaried position under the City government any person who is a relative by blood or marriage within the third degree or who has another relationship (including a domestic partnership, cohabiting, fiancé, fiancée, dating relationship, or parent of their child) of any one or more of the of the members of the City Council.
- (b) No department head or other officer having appointive power shall appoint to a salaried position under the City government any person who is a relative by blood or marriage within the third degree or who has another relationship



(including a domestic partnership, cohabiting, fiancé, fiancée, dating relationship, or parent of their child).

#### **906 ETHICS TRAINING**

- (a) All Members of the City Council, the City Clerk, and the City Treasurer shall complete ethics training every two years. The ethics training may be satisfied by taking an approved training that meets the requirements of AB 1234 (Government Code section 53235), or any successor statute.
- (b) All members of any board, commission, or committee shall complete ethics training every two years. The ethics training may be satisfied by taking an approved training that meets the requirements of AB 1234 (Government Code section 53235), or any successor statute.

### **ARTICLE ~~13~~10 - CIVIL SERVICE**

#### **1300-1000 CIVIL SERVICE SYSTEM.**

All appointments and promotions in the classified service of the City shall be made according to merit and fitness, to be ascertained, so far as practicable by competitive examination. The civil service system existing on April 10, 1962, whether created or amended in whole or in part by ordinances adopted by vote of the People or by ordinances adopted by the City Council shall continue in full force and effect; provided, however, that the City Council may amend, delete or replace any provisions of ~~said the~~ ordinances by ordinance or ordinances by a five-sevenths vote of the City Council after consideration thereof by the Civil Service Commission. The City Council shall not have the authority to withdraw any departments, ~~appointive officers~~ or employees from the operation of such system, either by outright repeal of the civil service ordinances or otherwise, unless and until the withdrawal thereof shall have been submitted to the qualified electors of ~~said the~~ City at a regular or special municipal election held in ~~said the~~ City. Nothing contained in this Section ~~1300-1000~~ shall repeal or modify any of the provisions of Article 9-6 of this Charter which established the City Manager form of government.

#### **1310-1001 APPOINTIVE OFFICERS.**

Appointive officers of the City shall be a City Attorney ~~and a City Manager, a City Engineer, a Street Superintendent, a Park Superintendent, a Transportation~~

~~Superintendent, a Chief of Police, a Chief of the Fire Department, a Building Inspector.~~

The City Council may also provide by ordinance for such additional appointive boards, commissions, officers, assistants, deputies and employees as it deems necessary. The Council may also provide for the holding by one (1) person of several offices, providing that such offices are not incompatible with one another.

~~The City Council shall have the power of appointment of all appointive officers with the exception of such deputies as it may provide for in the office of the City Clerk and City Treasurer, as to which deputies the heads of the respective departments shall have the power of appointment.~~

### **~~1320-1002~~ COMPENSATION; APPOINTIVE OFFICERS AND EMPLOYEES.**

Compensation of all appointive officers and employees of the City, other than those serving gratuitously, shall be fixed or charged by the City Council. No officer or employee shall be paid by the City any fee or emolument in addition to, or save as embraced in, the salary or compensation fixed by the Council and all fees received by such officer or employee for the performance of any of ~~his~~ their official duties shall be paid by ~~him~~ the officer or employee into the City Treasury.

### **~~1330-RESIDENCE; OFFICERS.~~**

~~All elective officers and all members of all appointive boards and commissions, excluding those composed of employees of the City of Torrance, shall be residents of the City of Torrance.~~

## **ARTICLE ~~14-11~~ - FISCAL AFFAIRS**

### **~~1400-1100~~ FISCAL YEAR.**

The fiscal year of the City shall begin on the first day of July and end on the 30th Day of June of the following year.

### **~~1410-1101~~ BUDGET.**

On or before the first day of June of each year the City Manager shall submit to the City Council a proposed budget for all departments. ~~Said~~ The budget shall include estimates for all the revenues and expenditures for all City departments for the ensuing year. This estimate shall be compiled from detailed information to be supplied by each of the departments, on blanks to be furnished by the City Manager. Such blanks shall provide for a detailed estimate of the expenses of conducting each department, as statement of expenditures for the corresponding items for the current year and the last preceding



fiscal year, with reasons for increases and decreases recommended for the current year, an estimate of the amount which should be reserved for contingent or emergency purposes; an itemization of all anticipated revenues of the City; an item to be known as 'cash basis fund' to be carried over to the next ensuing fiscal year, following the fiscal year for which the budget is prepared to meet the cash requirements prior to the receipt of taxes; an estimate of the amount of money to be raised for taxes; the tax rate, which, with revenue from other sources, will be necessary to meet the expenditures proposed; a recommendation as to such funds as should be deposited in, or withdrawn from, any capital outlay fund and such other information as may be required by the City Council.

#### **1411-1102 COUNCIL ACTION ON BUDGET.**

- a) After reviewing ~~said-the~~ proposed annual budget as compiled by the City Manager from information secured from department heads, and making such modifications as it may deem advisable, the Council shall adopt the ~~same budget~~ by resolution on or before June 30. From the effective date of the budget, the several amounts stated therein as proposed expenditures shall be and become appropriated to the several departments, offices, agencies, and programs therein named.
- b) After adoption of the budget, the Council may amend the budget by motion adopted by the affirmative vote of at least ~~four (4)~~ members. In its authorization of expenditures, either budgeted or unbudgeted, the City Council shall not incur any indebtedness in excess of the limitations imposed by this Charter.
- c) After adoption of the budget, the City Manager may make such changes within the budget totals and allocations of any department during the fiscal year as ~~hethe City~~ Manager deems reasonably necessary in order to meet the City's needs or goals; provided, however, that the City Manager may not increase the number of employee positions allocated in the budget for any department without the Council having amended the budget therefor.
- d) A copy of the budget shall be ne additional copy shall be placed on file in the office of the City Clerk where it shall be available inspection by the general public and a copy of the budget will be made available on the City's website. The City may also use other electronic or technological means to disseminate the budget to the public.

#### **1420-1103 TAXATION SYSTEM.**

Unless otherwise provided by ordinance of the City Council, the City shall continue to use, for purposes of municipal taxation, the county system of assessment and tax collection.

#### **~~1430-1104~~ DEPOSIT OF MONEYS IN TREASURY.**

All moneys belonging to or collected or received for the use of the City by any officer or employee thereof, shall immediately be deposited into the treasury in such manner as the City Council shall prescribe by ordinance, for the benefit of the funds to which such moneys respectively belong. Every officer or employee collecting or receiving any such moneys shall report to the City Manager for the same on the first Monday of each month or at such shorter intervals as may be prescribed by ordinance.

#### **~~1431 SPECIAL FUND FOR CAPITAL OUTLAYS. Repealed.~~**

#### **~~1432 CLERK'S PETTY CASH FUND. Repealed.~~**

#### **~~1440 PRESENTATION OF DEMANDS. Repealed.~~**

#### **~~1441-1105 DEMANDS AND AUDITS.~~**

- ~~a) a) — All demands against the City shall be presented and paid in accordance with such regulations as the City Council shall prescribe by ordinance. All claims for damages against the City shall be governed by the Government Claims Act (Government Code section 810 et seq.) unless otherwise provided by ordinance of the City Council. The City Council declares its intent to require that claims exempt from the Government Claims Act under Government Code section 905 will be subject to the claims requirement of the City ordinance.~~
- ~~b) All other demands against the City must be in writing and may be in the form of a bill, invoice, payroll, or formal demand.~~
- ~~c) The City Council may delegate its authority regarding claims to the City Manager, Finance Director, Risk Manager, City Attorney, or other appropriate officer or department head.~~
- ~~b) — The accounts of the City shall be audited at least once in each fiscal year by a person (or persons) licensed by the State of California as a certified public accountant. Such accountant(s) shall be selected by the City Council and shall not be an employee of the City.~~

#### **~~1442-1106 INDEPENDENT AUDIT~~**



The City Council shall employ, at the beginning of each fiscal year, a qualified certified public accountant who shall, at such time or times as may be specified by the City Council, and at such other times as the certified public 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 the City Council may direct. The qualified certified public accountant shall not be an employee of the City. As soon as practicable after the end of the fiscal year, a final audit and report shall be submitted by the certified public accountant to the City Council, one copy thereof to be distributed to each member, one to the City Manager, Director of Finance, and City Attorney, respectively, and one additional copy shall be placed on file in the office of the City Clerk where they shall be available inspection by the general public, and a copy will be made available on the City's website. The City may also use other electronic or technological means to disseminate the final audit and report to the public.

#### **144231107 ACTIONS AGAINST CITY.**

No suit shall be brought against the City or any Board or Commission thereof on any claim for money or damages or for the taking of property until a demand for the same has been presented as herein provided and rejected in whole or in part. If rejected in part, suit may be brought to recover the whole. All such claims must be presented within the time prescribed by law. Any amounts owed to the City pursuant to ordinance or resolution must be timely paid, before the suit is commenced, though the claimant may pay under protest and contest the payment.

Every claim brought against the City or any Board or Commission thereof for money or damages or for the taking of property shall be verified by the person making the claim and filed with the City Clerk, who shall thereupon present the same to the City Council, or officer, ~~Board or Commission~~ authorized by this Charter to incur or pay the expenditures or alleged indebtedness or liability represented thereby. In all cases, such claims shall be approved or rejected in writing and the date thereof given.

#### **1450-1108 CONTRACTS ON PUBLIC WORKS.**

As to contracts for the construction or improvements, excluding maintenance and repair, of public buildings, works, streets, drains, sewers, utilities, parks and playgrounds, and each separate purchase of materials and supplies for the same, the City Council shall establish by ordinance an expenditure limit therefor above which competitive bidding shall be required. ~~Said~~ The expenditure limit may be revised from time to time by

ordinance of the City Council. Every such contract involving an expenditure in excess of ~~said the~~ expenditure limit shall be let to the lowest responsible bidder after notice by publication in the official newspaper by ~~two (2)~~ or more insertions, the first of which shall be at least ~~ten (10)~~ days before the time for opening bids; or if there is no newspaper, then by posting copies of such notice in at least ~~three (3)~~ public places in ~~said the~~ City.

The City Council may reject any and all bids presented and may readvertise in its discretion. After rejecting bids, or if no bids are received, 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 material or supplies may be purchased at a lower price in the open market, and after the adoption of a resolution to this effect by at least five-sevenths vote, it may proceed to have ~~said the~~ work done or such materials or supplies purchased in the manner stated, without further observance of the provisions of this Section. Such contract may be let and such purchases made without advertising for bids, if such work, or the purchase of such materials or supplies shall be deemed by the City Council to be of urgent necessity for the preservation of life, health or property, and shall be authorized by at least a five-sevenths vote.

#### **~~1451-1109~~ PUBLISHING OF LEGAL NOTICES.**

In the event that there is more than one newspaper of general circulation printed and published in the City, the City Council shall, annually, prior to the beginning of each fiscal year, publish a notice inviting bids and contract for the publication of all legal notices required to be published in a newspaper of general circulation printed and published in ~~said the~~ City. ~~Said The~~ contract shall include the printing and publishing of all such legal notices 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 without being required to advertise for bids therefor. In no case shall the price charged for the publication of such notices exceed the customary rate charged by such newspaper for the publication of legal notices of a private character.

#### **~~1460-1110~~ FRANCHISES.**

Franchises may be granted to persons, firms or corporations upon such terms, conditions, restrictions, or limitations as may be prescribed by the City Council by ordinance, but no franchise shall be granted without reserving to the City adequate compensation for the privilege conferred.



## ARTICLE 12 – Appointive Boards, Committees, and Commissions

### **1200 In General**

- (a) The City Council may create, by ordinance, advisory boards, committees, 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.
- (b) The City Council may combine two or more boards, committees, or commissions as, in its judgment, the duties of the boards overlap, or it conserves financial and staff resources.
- (c) The City Council may suspend a board, committee, or commission.
- (d) The City Council may eliminate a board, committee, or commission as, in its judgment, the board, committee, or commission is no longer required.
- (e) The City Council may ask a board, committee, or commission to advise the City Council or may provide for the duties of a board, committee, or commission by ordinance, but the board, committee, or commission shall have no authority to direct the conduct of any department.
- (f) All meetings of a board, committee, or commission shall be conducted pursuant to the Ralph M. Brown Act, or any successor law.
- (g) All members of City boards, committees, and commissions must be residents of the City and at least 18 years of age. The age requirement shall not apply to members of boards, committees, or commissions on which youth members are permitted to serve by City ordinance or otherwise approved by the City Council. Notwithstanding the foregoing, the City Council may appoint non-residents to boards, committees, or commissions when the City Council has specifically provided for non-residents to be qualified for boards, committees, or commissions by ordinance.
- (h) No person shall serve on more than one board, committee, or commission concurrently unless otherwise approved by the City Council.
- (i) No person shall serve on a City board, committee, or commission if they are a contractor for the City, a consultant for the City, a vendor for the City, a lobbyist to the City, or have a financial interest, directly or indirectly, in any contract, sale, purchase, or transaction where the City is a party.

### **1201 Existing Boards, Committees, and Commissions**

The members of the boards, committees, and commissions holding office when this Charter takes effect shall continue to hold office until their respective terms of office shall expire and until their successors are appointed and qualify.

### **1202 Removal; Vacancies**

- (a) Any member of a board, committee, or commission shall serve at the pleasure of the City Council and may be removed at any time, without cause, by a vote of the majority of the City Council.
- (b) Causes for removal include, but are not limited to:
  - (1) Excessive absenteeism, to be defined as absence from 2 consecutive meetings of such board, committee, or commission or for 25 percent of the duly scheduled meetings of the board, committee, or commission within any fiscal year unless permission of the board, committee, or commission expressed in the official minutes. A member will be deemed absent from a meeting unless the member is present during at least 2/3 of the time of the entire meeting.
  - (2) Upon conviction of any felony
  - (3) Upon ceasing to be a qualified elector of the City
  - (4) Upon written resignation by the member.
  - (5) Failure to take the required ethics training described in Section 906
  - (6) Any of the circumstances described in Section 403
- (c) For the foregoing reasons, or any other, or without cause, the City Council may declare the office of any board, committee, or commission member vacant, and the vacancy shall be effective from the date of the declaration unless otherwise specified in the declaration.
- (d) Any vacancies in any board, committee, or commission shall be filled by the City Council in the same manner as the original appointment for the removed member. Upon a vacancy occurring leaving an unexpired portion of a member's term, any appointment to fill such vacancy shall be for the unexpired portion of the removed member's term.

## **ARTICLE 15 -- AIRPORT FUND**

### **1500 AIRPORT FUND.**



~~There shall be in the treasury of the City a separate fund to be designated as the Airport Fund and under such fund there may be such accounts as may be necessary or convenient. From time to time as the same are received, all fees, tolls, rentals, charges, proceeds from the sale of property, and other revenues received by the City from or in connection with the use or operation of any airport facilities owned, controlled or operated by the City shall be placed in said Airport Fund.~~

#### **~~1501 AIRPORT FUND USES.~~**

~~Moneys in the Airport Fund shall be used only for the following purposes and in the following order of priority, to-wit:~~

- ~~1) For the payment or providing for payment, including payments into any reserve or sinking funds, as the same falls due, of the principal of and interest on any bonds of the City, issued for the acquisition, construction, improvement or financing of airport facilities or for additions, betterments, extensions or capital improvements thereto.~~
- ~~2) For the current, necessary and reasonable costs and expenses to the City of operating and maintaining airport facilities owned, controlled or operated by the City, but without allowance for depreciation or obsolescence, or for additions, betterments, extensions or capital improvements thereto.~~
- ~~3) After paying or providing for all payments under subparagraph (1) above which are due or which will become due during the next ensuing twelve (12) months' period, and after paying or providing for all current costs and expenses under subparagraph (2) above, any balance which remains from time to time in the Airport Fund and the several accounts therein may be used for the purpose of acquiring, constructing, or improving airport facilities or for additions, betterments, extensions or capital improvements thereto (including deposits in reserve or depreciation reserves or accounts established for that purpose), and any part of such balance not then needed for such purposes may be used for any lawful purpose.~~

#### **~~1502 DEFINITION OF AIRPORT FACILITIES.~~**

~~As used in this Article 15 the term airport facilities means all property of any kind heretofore or hereafter acquired by the City for airport purposes or for the direct or indirect development and promotion of air commerce, air manufacture, air navigation, air transportation, aviation, or for matters incidental to or used in connection with any of~~

the foregoing, and all land (formerly known as The Lomita Flight Strip) acquired by the City from the United States of America by quitclaim deed dated March 5, 1948.

### **~~1503 ARTICLE 15 NOT A COVENANT.~~**

Nothing in this Article 15 shall be deemed to be a covenant which shall be enforceable by any holder of any bond of the City.

## **ARTICLE 16 – MISCELLANEOUS**

### **~~1600 DEFINITIONS.~~**

Whenever in this Charter the word City occurs, it means the City of Torrance, and every department, board or officer, whenever either is mentioned, means a department, board or officer, as the case may be, of the City of Torrance.

### **~~1610 INVALIDITY.~~**

If any section or part of a section of this Charter proves to be invalid, it shall not be held to invalidate or impair the validity of any other section or part of a section, unless it clearly appears that such other section or part of a section is dependent for its operation upon the section or part of a section so held invalid.

### **~~1620 AMENDMENTS.~~**

The Charter may be amended in accordance with the provisions of the general laws of the State of California.

### **~~1630 OPERATING DRAW POKER ESTABLISHMENT WHERE FEE CHARGED.~~**

It shall be unlawful for any person, firm or corporation to engage in the managing, carrying on or conducting or permitting the carrying on, or permitting the use of any room, shop, apartment or other place within the City of Torrance where tables or other articles of furniture are used by the public for the playing of the game of cards, known or generally designated as draw poker and for which a fee or compensation is charged or payable by the player of such game or games within the City of Torrance.

### **~~1640 EXPOSURE OF FEMALE BREASTS PROHIBITED.~~**

It shall be unlawful and a public nuisance to expose or procure, or to counsel or assist in the exposure within the City of Torrance of, the breast or breasts of any living human female for the purpose of public display, amusement, entertainment, or in connection with the sale or service of any commodity. For the purpose of this section, female

~~breasts shall include the medial and lateral lower quadrants, or the nipple or areola, or any other portion of the lower half of the breasts. Each such display shall be considered a separate offense subject to separate criminal prosecution. The adoption of this section shall not preclude the City Council from adopting more restrictive ordinances further regulating the aforesaid subject matter.~~

~~**1650 CITY JUDGE. Repealed.**~~

~~**1660 CITY COURT. Repealed.**~~

