

rooms heretofore established by said city, and all property, real and personal, thereto, belonging, shall be turned over to the charge, custody and administration of the Board of Trustees, with like powers and liabilities as if such library had been established under this charter.

Who May Use the Library.

Sec. 7. The library and reading-room shall be forever free to the use of the inhabitants of the city, and persons sojourning therein, always subject to such reasonable rules and regulations as the Board of Trustees may adopt, and said board may exclude from the use of said library and reading-room any and all persons who shall willfully violate such rules, and said board may extend the privileges and use of such library and reading-room to persons residing outside the city upon such terms and conditions as said board may, from time to time, by its regulations prescribe.

Donations and Conveyances.

Sec. 8. Any person desiring to make donations of money, securities or other personal property or real estate, shall have the right to vest the title to such money, personal property or real estate so donated in "The Board of Trustees of the Santa Monica Public Library," hereby created, to be owned, held and controlled by such board when accepted, according to the terms of the deed, gift devise or bequest of such property; and, as to such property, the board shall be held and considered to be a special trustee thereof for the city. The title of all real property that may be purchased shall likewise be taken by said board in its name as such special trustee; and the City of Santa Monica may, in its discretion, by ordinance, set apart and order to be conveyed by said board, as special trustee, any part of the real property of the city not otherwise appropriated.

Sec. 9. The Board of Trustees shall make the annual report and estimate hereinafter provided.

Sec. 10. The City Council shall have power to pass ordinances imposing suitable penalties for the punishment of persons committing injury upon such library, or the grounds or property thereof, and for injury to or failure to return any book belonging to such library.

Police Department

Sec. 11. The Mayor, who shall be ex-officio a member and President of

the Board, and two citizens, to be appointed by the Mayor, subject to confirmation by a majority of the Council, shall constitute the Board of Police Commissioners of the city. The appointive members of the board shall serve without compensation, and shall be of different political parties. The appointive members of the board shall hold office for two years, and until their successors are appointed and qualified.

Sec. 12. The Police Commissioners shall meet at least once a week.

Sec. 13. The Police Department shall consist of the Chief of Police and as many subordinate officers and such policemen and detective officers and employes as the Council shall, by ordinance, determine. All appointments and removals in the Police Department shall be made by the Board of Police Commissioners.

Sec. 14. The salaries of members and employes of the Police Department shall be fixed by the Council by ordinance.

Sec. 15. The Police Commissioners shall prescribe the rules and regulations for the government of the police force, and fix and enforce the penalties for their violation.

Sec. 16. The Board of Police Commissioners, the Chief of Police, and other officers and employes shall have such further powers and be subject to such further duties as may be granted or imposed by ordinance.

Fire Department.

Sec. 17. The Mayor, who shall be ex-officio a member and President of the Board, and two citizens to be appointed by the Mayor, subject to confirmation by a majority of the Council, shall constitute the Board of Fire Commissioners of the city. The appointive members of the board shall serve without compensation, and shall be of different political parties. The appointive members of the board shall hold office for two years, and until their successors are appointed and qualified.

Sec. 18. The Fire Commissioners shall meet at least once a month.

Sec. 19. The Fire Department shall consist of a Chief and Assistant Chief, and such other officers and employes as the Council may, by ordinance, from time to time, determine to be necessary.

Sec. 20. The salaries of all officers and employes of the Fire Department, shall be fixed by the Council, by ordinance.

Sec. 21. The Board of Fire Commissioners shall prescribe the rules and regulations for the government of the department, and fix and en-

force the penalties for their violation.

Sec. 22. The Board of Fire Commissioners and the Chief Engineer, and other officers and employes, shall have such other powers and perform such other duties as may be granted or imposed by ordinance.

Park Department.

Sec. 23. All lands and real property located in the City of Santa Monica which have been heretofore, or which may be hereafter, set apart or dedicated for the use of the public as a public park or parks, shall forever remain to the use of the public.

Sec. 24. The Mayor, who shall be ex-officio member and President of the Board, and two citizens to be appointed by the Mayor, subject to confirmation by a majority of the Council, shall constitute the Board of Park Commissioners of the city. The appointive members of the Board shall serve without compensation, and shall be members of different political parties. The appointive members of the board shall hold office for two years, and until their successors are appointed and qualified.

Sec. 25. The Park Commissioners shall meet at least once a month.

Sec. 26. The Park Department shall consist of as many officers and employes as the Council may, by ordinance, from time to time determine to be necessary. All appointments and removal in the department shall be made by the Board of Park Commissioners.

Sec. 27. The salary of all officers and employes of the Park Department shall be fixed by ordinance.

Sec. 28. The Board of Park Commissioners shall prescribe the rules and regulations for the government of the department, and fix and enforce the penalties for their violation.

Sec. 29. The Board of Park Commissioners shall have such other powers and perform such other duties as may be granted or imposed by ordinance.

Board of Health.

Sec. 30. There is hereby established in and for the City of Santa Monica a department to be known as the Board of Health, to consist of three members, viz:

The Mayor, who shall be ex-officio a member and President of the Board, and two citizens, to be appointed without regard to their political opinions, by the Mayor, subject to confirmation by a majority of the Council.

Both of said citizens shall be physicians in good standing and gradu-

ates of some reputable medical college.

Sec. 31. The appointed members of the board shall hold office for two years, and until their successors are elected and qualified, and shall serve without compensation. All vacancies shall be filled for the unexpired term only. Any appointed member failing to qualify within ten days after his appointment shall be deemed to have declined the office, and a new appointment shall be made. Two members shall constitute a quorum for the transaction of business.

Health Office.

Sec. 32. The Board of Health shall be provided by the City Council with a suitable office, in which it shall hold its official meeting once a month, or when requested by two members of the board.

Sec. 33. The Board of Health shall have such general supervision as may be provided by ordinance of all matters appertaining to the sanitary condition of the city, including jails, hospitals and all public health institutions.

Health Officer.

Sec. 34. The Board shall appoint and, for good cause, may remove a health officer, whose duties as such shall be defined by ordinance. He shall be a graduate of a reputable medical college, and shall have practiced medicine at least five years, and shall have been a citizen and resident for two years in this city, and have his license to practice medicine recorded with the County Clerk of Los Angeles County, in accordance with the laws of the State of California regulating the practice of medicine. He must reside within the city limits. The Board shall appoint all assistants to said Health Officer, and all employes in the Health Department, the number of such assistants and employes and their compensation to be fixed from time to time by ordinance.

Sec. 35. The Health Officer shall be the executive officer of the board, and he shall see that all ordinances in respect to the public health and the rules and regulations of the Board of Health are enforced, and shall receive all complaints of the violations of such ordinances rules and regulations, and investigate the same and act thereon. He shall make to the board an annual report of the affairs of his office, including mortuary and other statistics, with such general observations as in his judgement might benefit the sanitary condition of the city. He shall in person visit once

in each quarter all the public institutions in the city under the charge of the Health Department, and twice in each year he shall visit every public school in said city; during such visits he shall examine the buildings in regard to the manner in which they are lighted, ventilated, heated, and particularly in regard to their sanitary condition. At the meetings of the board in the months of January, April, July and October, he shall report to the board the result of his examinations.

Quarantine.

Sec. 36. Whenever it shall be certified to the Board of Health by the Health Officer that any building or part thereof is unfit for human habitation by reason of its being so infected with disease, or from other causes, as to be likely to cause sickness among its occupants, said board may issue an order, and cause the same to be affixed conspicuously on the building or in front thereof and to be personally served upon the owner, agent or lessee, if the same can be found, requiring all persons therein to vacate such building for the reasons aforesaid, to be stated therein. Such building, or part thereof, shall within ten days thereafter be vacated or within such shorter time, not less than twenty-four hours, as in said notice may be specified but said board, if it should become satisfied that the danger from the building or parts thereof has ceased to exist, may revoke said order, and it shall thenceforth become inoperative.

Sec. 37. Every physician in the city shall report to the Health Officer in writing every patient he shall have sick of typhus, ship or yellow fever, Asiatic cholera, leprosy, smallpox, diphtheria or scarlet fever, and every death from such disease immediately after it shall have occurred. Also every householder in said city shall forthwith report in writing, or otherwise, to the Health Officer the name of every inmate of his or her house whom he or she shall have reason to believe is sick of typhus, ship or yellow fever, leprosy, cholera or smallpox, or other contagious or infectious diseases, and any deaths occurring at his or her house from such disease.

Infectious Diseases.

Sec. 38. The Health Officer shall report to the Superintendent of the Public Schools the names and residences of every person sick of typhus, ship or yellow fever, Asiatic cholera, smallpox, leprosy, diphtheria, scarlet fever or other contagious or infec-

tious diseases, he may deem dangerous to the public health; and it shall be the duty of the Superintendent of Public Schools when so notified of the residence of any person sick of any of the diseases enumerated to refuse admittance to the public schools of any member of a family, one or more of whose inmates are sick of any of the aforesaid diseases; provided that the parties excluded shall be readmitted upon presenting a certificate from the Health Officer that there is no longer any danger from contagion.

Sec. 39. No person shall drive or use any vehicle, or suffer or permit any vehicle under his or her charge or control, to be driven or used for the conveyance, transportation or removal of any person infected with the smallpox, or the body of any person who has died of smallpox, without the written consent of the Health Officer; also no person shall use or drive, or suffer or permit any vehicle authorized by the written consent of the Health Officer, to convey, transport or remove persons infected with the smallpox, or the bodies of persons who may die of the smallpox, to be used or driven for the conveyance, transportation or removal of persons uninfected with smallpox, without the written consent of the Health Officer.

Sec. 40. Whenever a case of smallpox, Asiatic cholera or yellow fever is reported to the Health Officer, he shall immediately visit the premises where the person is, and the said Health Officer, upon personal inspection, shall, in cases of smallpox, Asiatic cholera or yellow fever, immediately cause to be erected a yellow, or quarantine flag in a conspicuous place on said premises, or put upon the doorway of houses infected with such diseases a placard setting forth the fact, the same to remain during the continuance of the disease on said premises.

Sec. 41. The Board of Health may appoint and remove at pleasure a physician and nurses for the hospital or hospitals of the city when, in their judgment, it may be necessary. The salary for said officers shall be provided for in the same manner as for other officers of the board.

Smallpox Hospital.

Sec. 42. The City Council may, by ordinance, establish and provide for the government of a smallpox hospital.

ARTICLE X.

Board of Water Commissioners.

Sec. 1. At such time as this city

may become the owner of a water system, the City Council shall by ordinance provide for the appointment of a board of water commissioners defining their duties, and for the appointment of such employes as may be necessary.

ARTICLE XI.

Elections.

Sec. 1. Elections to be held in said city for the purpose of electing the officers of said city, and for all other purposes, are of two kinds.

- (1) General Municipal Elections.
- (2) Special Elections.

Sec. 2. General Municipal Elections shall be held in said city on the first Monday in April, 1907, and on the first Tuesday in December, 1909, and on the first Tuesday in December every two years thereafter, at which shall be elected:

- A Mayor,
- A City Clerk,
- A City Treasurer, who shall be ex-officio Tax Collector,
- A City Assessor, and
- Five Members of the Board of Education,

And by the electors of each ward,
One Member of the City Council.

Sec. 3. The first officers elected at a general municipal election shall after they have qualified as provided in this charter, enter upon the discharge of the duties of the offices to which they have been elected, on the third Monday in April of the year of their election. All officers elected thereafter shall enter upon the discharge of their duties on the first Monday in January of the year succeeding their election, and shall serve for two years, and until their successors shall have been elected and qualified.

Sec. 4. The Council shall have power to submit to the electors of said city at any election any question required to be so submitted by the Constitution, the law, this charter, or by ordinance; provided, that in case such question is required by said Constitution, law, charter, or ordinance to be submitted at a special or other particular kind of election, it shall be so submitted, and not otherwise.

Sec. 5. The present officers of the city shall hold, continue to hold and exercise their respective offices until the election or appointment and qualification of the first officers to be elected or appointed under this charter, with the powers and duties vested in and imposed upon them by the charter and the ordinances of the city under which they were elected.

Eligibility to Office.

Sec. 6. No person shall be eligible to, or hold any office in said city, whether filled by election or appointment, unless said person be a resident and, if a male citizen, an elector therein, and shall have resided in said city for the following times:

Mayor—Three years.

Members of the Council two years within the city and the last one year prior to his election within the ward from which he is elected.

All other elective officers, two years.

All officers appointed by the Mayor and confirmed by the Council—One year.

Sec. 7. In addition to the above qualifications the Attorney must have been admitted to practice in all the courts of this State, and also in all Federal Courts within the Southern District of California.

Vacancies.

Sec. 8. A vacancy exists in an office within said city when an officer dies, resigns, or ceases to be a resident of the City, or if he be a Councilman ceases to reside in the ward for which he was elected.

Sec. 9. A vacancy in an elective office shall be filled by the Council.

ARTICLE XII.

Contracts.

Sec. 1. In the erection, improvement, and repair of all public buildings and works, and in all street and sewer work, where payment for the same is to be paid out of the street or general fund, and in all work in or about streams, bays, or water fronts, or in or about embankments, or other work for protection against overflow, and in furnishing any supplies or materials for the same, when the expenditure required for the same exceeds the sum of Three Hundred (\$300.00) Dollars, the same shall be done by contract, and shall be let to the lowest responsible bidder, after notice by publication in a newspaper of general circulation printed and published in such city, for at least ten days. Such notice shall distinctly and specifically state the work contemplated to be done; provided that the Council may reject all bids presented, and readvertise, in their discretion. The Council shall annually, at a stated time contract for doing all city printing and advertising, which contract shall be let to a daily newspaper of general circulation, published wholly within said city, submitting the lowest bid, after notice, as provided in this section.

Sec. 2. The City of Santa Monica shall not be and is not bound by any contract, or in any way liable thereon, unless the same is made in writing by order of the Council, the draft thereof approved by the Council, and the same ordered to be, and be signed by the Mayor, or some other person authorized thereto, in behalf of the city; provided that the approval of contracts by the City Attorney, as required by the provisions of Article V of this charter, shall be endorsed on the draft thereof before the Council shall have power to approve the same; but the Council, by an ordinance, may authorize any officer, committee or agent of the city to bind the city without a contract in writing for the payment of any sum of money not exceeding three hundred dollars.

ARTICLE XIII.

Claims and Demands.

Sec. 1. All claims and demands whatever against the City of Santa Monica except interest coupons on bonds and bonds of the funded debt, shall be paid only on demands as herein provided for.

Sec. 2. Said demands, except demands payable out of the School Fund, the Library Fund, or Water Revenue Fund, shall be presented to the Council on forms and blanks to be provided by the City Clerk, and shall be referred to its Committee on Finance. The said committee shall, by endorsement thereon, approve or reject the same in whole or in part. The Council shall then consider the said demands and the action of said committee thereon, and shall, if the same be just and legal, approve the same; or may, if it so determine, approve in part or reject the whole. The action of the Council shall be endorsed thereon, with the date of such action, and certified by the signatures of the President and City Clerk; provided, that it shall require the votes of a majority of the members of the whole Council, under a call of the ayes and noes, and the vote spread upon the minutes, to approve any such demand in whole or in part.

Sec. 3. All demands payable out of the School Fund must, before they can be approved by the City Clerk, or paid, be previously approved by the Board of Education, by a vote of the majority of the members thereof taken with the ayes and noes and spread on the minutes, and the action of said board indorsed on said demand and signed by the presiding officer and the Secretary thereof. After the approval of said demands they shall be delivered to the City Clerk, who shall have the same pow-

ers and perform the same duties in reference to demands payable out of the School Fund as is provided for other demands.

Sec. 4. All demands payable out of the library fund must, before they can be approved by the City Clerk, or paid, be previously approved by the Board of Trustees of the Santa Monica Public Library, by a vote of three members thereof, taken with the ayes and noes and spread on the minutes, and the action of said board endorsed on said demand and signed by the presiding officer and the Secretary thereof. After the approval of said demands they shall be delivered to the City Clerk, who shall have the same power and perform the same duties in reference to demands payable out of the library fund as are provided for other demands.

Sec. 5. No demand can be approved by any board or officer, audited or paid, unless it specify each several item, with the date and amount thereof.

Sec. 6. No payment can be made from the City Treasury, or out of the public funds of said city, unless the same be specially authorized by law or this charter, nor unless the demand which is paid be duly audited as in this charter provided. The term "audited," as used in this charter with reference to demands upon the treasury, is to be understood to mean that said demands have been presented to, passed upon and approved by every officer and board of officers, as required by this charter, and this must appear upon the face of the paper representing the demand, or else it is not audited; provided that the approval or rejection in whole or part of a demand by the Committee on Finance of the Council is advisory only to the Council, and the rejection by said committee of a demand in whole or in part does not of itself prevent it being duly audited.

Sec. 7. No demand upon the treasury shall be allowed by the City Clerk in favor of any person or officer in any manner indebted thereto without first deducting the amount of such indebtedness, nor to any person or officer having the collection, custody of or disbursement of public funds, unless his account has been duly presented, passed, approved and allowed, as required by law or this charter; nor in favor of any officer who shall have neglected to make his official returns or his reports in writing in the manner and at the time required by law or this charter, or by the ordinances or regulations made in pursuance thereof; nor to any officer who shall have neglected or re-

fused to comply with any of the provisions of this charter or ordinances of the city, or any act of Legislature regarding the duties of such officer; on being required in writing to comply therewith by the Mayor or the President of the Council; nor in favor of any officer for the time he shall have absented himself, without lawful cause, from the duties of his office during the office hours prescribed by this charter or by ordinance, and the City Clerk may examine any officer receiving a salary from the treasury on oath touching such absence.

Sec. 8. The City Clerk must number and keep a record of all demands on the treasury, showing the number, date, amount and name of the original and present holder, on what account allowed, out of what fund payable, and by what officers or board it has been previously approved; and it shall be a misdemeanor in office for the City Clerk to deliver any demand until this requisite has been complied with.

Sec. 9. Every lawful demand upon the treasury, duly audited, as in this charter required, shall in all cases be paid on presentation and canceled, and the proper entry thereof be made, if there be sufficient money in the treasury belonging to the fund out of which it is payable; but if there be not sufficient money belonging to said fund to pay such demand, then it shall be registered in a book to be kept by the Treasurer for that purpose, showing its number, when presented, date, amount, name of the original holder, and on what account allowed, and out of what fund payable, and total deficiency in said fund; and being so registered, shall be returned to the party presenting it, with an indorsement of the word "registered" dated and signed by the City Treasurer. All registered demands shall be payable in the order of their registration.

Sec. 10. Nothing in this article contained shall be construed as interfering with or preventing the payment by the City Treasurer of bonds of the funded debt of the City of Santa Monica, and the interest coupons thereof, in accordance with the Constitution, laws and ordinances authorizing the issuance of said bonds.

Sec. 11. All public moneys collected by any officer or employe of the city shall be paid into the City Treasury, without any deduction on account of any claim for fees, commissions or other cause or pretense, and the compensation of any officer, employe or other person so collect-

ing money, shall be paid by demands on the Treasury duly audited and other demands are audited, and paid.

Sec. 12. No suit shall be brought on any claim for money or damages against the City of Santa Monica, its Board of Education, Board of Trustees of the Santa Monica Public Library, or the Board of Water Commissioners, 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. Nor shall suit be brought against said city, or said Board of Education, Board of Trustees of the Santa Monica Public Library, or Board of Water Commissioners, upon any claim or demand that has been in whole approved and audited as provided herein; provided that nothing herein contained shall be construed so as to deprive the holder of any demand of his right to resort to a writ of mandamus or other proceeding against the City Council, or any board or officer of said city, to compel it or him to act upon such claim or demand, or pay the same when so audited.

ARTICLE XIV.

Police Court.

Sec. 1. The judicial power of the city shall be vested in a police court presided over by a police judge.

Sec. 2. The Police Judge shall have the powers of examining magistrates and may commit offenders for trial in the proper court.

Sec. 3. The Police Court shall have exclusive jurisdiction of the criminal proceedings for a violation of any city ordinance, and of all civil actions and proceedings arising out of the violation of such ordinances and for the collection of any license required by any ordinance, except such actions and proceedings as are within the jurisdiction of other courts under the provisions of the constitution of this state.

Sec. 4. The Police Court shall also have exclusive jurisdiction of the following public offenses committed within the city, (except when prosecuted by indictment or information:)

1. Petty larceny;
2. Assault and battery;
3. Breaches of the peace, riot committing wilful injury to property and all misdemeanors punishable by fine or imprisonment in the county jail or by both;
4. Proceedings respecting vagrants lawd or disorderly persons.

Sec. 5. The Police Court shall have concurrent jurisdiction with the

justice's court of the township, in all civil cases arising within said city, which might be tried by the justice's court of Santa Monica township.

Sec. 6. The Clerk of said Court shall remain at his office during business hours and for such reasonable time thereafter as may be necessary for the discharge of his duties.

Sec. 7. All fines, penalties and forfeitures collected by said police court shall be the property of the city and shall be immediately deposited with the city treasurer for the use of said city.

Sec. 8. The City shall furnish the necessary dockets and all blanks and other books and papers and stationery necessary in the transaction of the business of the said police court. A complete record of all cases shall be entered in the docket of said court. Separate dockets shall be kept for the civil and criminal business.

Sec. 9. The said Court shall have a seal, which shall be furnished by the city.

Sec. 10. The Police Court shall always be open for the transaction of business, except on Sundays and other legal holidays.

ARTICLE XV.

The Initiative

Sec. 1. The basis of the percentage hereinafter provided for any petition shall be the total number of voters registered in the city at the last preceding general election prior to the filing of said petition; and all voters registered at said general election; or thereafter shall be qualified to sign the petitions herein provided for.

Upon presentation to the City Council of a petition or petitions signed by qualified electors of the city, in number equal to 25 per cent. of said registration, asking for submission to the electors of a measure fully set forth in said petition or petitions, being a measure that the City Council might itself adopt, it must either enact such measure without alteration, or submit the same to the electorate at the next regular city election, occurring subsequent to sixty days after the filing of said petition or petitions. But if such petition or petitions are signed by qualified electors in number equal to 30 per cent. of said registration, then such measure, if not so enacted by the City Council, must be submitted to the electorate at a special election to be called within sixty days

from the filing of such petition or petitions.

If such proposed measure is a measure that the City Council might adopt, except for the fact that it involves the repeal or amendment of a measure adopted by the electorate, as herein provided, and if in such case said petition or petitions are signed by qualified electors in number equal to 30 per cent. of said registration, then such proposed measure must be submitted to the electors of the city at the next regular city election occurring subsequent to sixty days after the filing of said petition or petitions.

The method of signing and presenting petitions provided for herein shall be as follows: The signatures to the petition need not all be appended to one paper, but each signer shall add to his signature his place of residence, giving the street and number. Each such paper shall have attached thereto the affidavit of a registered voter of the city, stating that all the signatures to the paper were made in his presence, and that to the best of his knowledge and belief each signature to the paper appended is the genuine signature of the person whose name purports to be thereunto subscribed. Within twenty days from the date of filing such petition in his office the City Clerk shall examine and from the great register, and certificate of registration, ascertain whether or not said petition is signed by the requisite number of qualified electors, and if necessary, the City Council shall allow him extra help for the purpose, and he shall attach to said petition his certificate, showing the result of said examination. Each signature whose genuineness is not called in question by the sworn affidavit of the owner thereof shall be assumed to be genuine. If by the clerk's certificate the petition is shown to be insufficient, it may be amended within ten days from the date of said certificate. The clerk shall, within twenty days after such amendment, make like examination of the amended petition, and if his certificate shall show the same to be insufficient, it shall be returned to the persons filing the same, without prejudice, however, to the filing of a new petition to the same effect. If the petition shall be found sufficient, the clerk shall submit the same to the City Council without delay. Any number of proposed measures may be voted upon at the same election in accordance with the provisions of this section; provided, that there shall not be held under this section more than one special elec-

tion in any period of six months. Whenever any measure is required or authorized by this charter to be submitted to the electors of the city, at any election, the City Clerk shall cause the measure to be printed, and he shall enclose a printed copy thereof in an envelope and mail the same to each voter, at least ten days prior to the election, but the City Council may order such measure to be printed in the official newspaper of the city, and published in a like manner as ordinances adopted by the City Council are required to be published; and may order that such publication shall take the place of the printing and mailing of the measure, as first above provided. Ordinances and measures in connection with local improvements, the expenses whereof are defrayed by special local assessment, shall not come within the operation of this section.

The Referendum

Sec. 2. Any measure that the City Council or the electorate of the city, as herein provided, has authority to adopt, the City Council may of its own motion submit to a vote of its constituent electors at a general or special election.

Except as herein provided, no penal ordinance or measure, no ordinance or measure granting any franchise or privilege, and no ordinance or measure making or authorizing any contract (except contracts for improvements, the expenses whereof are defrayed by special local assessment, and contracts where the subject matter involved is of less value than \$1000,) passed by the City Council, shall go into effect in less than thirty days after its final passage. But ordinances and contracts declared by the City Council to be necessary as emergency measures for the immediate preservation of the public peace, health and safety, passed by a three-fourths vote of the City Council and not obligating the city for a longer period of time than one year, may go into effect at the will of the City Council or as otherwise provided by law.

If within said thirty days a petition or petitions signed by qualified electors of the city, in number equal to 25 per cent. of said registration, is filed with the city clerk, asking that any penal ordinance or measure, any ordinance or measure granting any franchise or privilege, or making or authorizing any contract (except contracts for improvements, the expenses whereof are defrayed by special local assessment, and contracts where the subject matter involved is

of less value than \$1000,) adopted by the City Council, be submitted to the electorate, then such ordinance or measure must either be repealed or submitted to the electors for approval or rejection at the next regular city election occurring subsequent to sixty days after the filing of said petition or petitions, or at a special election called prior to such regular city election; and if such ordinance or measure has not gone into effect before the filing of such petition or petitions, and said petition or petitions are signed by qualified electors of the city, in number equal to 30 per cent. of said registration, then such ordinance or measure shall not go into effect until and unless adopted at such election, and no ordinance or measure once so submitted shall be again so submitted, except by a vote of the City Council, or on a petition signed by 30 per cent. of said registration. Said petition or petitions shall be in all respects in accordance with the provisions of Section One of this article except as to the percentage of signers, and be examined and certified by the clerk in all respects as therein provided.

If the majority of votes cast on any ordinance or measure referred as provided in sections one or two of this article to the electors of the city, shall be in favor thereof, it shall, if not already in effect, go into effect as a valid and binding ordinance or measure of the city, ten days after the official count shall be determined, otherwise such ordinance or measure shall be repealed or rejected; such repeal shall take effect ten days after the official count shall be determined. No ordinance or measure approved by the electorate under the provisions of these sections shall be subject to veto, nor, within two years from the date of its adoption, be amended or repealed except by a vote of the electorate or by legislative authority superior to that of the City Council. Any amendment or repeal of such ordinance by the City Council shall be subject to the referendum provided in this section.

If the provisions of two or more measures approved and adopted at the same election under the provisions of this charter conflict, then the measure receiving the highest affirmative vote shall control.

The Recall

Sec. 3. The holder of any elective office may be removed at any time by the electors entitled to vote for a successor of such incumbent. The procedure to effect the removal

of an incumbent of an elective office shall be as follows: A petition signed by electors entitled to vote for a successor to the incumbent sought to be removed, equal in number to at least 10 per cent. of the entire vote for all candidates for the office, the incumbent of which is sought to be removed, cast at the last preceding general municipal election, demanding an election of a successor of the person sought to be removed shall be addressed to the council and filed with the city clerk; and said petition shall contain a general statement of the grounds for which the removal is sought. The signatures to the petition need not all be appended to one paper, but each signer shall add to his signature his place of residence, giving the street and number. Each such paper shall have attached thereto the affidavit of a registered voter of the city, stating that all the signatures to the paper were made in his presence, and that to the best of his knowledge and belief, each signature to the paper appended is the genuine signature of the person whose name purports to be thereunto subscribed. Within ten days from the date of filing such petition the city clerk shall examine and ascertain whether or not said petition is signed by the requisite number of electors entitled to vote, and if necessary, the council shall allow him extra help for that purpose and he shall attach to said result of said examination. If, by the clerk's certificate the petition is shown to be insufficient, it may be amended within ten days from the date of said certificate. The clerk shall, within ten days after such amendment, make like examination of the amended petition, and if his certificate shall show the same to be insufficient, it shall be returned to the person filing same without prejudice, however, to the filing of a new petition, to the same effect. If the petition shall be found to be sufficient, the clerk shall submit the same to the council without delay and the council shall thereupon order and fix a date for holding the said election, not less than thirty days nor more than forty days from the date of the clerk's certificate to the council that a sufficient petition is filed.

The city council shall make or cause to be made publication of notice, and all arrangements for holding of such election and the same shall be conducted, returned and the results thereof declared, in all respects as are other city elections. The successor of any officer so removed, shall hold office during the unexpired term of his predecessor. Any person

sought to be removed may be a candidate to succeed himself, and unless he requests otherwise, in writing, the clerk shall place his name on the official ballot without nomination. In any such removal election, the candidate receiving the highest number of votes shall be declared elected. At such election if some other person than the incumbent receives the highest number of votes, the incumbent shall, thereupon be deemed removed from his office upon qualification of his successor. In case the party who receives the highest number of votes should fail to qualify within ten days after receiving notification of election, the office shall be deemed vacant. If the incumbent receives the highest number of votes he shall continue in office.

ARTICLE XVI.

Miscellaneous Provisions.

Sec. 1. The indebtedness of said city must not exceed the sum of 10 per cent. of its assessed valuation, exclusive of any indebtedness that has been or may hereafter be incurred for the purpose of acquiring or establishing a system of waterworks for supplying the inhabitants of the city with water; and of any indebtedness that has been or may hereafter be incurred for the purpose of constructing sewers, for the collection and disposition of the sewage of the city, and of any indebtedness that has been or may hereafter be incurred for the purpose of constructing sewers for the collection and disposition of storm waters in the city. For any or all of these purposes a further indebtedness may be incurred by the issue of bonds under the provisions and subject only to the limitations of the Constitution and general laws.

Sec. 2. In any action, suit or proceedings in any court concerning an assessment of property, or levy of taxes, authorized by this Act, or the collection of any such, or in the proceedings consequent thereon, such assessment, levy, consequent proceeding, and all proceedings connected therewith, shall be presumed to be regularly and duly done or taken until the contrary is shown; and when any proceeding, matter or thing is by this Act committed, or left to the discretion of the Mayor and Council, or the Council, or other authorities of said city, such discretion or judgment, when expressed or declared, is final, and cannot be reviewed or called in question elsewhere.

Sec. 3. Real property sold for, or to satisfy a judgment, debt, or tax, must be sold for United States coin, and not otherwise; and any one applying or seeking to redeem property so sold, as in this charter provided, must pay, or offer to pay, the sum necessary therefor in such coin, and not otherwise.

Sec. 4. In all prosecutions for violation of any city ordinance, rule or other regulation of said authorities, whether in the court of original jurisdiction or in any appellate court, it shall be unnecessary to plead the contents of the same; but the court before which the prosecution shall be pending shall take judicial notice of such ordinance, resolution, rule or other regulation, and of the contents thereof; and, in any civil action or proceeding to which the said corporation is a party, either as plaintiff or defendant, the adoption and contents of any ordinance, resolution, by-law, rule or regulation may be prima facie proven by the introduction of the original entry thereof on the journal of the proceedings of the Council, a copy of such entry, certified by the City Clerk to be a full, true and correct copy of such original entry, or by the introduction of a printed copy thereof.

Sec. 5. The fiscal year of the city shall begin on the first day of January of each year and end on the thirty-first day of December following.

Sec. 6. Whenever the word "city" occurs in this charter it means the City of Santa Monica, and whenever

the word "city" occurs in any ordinance, resolution, rule or regulation, it shall mean the City of Santa Monica.

Sec. 7. All acts of the Legislature relating to the City of Santa Monica, and all city ordinances, resolutions and other regulations now in force and not inconsistent herewith, shall be and remain in force after this charter takes effect until changed or repealed by the proper authority; and all rights vested under any former act or regulation, when this takes effect, shall not thereby be lost, impaired or discharged; and all actions and proceedings commenced in any court wherein the city of Santa Monica is a party, shall be continued under the law existing when said action or proceedings was commenced.

Sec. 8. This Charter shall take effect immediately on its approval by the Legislature, as provided by law.

CERTIFICATE.

Whereas, The City of Santa Monica, a city containing a population of more than three thousand five hundred inhabitants, did, on the seventeenth day of October, A. D. 1905, at a special election, and under and in accordance with the provisions of section eight, article eleven of the Constitution of the State of California, elect the undersigned a board of fifteen freeholders, to prepare and propose a charter for said city:

and does propose the following articles, signed in duplicate, as and for the charter of said City of Santa Monica.

Said charter, including this certificate, shall be published twenty days in the Daily Outlook, a daily newspaper printed, published and circulated in the City of Santa Monica, and after such publication it shall be submitted to the qualified electors of said city at a special election to be held therefor at such time as the board of trustees of said city may designate; and if a majority of the qualified electors of the city, voting at said election, shall ratify the same, it shall be submitted to the legislature of the State of California for its approval or rejection.

The said board of trustees of said city shall provide for the holding of the first election of officers under this charter, in accordance with the provisions of the charter and the general election laws of the state, and shall canvass the votes and declare the result.

If the legislature approve this charter, it shall thereupon become the charter and organic law of the city of Santa Monica, except as herein provided.

In witness whereof, we have hereunto set our hands at the city of Santa Monica, in the State of California, this eleventh day of January, A. D. 1906.

C. A. Stilson, President

A. M. Archer

J. H. Dudley

H. X. Coz

R. R. Sanner

Geo. H. Hutton

R. Jones

Robert Gould

A. M. Jamison

B. A. Heber

Geo. D. Snyder

Wm. E. Sawyer

D. G. Holt, Secretary

Filed this 12th day of January 1906

THE OFFICE OF THE PRESIDENT OF THE BOARD OF TRUSTEES OF THE
CITY OF SANTA MONICA.

In the City of Santa Monica,
County of Los Angeles, State of California.

I, T. H. Dudley, president of the board of trustees of the City of Santa Monica, County of Los Angeles, State of California, do hereby certify that the board of freeholders whose names appear signed to the foregoing proposed charter were, on the seventeenth day of October, 1905, at a special municipal election held in said city on said day, duly elected by the qualified voters of said city to prepare and propose a charter for said city; that each of said freeholders had been a qualified elector and freeholder of said city for more than five years previous to said election; that the foregoing is a true copy of said charter prepared and returned to me as president of said board of trustees within ninety days after said election, as required by section eight of article eleven of the constitution of this state; that such proposed charter was then published in one daily newspaper of general circulation in said city to wit: The Santa Monica Daily Outlook (said city containing a population of over thirty-five hundred inhabitants and less than ten thousand inhabitants), for more than twenty days, and that the first publication of said proposed charter was made within twenty days after the completion of said charter; that within not less than thirty days after the publication of said charter, as required by section eight, to wit: on the twenty-eight day of March, 1906, said charter was submitted to the qualified electors of said city at a special election duly held therein for the purpose of ratifying or rejecting said proposed charter. That said proposed charter as a whole was duly ratified at said election by the majority of the votes of the qualified electors of said city and that the returns of said election were duly canvassed by the board of trustees of said City of Santa Monica on the first day of April, 1906, and the result thereof declared as

above set forth and that in all manners and things pertaining to said proposed charter the provisions of said section have been duly complied with.

In witness whereof I have hereunto set my hand and affixed the corporate seal of said city this 4 day of January, 1907.

J. W. Dudley

President of the board of trustees of the City of Santa Monica.

Attest:

J. C. Armstrong
City Clerk.

Now, therefore be it

Resolved by the assembly of the State of California, the senate thereof concurring (the majority of all the members elected to each house voting for and concurring herein), That said charter of the City of Santa Monica as presented to, and adopted and ratified by, the qualified electors of said city, be and the same is hereby approved as a whole, for and as the charter of said City of Santa Monica aforesaid.

EXHIBIT I

City Clerk's File

R.A. Koenig

*Do not let go out
of office.*

CHARTER
OF THE
CITY OF SANTA MONICA
CALIFORNIA

San Monica Santa Monica Ca

— 1929 —

Incorporated City
6th Class - Dec 6 1906
Freeholder Charter Adopted
March 28 - 1906 April 1907
Approved by Leg

CHARTER OF THE CITY OF SANTA MONICA

ADOPTED

By Vote of a Majority of the Electors of
Santa Monica, March 28, 1906.

APPROVED

By the Legislature, January, 1907.

AMENDED

By Vote of the Electors of Santa Monica, December, 1914.

AMENDMENTS APPROVED

By the Legislature, January, 1915.

AMENDED

By Vote of the Electors of Santa Monica, January, 1919.

AMENDMENTS APPROVED

By the Legislature, January, 1919.

AMENDED

By Vote of the Electors of Santa Monica, December, 1924.

AMENDMENTS APPROVED

By the Legislature, March, 1925.

AMENDED

By Vote of the Electors of Santa Monica, January, 1927.

AMENDMENTS APPROVED

By the Legislature, April, 1927.

CHARTER OF THE CITY OF SANTA MONICA

ARTICLE I. Incorporation and Powers

SEC. 1. The municipal corporation now existing and known as "The City of Santa Monica," shall continue to be a municipal corporation under the name and style of "City of Santa Monica," and with the same boundaries it now has, to-wit:

Commencing at a point in the ordinary Tide line of the Pacific Ocean, distant Thirty and Sixty Hundredths feet (30.60-100) Southeasterly of the Southerly line of Marine Street as shown on the Map of the Crescent Bay Tract, as recorded in Book 2 Pages 13-14 of Maps, Los Angeles County Records.

Thence extending North 56 degrees East to the Southwest corner of Block C of the Santa Monica Tract, as per Map recorded in Book 53 Page 29 Miscellaneous Records, Los Angeles County.

Thence extending Northeasterly along the Southerly line of the Santa Monica Tract to the Southeast corner of Block B of said Santa Monica Tract.

Thence extending Northeasterly along the Southerly line of the Lucas Tract, to the Southeast corner of Block 47 of said Lucas Tract as per map recorded in Book 6 Page 221 Miscellaneous Records, Los Angeles County.

Thence extending North 57 degrees 30 minutes East to the Northwest corner of the Mesa La Ballona Tract as per map recorded in Book 5 Page 184 of Maps, Los Angeles County Records.

Thence North 57 degrees 45 minutes East along the Northerly line of said Mesa La Ballona Tract, and its prolongation thereof, to the Westerly line of Ballona Road No. 2.

Thence North 33 degrees and 30 minutes West along the Westerly line of said Ballona Road No. 2 to a point in the dividing line between the Ranches San Vicente Y Santa Monica, and La Ballona.

Thence North 64 degrees and 56 minutes West along the Southerly line of the Twenty-seventh (27th) Street extension to the Southeasterly corner of the S. P. R. R. Co.'s yards. (55 Acre Tract.)

Thence South 75 degrees and 52 minutes West along the Southerly line of S. P. R. R. Co.'s yards (55 Acre Tract) Four Thousand (4000) feet to the Southwest corner of said S. P. R. R. Co.'s yards (55 Acre Tract.)

Thence Northwesterly along the Westerly line of the aforesaid S. P. R. R. Co.'s yards (55 Acre Tract).

Thence North 14 degrees and 28 minutes West to a point in the Southerly line of Colorado Avenue (formerly known as Rail-

road Ave.) as per map of the Villa Farms, recorded in Book 3 Pages 118-119 Miscellaneous Records, Los Angeles County.

Thence Northeasterly along the Southerly line of Colorado Avenue, to a point in the Westerly line of Cambridge Street as per Map of the Artesian Tract recorded in Book 4 Page 90 of Maps, Los Angeles County Records.

Thence Northwesterly along the Westerly line of Cambridge Street to the Southerly line of Nevada Avenue.

Thence North 44 degrees and Three minutes West Two Thousand Eight Hundred and Forty (2840) feet to the Northerly line of Montana Avenue if prolonged Northeasterly.

Thence extending Southwesterly along the Northerly line of Montana Avenue and the Northerly line of said avenue projected Southwesterly to a point in the Westerly boundary line of Los Angeles County (in the Pacific Ocean.)

Thence Southeasterly along the aforesaid boundary line to a point where a straight line bearing South 56 degrees West would intersect the said boundary line of Los Angeles County.

Thence North 56 degrees East to the place of beginning. And such additional territory as may from time to time be annexed.

SEC. 2. Repealed by amendment approved January, 1915.

SEC. 3. Repealed by amendment approved January, 1915.

ARTICLE II.

SEC. 1. The said corporation shall have the power:

(1) To make and use a corporate seal and alter the same at pleasure.

(2) To sue and be sued in all actions and proceedings whatever.

(3) To have perpetual succession.

(4) To erect and maintain public buildings, and to lay out and establish, improve and maintain public parks and cemeteries, to acquire by purchase, condemnation or otherwise, or lease such buildings, parks and cemeteries, and to acquire by purchase, or lease, condemnation or otherwise, and to construct, establish, maintain, equip, own and operate libraries, reading rooms, art galleries, museums, playgrounds, places of recreation, camps, fountains, baths, dispensaries, infirmaries, hospitals, free municipal employment offices, charitable institutions, jails, houses of correction and reform schools, work houses, detention houses, morgues, cemeteries, garbage cleaning, garbage disposal and garbage reduction works, street cleaning and street sprinkling plants and apparatus, quarries, plants for the production, making or assemblage of asphalt or any other substance or material for use in the building, maintenance or repair of streets, plants, appliances and equipment for the construction, maintenance and repair of wharves, docks, slips and quays, and for the maintenance of proper depths of water on and along the water front of the city and all other public buildings, places, works, institutions and establishments, whether situated inside or outside of the city limits which may be necessary or convenient for the transaction of public business or for promoting the health, morals, education or welfare of the inhabitants of the city, or for their amusement, recreation, entertainment or benefit.

Amendment approved March, 1925.

(5) To provide for the care of the sick and helpless.

(6) To make regulations to prevent the spread of epidemics and contagious diseases.

(7) To provide for supplying the city and its inhabitants with water, gas and electricity, or other means of heat and illumination, and power.

(8) To lay out, open, extend, widen, improve or vacate, pave and repave streets and alleys, sidewalks and crossings, and other highways.

It shall have power to declare any street or highway within said city a boulevard and may restrict the traffic thereon.

(9) To construct and maintain sewers, drains and other works necessary for the disposition of sewage.

(10) To establish and maintain public schools and public libraries.

(11) To levy assessments upon property to pay for the improvements, and to collect the same, and to levy and collect taxes upon property for municipal purposes, including music, entertainment and advertising; provided that the tax levied for any one year, for all municipal purposes, other than for parks, library, schools, payment of interest on the municipal debt, redemption of bonds, music, entertainment and advertising, shall not exceed One Dollar (\$1.00) on each One Hundred Dollars (\$100.00) worth of taxable property. The total assessment for music, entertainment and advertising shall not exceed fifteen cents (15c) on each One Hundred Dollars (\$100.00) worth of taxable property.

Amendment approved January, 1919.

(12) To manage, control, sell, lease or otherwise dispose of any or all of the property of the said corporation; and to appropriate the income or proceeds thereof to the use of the said corporation; provided that it shall have no power to mortgage or hypothecate its property for any purpose.

(13) To license and regulate the carrying on of any and all professions, trades, callings and occupations carried on within the limits of said city, and to fix the amount of license tax thereon to be paid by all persons engaged in such professions, trades, callings or occupations, provide the manner of enforcing the payment of the same; provided that no discrimination shall be made between persons engaged in the same business otherwise than by proportioning the tax upon any business to the amount of business done; and to license, regulate, restrain, suppress, or prohibit any or all laundries, livery and sale stables, cattle and horse corrals, slaughter-houses, butcher-shops, hawkers, peddlers, pawn-brokers, dance halls, melodeons, shows, circuses, public billiard tables, bowling and ten pin alleys, the sale or giving away of malt, vinous, fermented, or other alcoholic or intoxication liquors as a business, except for medicinal purposes by licensed druggists on the prescription of a regularly licensed physician; provided that nothing herein shall prevent the submission of the question whether the sale or giving away of such liquors may be licensed or prohibited to the voters at any election under the provisions herein concerning the initiative and referendum, and to suppress and prohibit all faro banks, games of chance, gambling-houses, tables on stands, bawdy-houses, the keeping of bees within the city limits, and any and all obnoxious, offensive, immoral, indecent or disreputable places of business or practice.

(14) To create offices, and provide for the election or appointment of officers other than those established by this charter, or by the general law, whenever the public convenience may require the same, and prescribe their duties and fix their compensation. (But this shall not be construed to authorize the creation of new offices and the appointment of other officers to perform the duties by this Charter assigned to officers provided for herein, other than the necessary deputies and assistants to the officers of said city.)

(15) To acquire, by purchase, condemnation, or other lawful means, property, both real and personal, including water and water rights, electric plants and gas plants, wharves, railroads, bridges and other public utilities within or without the corporate limits, necessary or convenient for municipal purposes, or for exercise of the powers granted to said corporation.

(16) To fix the salaries of municipal officers, except those officers whose salaries are fixed by this Charter.

(17) To provide and maintain a proper and efficient fire department, and make and adopt such measures, rules and regulations for the prevention and extinguishing of fires, and for the preservation of property endangered thereby, as may be deemed expedient.

(18) To protect the property of its inhabitants against inundations.

(19) To provide against the existence of filth, garbage and other injurious and inconvenient matter within the city and for the disposition of the same.

(20) To make violations of its ordinances a misdemeanor in all proper cases, and to prescribe the punishment therefor, by fine or imprisonment, or by both; but such fine not to exceed \$500, and such imprisonment not to exceed six months.

(21) To prescribe the places at which elections shall be held and appoint the officers of election.

(22) To make and enforce within its limits such local, police, sanitary and other regulations as are not in conflict with general laws and are deemed expedient to maintain the public peace, protect property, promote the public morals and to preserve the health of its inhabitants.

(23) To exercise all municipal powers necessary to the complete and efficient management and control of the municipal property, and for the efficient administration of the municipal government, whether such powers be expressly enumerated herein or not, except such powers as are forbidden or are controlled by general law.

(24) The powers conferred by this article shall be exercised by ordinance, except as hereinafter provided.

ARTICLE III.

Departments and Officers.

SECTION 1. The government of the City of Santa Monica shall be divided into three departments, as follows:

Department of public safety.

Department of public works.

Department of finance.

Amended by amendment approved January, 1915.

Section 1-a. Not more than twelve cents on each one hundred (\$100.00) dollars worth of taxable property out of the fifteen cents mentioned in sub-division eleven of section one of article two of this charter shall be expended for music.

Added by amendment approved March, 1925.

Section 1-b. Out of the fifteen cents on each one hundred (\$100.00) dollars worth of taxable property specified in sub-division eleven of section one of article two of this charter, there shall be expended not less than three cents for advertising, recreation and entertainment. Or, in the event that there be not sufficient reason for expending the whole sum of three cents in any one year, so much thereof as is not expended shall be set aside for advertising in any future year or years.

Added by amendment approved March, 1925.

Section 1-c. The dollar limit specified in subdivision eleven of section one of article two of this Charter shall not include monies to be expended for the care and relief of needy persons within the City of Santa Monica unable to care for themselves, and having no relatives legally liable and able to care for them, and for the prevention of epidemic, but there may be provided in the tax levy in any year a levy not to exceed one (1) cent on each one hundred (\$100.00) dollars worth of taxable property within the said City of Santa Monica for the care and relief of such persons, and the prevention of epidemics.

Added by amendment approved March, 1925.

SEC. 2. There shall be elected by the electors of the city of Santa Monica at large three commissioners, a commissioner of the department of public safety, a commissioner of the department of public works, and a commissioner of the department of finance, at the municipal election to be held in December, 1915, when the commissioner of the department of public safety shall be elected for a term of four years, the commissioner of the department of public works shall be elected for a term of two years, and the commissioner of the department of finance shall be elected for a term of two years, and thereafter their successors shall be elected for a term of four years at the municipal election held in December preceding the expiration of their respective terms of office. The term of their offices shall begin on the first day of January next succeeding their election and qualification.

The commissioners shall compose and be the city council of the city of Santa Monica, trustees of the Santa Monica Public Library, and commissioners of departments.

Should a vacancy occur in the office of commissioners and the remainder of the term of his office exceed six months, there shall be a special election called to fill such vacancy, but if less than six months, the two remaining commissioners shall fill the

vacancy by appointing a commissioner from the qualified residents of the city; provided, however, that if they can not agree within ten days after the date such vacancy occurs, each commissioner shall propose a candidate, and the two candidates shall cast lots for such appointment and the successful candidate shall be commissioner of the department in which the vacancy occurs.

Each commissioner shall receive a salary of Three Thousand (\$3000) Dollars per annum, payable in equal monthly installments at the end of each and every calendar month, and each commissioner shall devote his whole time and attention to the duties of his office. He shall receive no other compensation for his services.

Amended by amendment approved January, 1915.

SEC. 3. The Commissioner of the Department of Public Safety shall be ex-officio Mayor of the City, Chief of Police, Superintendent of Buildings, Health Officer, and Fire Commissioner, and he shall perform the duties of said officers as provided by law. The Board of Health and the Board of Police Commissioners and the Board of Fire Commissioners are hereby abolished and their duties are conferred upon the Commissioner of the Department of Public Safety.

He shall have charge of all matters pertaining to the care and relief of the needy, the establishment of employment bureaus, dispensaries, hospitals and the like, and the prevention of epidemics, and may employ such employees and professional services as may be necessary to carry on such work. The salaries of any employees engaged in this work shall be fixed by ordinance, but the said Commissioner of Public Safety may, anything to the contrary in this charter notwithstanding, expend, in case of emergency, sums up to Two Hundred Fifty (\$250.00) Dollars, without authorization of the Council, and he shall at all times have the power to expend sums less than One Hundred (\$100.00) Dollars in connection with any of the matters mentioned in this paragraph in the same manner that he or any other head of a department is authorized to make expenditure.

The Commissioner of Public Works shall be ex-officio Street Superintendent, Park Commissioner and Water Commissioner, and shall perform the duties of such officers as provided by law, except to the extent that any of such duties may be here-in conferred upon the Board of Public Utilities. He shall also have charge of all public works, buildings and properties of every kind and description, except fire, library and school buildings and properties, and except that the Board of Public Utilities shall have such control of works, buildings and properties used for or pertaining to the operation of public utilities as is conferred upon them by this charter.

The Board of Park Commissioners is hereby abolished, and its duties conferred upon said Commissioner.

The Board of Water Commissioners is hereby abolished and its duties conferred upon said Commissioner, except in so far as any of said duties may be in this charter conferred upon the Board of Public Utilities.

The Commissioner of the Department of Finance shall be ex-officio vice president of the Council, City Clerk, City Assessor, City Treasurer and City Tax and License Collector, and shall perform the duties of all of said officers as provided by law.

In the absence of or during the inability to act of the Commissioner of Public Safety, said Commissioner of the Department of Finance shall be ex-officio acting Mayor, and may sign any Deeds, Ordinances or other documents required by law to be signed by the ex-officio Mayor.

Amended by amendment approved January, 1915.

Amended by amendment approved March, 1925.

SEC. 3-a. The City Council shall appoint three (3) citizens of said city within thirty (30) days after the taking effect of this charter to serve for a period of two (2) years as members of a Library Advisory Board. The members of this board shall act without compensation, and it shall be the duty of said board to make a survey and study the needs and management of the Public Library and to advise the trustees of the Santa Monica Public Library on the solution of all problems touching on the management and upkeep of said library. Said board shall meet at least once a month at such times and places as its members may designate. It shall cause one of its members to be elected President, and one to be elected Secretary, and a representative of said Advisory Board may be present at each meeting of the board of trustees of the Santa Monica Library. The Council shall appoint the successors to the members of said board for like two year periods.

Added by amendment approved April, 1927.

SEC. 4. There shall be elected five members of the board of education at the December election to be held in the year 1915, who shall hold their offices as follows:

Three members shall be elected for a term of four years and two members for a term of two years and thereafter their successors shall be elected for a term of four years at the municipal election held in December preceding the expiration of their respective terms of office. The term of their offices shall begin on the first day of January next succeeding their election and qualification. Should a vacancy occur on the board of education the remaining members of the board shall, by a majority vote, fill the vacancy by appointing a member of the board of education from the qualified residents of the city, who shall hold office until the next municipal election when a member of the board of education shall be elected for the unexpired term, if any.

Amended by amendment approved January, 1915.

SEC. 5. There shall be elected at the December election to be held in the year 1915, a judge of the police court of the city of Santa Monica, who shall be elected for a term of two years, and thereafter his successor shall be elected for a term of two years at the municipal election held in December preceding the expiration of the term of office of the incumbent. The term of office of the police judge shall begin on the first day of January next succeeding his election and qualification. The police judge shall receive a salary of fifteen hundred (\$1500.00) dollars per annum, payable in equal monthly installments at the end of each and every calendar month. Should a vacancy occur in the office of police judge the city council shall fill the vacancy by the appointment for the unexpired term in the same manner as other officers are appointed by the city council.

Amended by amendment approved January, 1915.

SEC. 6. The following officers shall be appointed by the city council:

A city attorney.

A city engineer.

The board of education shall appoint a superintendent of schools. Such officers shall perform the duties imposed upon them by law.

Amended by amendment approved January, 1915.

SEC. 7. The commissioner of each department shall appoint a sufficient number of deputies to perform the duties pertaining to his department; provided, however, that the city council shall by ordinance prescribe the number and compensation of such deputies.

All appointed officers shall hold office until removed by the appointing power which shall have the power of removing in all cases; provided, however, that the city council shall have power to suspend any officer of the city pending trial against whom criminal proceedings may be brought, and in such cases a substitute may be appointed for such officer during suspension.

In all voting upon appointment, suspension or removal of officers, the members of the city council shall vote on call of roll, and the vote of each member shall be spread upon the minutes.

Amended by amendment approved January, 1915.

SEC. 8. The city council shall by ordinance regulate the duties of all the officers of the city in conformity with the provisions of this charter and fix their compensation.

Amended by amendment approved January, 1915.

SEC. 9. Officers of the city must not be interested in any contract made by them in their official capacity, either directly or indirectly, nor by any body or board of which they are members.

Added by amendment approved January, 1915.

SEC. 10. The commissioner of the department of public safety as mayor shall preside at meetings of the city council and shall perform the duties of mayor as provided by law; provided, however, that the mayor shall have no right to veto any ordinance or resolution passed by the council, but he shall have the right as councilman to vote on every matter, resolution or ordinance, coming before the city council, and shall vote last on all measures. He shall not have control over any officers of the city other than of the department of public safety. All portions of the city charter in conflict herewith are hereby repealed.

Added by amendment approved January, 1915.

Article 3 amended by amendment approved April, 1927.

ARTICLE IV.

Powers and Duties of the Council

SEC. 1. All legislative power of the city is vested in the council and shall be exercised by ordinance; other action of the city council may be ordered upon motion.

Amended by amendment approved January, 1915.

SEC. 2. The said city council is the governing body of the city and shall meet every day except Saturdays, Sundays and other holidays, and all sessions shall be open to the public. When met in regular sessions all acts may be done and ordi-

nances passed by a vote of two-thirds of the members voting affirmatively thereon, anything in this charter or the ordinances of the city to the contrary notwithstanding.

Amended by amendment approved January, 1915.

SEC. 3. The council shall meet in the city hall of the city. The records of its proceedings shall be open for inspection during the usual office hours.

Amended by amendment approved January, 1915.

SEC. 4. The enacting clause of all ordinances, shall be substantially as follows:

"The city council of the city of Santa Monica ordains as follows:"

Amended by amendment approved January, 1915.

SEC. 5. Two members of the city council shall constitute a quorum for the transaction of business.

Amended by amendment approved January, 1915.

SEC. 6. All bonds of officers must be approved by the council, as also the bonds of any contractors with the city. The city clerk shall indorse upon such bonds the date of their approval which indorsement shall be signed by the presiding officer of the council and the city clerk.

SEC. 7. The city clerk shall be present at the meeting of the council during its sessions.

SEC. 8. The meetings of the council shall be public and a journal of the proceedings be kept by the clerk under its direction and the ayes and noes shall be taken and entered in the journal in the final action upon the granting of franchises, making of contracts, auditing bills, ordering work to be done or supplies furnished, disposing of or leasing city property, the passage of any ordinance, the ordering of assessments for street improvements, or building of sewers, or upon any other act that may involve the payment of money, or the incurring of a debt by the city, and upon the payment of the salaries of the municipal officers; and in all other cases upon the call of any member.

SEC. 9. The council shall be the judge of the election and qualification of its members. It shall elect one of its members as its presiding officer, who shall be styled president of the council, and who shall, in case of illness of the mayor or in his absence from the city, act as the mayor of the city. The council shall have power to prescribe the rules of its proceedings, and to preserve order at its meetings, and may punish contemptuous or disorderly conduct committed in its presence by fine not exceeding fifty dollars, and imprisonment not exceeding ten days, or by both such fine and imprisonment.

Amended by Sections 3 and 10, Article III, approved January, 1915.

SEC. 10. It shall prescribe by ordinance the duties of all officers whose duties are not defined by this charter, and it may by ordinance prescribe for any officer duties other than those herein prescribed and not inconsistent with the provisions of this charter, and may fix the hours during which the public office of any city officer shall be kept open, if not otherwise herein provided.

SEC. 11. It shall provide suitable rooms for the police court and officers, and the furniture, fuel, lights and stationery necessary for the transaction of the business of the city.

SEC. 12. It shall by ordinance regulate the entrance to and exits from theaters, lecture rooms, churches, public halls, and

public buildings of every kind, and prohibit the placing of chairs, benches or other obstructions in the hall aisles or open places therein.

SEC. 13. It may, by ordinance, declare what constitutes a nuisance, and provide for the abatement and removal thereof.

SEC. 14. It shall make proper provision for the care, custody and feeding of all persons imprisoned by municipal authority, and may, by ordinance require all persons held under sentence to perform any public work.

SEC. 15. It shall, by ordinance, regulate the keeping of gunpowder, acids, or other explosives, combustible or inflammable material within the limits of the city, or any specified part thereof.

SEC. 16. It shall provide for the survey of streets and blocks of land within the limits of the city, and may, by ordinance, declare such surveys official, and may compel all persons to conform to the streets as they are now or may be hereafter, lawfully established and declared official, or otherwise dedicated.

SEC. 17. It shall by ordinance, establish fire districts, and determine the character of buildings that may be erected therein, and the nature of the materials to be used in the construction, alteration or repair of such buildings, or in the repair or alteration of existing buildings within such limits.

SEC. 18. The council shall have power, by ordinance, to regulate and provide for lighting of streets, laying down gas pipes and erection of lamp posts, electric towers and other apparatus, and to regulate the sale and use of gas and electric light, and regulate the inspection thereof and to regulate telephone service, and the use of telephones within the city, and to fix and determine the charges for telephones and telephone service, and connections; and to prohibit or regulate the erection of poles for telegraph, telephone or electric wire in the public grounds, streets or alleys, and the placing of wire thereon; and to require the removal from the public grounds, streets or alleys of any or all such poles, and the removal and placing underground of any or all telegraph, telephone or electric wires.

SEC. 19. It shall, by ordinance, provide for the naming of streets and numbering of houses, and for regulating or preventing the exhibition of banners, flags or placards across the streets, or sidewalks, and for regulating or suppressing public criers, advertising, ringing of bells, and other noises.

SEC. 20. It may, by ordinance, provide for maintaining a fire alarm and police telegraph system, and for the cleaning and sprinkling of graded and accepted streets.

SEC. 21. It shall, by ordinance, regulate the speed of railroad trains, engines, electric cars and all other vehicles in the city, and require railroad companies either to station flagmen, place gates or viaducts at all such streets as it may deem proper.

SEC. 22. It shall, by ordinance, regulate and may prohibit the making up of railroad trains on any of its streets, and the stopping of any train on any street crossing.

SEC. 23. It shall, by ordinance, provide for the removal of all rubbish, garbage, refuse matter, and all other material detrimental to the public health, and shall prescribe the manner and time of such removal.

SEC. 24. To declare by ordinance weeds and rubbish on land

or lots or the sidewalk space in front thereof, to be a nuisance, and to provide for the abating of the same, and to levy an assessment on said lands or lots to pay the cost of such abatement.

SEC. 25. The council shall by ordinance provide for a system of assessment, levy and collection of municipal taxes not inconsistent with this charter, which system shall conform as nearly as the circumstances of the case may permit to the provisions of the laws of this state in reference to the assessment, levy and collection of state and county taxes, except as to the officers by whom such duties are to be performed.

SEC. 25-a. The council may by ordinance, provide for a civil service system subject to the terms of this charter in any or all departments of the city government, and thereupon all appointments shall be made subject to the rules of said civil service system.

Added by amendment approved January, 1915.

SEC. 25-b. The council shall designate some official of the city other than the treasurer to act as purchasing agent, who shall approve all vouchers for the payment of supplies, and conduct all sales of personal property which the council may desire to sell. All purchases and sales shall conform to such regulations as the council may prescribe from time to time, but in case the amount involved is in excess of One Hundred (\$100.00) Dollars, opportunity for competition shall be given. The purchasing agent shall store and distribute all supplies purchased by the city under such regulations as the council may prescribe, and shall furnish a bond in the sum to be designated by the council.

Added by amendment approved January, 1915.

SEC. 25-c. The council shall have power to cause an estimate to be made and a bid submitted on behalf of the city by the city engineer, and the superintendent of streets, on the laying out, opening, extending, widening, improving, vacating, paving, or repaving of any streets, alleys, sidewalks, crossings or other highways, or on constructing or maintaining sewers, drains and other works necessary for the disposition of sewage.

Said bid shall be in regular form but no bond, certified check or other deposit or security shall be required of the city. The contract for said work may be awarded to the city if the bid of said city is the lowest, or to the next highest responsible bidder at the option of the council. No bond shall be required of the city, but the contract shall be signed in regular form. The superintendent of streets shall have charge of the execution of any such contract and careful records of the cost must be kept. Any such work may be done by day labor, or sublet by contract, or both. Assessments for such work shall be collected as designated by the council.

Added by amendment approved January, 1915.

SEC. 25-d. The City Council shall have the power in its discretion, upon recommendation of the head of the Department in which any employee herein specified is employed, to allow regular monthly salary demands for a period of not to exceed six months to any employee of the city, who having been in the employ of the city for a period of five (5) years, at the time of his incapacity may be for any reason incapacitated from performing his duties.

This provision shall not apply in any case where an employee was incapacitated in or as the result of the performance of

his duties, in such a manner as to entitle him to benefits conferred under the Workmen's Compensation Insurance and Safety Act of the State of California.

Added by amendment approved March, 1925.

SEC. 26. The council shall meet at their usual place of holding meetings on the second Monday of August of each year, at ten o'clock in the forenoon of said day, and shall sit as a board of equalization, and shall continue in session from day to day until all the returns of the assessor have been rectified, but not later than the fourth Monday of the same month. They shall have power to hear complaints, and to correct, modify, or strike out any assessment made by the assessor, and may, of their own motion, raise any assessment, upon notice to the party whose assessment is to be raised. The corrected list for each tax shall be the assessment roll for said tax for said year. It shall be certified by the city clerk, who shall act as clerk of the board of equalization, as being the assessment roll for said tax, and shall be the assessment roll upon which such tax is to be levied in said year. Each member of the council shall receive \$6.00 per day during the time the council is sitting as a board of equalization.

Amended by amendment approved January, 1915.

SEC. 27. Every ordinance which shall have been passed by the council shall, before it becomes effective, be signed by the city clerk or other person authorized by the council to sign the same on its behalf, and he shall present it to the mayor for approval, taking a receipt therefor setting forth the date of its presentation.

If the mayor approves it he shall sign it; but if not, he shall indorse thereon the date of presentation to him and shall return it to the city clerk with his objections in writing. The city clerk shall indorse thereon the date of its return to him, and shall, at the first meeting of the council thereafter, present the same, with the objections of the mayor, to that body. Thereupon the council shall proceed to reconsider the passage of the ordinance. Upon such reconsideration, in all cases where the votes of five of the whole council are required to pass the ordinance in the first instance, it shall require the votes of six of the whole council to pass the ordinance over the mayor's veto. In all other cases it shall require the votes of five of the whole council to pass the ordinance over the veto. The vote, in all cases of reconsideration, shall be by ayes and noes, and the names of the members voting for or against shall be entered upon the journal.

Amended by Section 10, Article III, approved January, 1915.

SEC. 28. If any ordinance shall not be returned to the city clerk by the mayor, with his objections in writing, within ten days after it shall have been presented to him, it shall become effective and be as valid as if the mayor had approved and signed it.

Amended by amendment approved January, 1915.

SEC. 29. Repealed by amendment approved January, 1915.

SEC. 30. The council shall also have full power to pass ordinances upon any other subject of municipal control or to carry into effect any other powers of the municipality.

ARTICLE V.

Powers and Duties of Officers

Mayor

SECTION 1. The mayor is the executive officer of the corporation, and must exercise a careful supervision over all its affairs.

It shall be the duty of the mayor, annually, at the first meeting of the council under this charter, and on the first meeting in January of each year thereafter, to communicate by message to the council a general statement of the condition and affairs of the corporation, and to recommend the adoption of such measures as he may deem expedient and proper; and to make such special communication to the council from time to time as he shall deem expedient.

It shall be his further duty to be vigilant and active in the enforcement of the ordinances of the city; to exercise a constant supervision over the acts and conduct of all its officers and employees; to receive and examine into all complaints made against them for violation or neglect of duty, and to certify the same to the council, or proper board.

And he shall perform such other duties and have such other powers as are elsewhere in this charter, or by ordinance, imposed upon or granted to him.

Amended by Section 10, Article III, approved January, 1915.

City Clerk

SECTION 2. The City Clerk shall have the custody of, and be responsible for, all books, papers, records and archives belonging to the city, not in actual use by other officers, or elsewhere by special provision committed to their custody.

He shall be present at each meeting of the Council, and keep a record of its proceedings.

He shall keep separate books in which respectively he shall record all ordinances and contracts and official bonds.

He shall keep all books properly indexed, and open to public inspection when not in actual use.

He shall make out, and sign all licenses other than building permits, and perform such other duties as are, or shall be, imposed by this Charter, or by ordinance.

He shall act as the general accountant and fiscal agent of the city, and shall exercise a general superintendence over all the officers of the city charged in any manner with the receipt, collection or disbursement of the city revenues.

He shall keep a complete set of books, in which he shall set forth in a plain and business-like manner every money transaction of the city, so as to show at all times the state of each fund, from which source the money was derived, and for what purpose any money was expended, and also all collections made and paid into the treasury by each officer or any other person.

He shall on application of any person indebted to the city, holding money payable into the city treasury, or desiring to pay money therein, deliver to such person a countersigned order on the city treasurer, in duplicate, stating the amount claimed as payable, by whom to be paid, and designating to what fund it is applicable; he shall file such orders with the city treasurer's duplicate receipts for money paid into the city

treasury, and shall charge the city treasurer with the amounts received by him.

He shall audit and approve all demands against the city before payment, and keep a record of the same as hereinafter provided in Article XIII. He shall on or before the first day of July in each year make and present to the Council a report as to the revenue and expenses of the city for the current fiscal year and in which he shall set forth estimates of (1), the revenue from sources other than taxation, (2) the itemized expenditures, (3) the itemized amounts necessary to be raised by taxation for each fund.

He shall act as ex-officio Clerk of the Police Court and ex-officio Clerk of the Board of Equalization.

He shall perform such other duties as shall be required of him by this Charter or by ordinance.

Amendment approved March, 1925.

City Treasurer

SECTION 3. It shall be the duty of the city treasurer to receive and keep all moneys that shall come to the city by taxation or otherwise, and to pay the same out on demands legally audited in the manner hereinafter provided: and without such auditing he shall disburse no public moneys whatever, except the principal and interest of the municipal debt when payable.

He shall receive no money into the city treasury unless accompanied by an order of the city clerk provided for in section 2 hereof.

After verifying the amount to be paid into the city treasury, he shall fill in and sign the receipt contained in the order of the city clerk, and shall issue the original to the person paying the money, and shall file the duplicate with his records.

He shall make a report at the close of each month to the city clerk, showing all moneys received during the preceding month, together with the number of each receipt given by him therefor, and what account and from whom received and to what fund applied, and he shall make such special reports from time to time as may be required by the Council.

The Mayor, City Attorney, the Finance Committee of the Council, or any special committee appointed by the Council, separately, or collectively, and with the aid of an accountant selected by such officer or committee, shall have the right and power to examine the books of the treasurer at all times; and the Mayor, Clerk, Attorney or Finance Committee shall also have the right to inspect and count all public moneys.

Amendment approved March, 1925.

SEC. 4. It shall be the duty of the city treasurer in addition to the duties which may be elsewhere prescribed for him in this charter or by ordinance, to collect all taxes and licenses of the city, excepting those hereinafter provided to be collected by the city assessor.

He shall keep proper books, showing all moneys collected by him as tax and license collector.

He shall also keep a book which shall contain a record of every deed given by or on behalf of the city for real estate sold for delinquent taxes or assessments, which book shall be properly indexed and shall be at all suitable times subject to public inspection.

Assessor

SEC. 5. It shall be the duty of the assessor, between the first Monday of March and the first day of August in each year, to make out a true list of all the taxable property within the city. The mode of making out said list, and proceedings relating thereto, shall be in conformity with laws in force regulating county assessors, except as the same may be otherwise provided in this charter, or by ordinance. Said list shall describe the property assessed and the value thereof, and shall contain all other matters required to be stated in such lists by county assessors. Said assessor shall verify said list by his oath, and shall deposit the same with the city clerk, on or before the first Monday in August in each year. Said assessor and his deputy shall have the power to administer all oaths and affirmations necessary in the performance of his duties.

Board of Education

Board of Trustees of the Santa Monica Public Library

Board of Health

Board of Police Commissioners

Board of Fire Commissioners

Board of Park Commissioners

SEC. 6. The powers and duties of the boards enumerated in the heading of this section shall be those herein elsewhere set forth, and granted or imposed by ordinance.

Amended by Section 3, Article III, approved January, 1915.
Amended by Section 3, Article III, approved March, 1925.

City Engineer

SEC. 7. In addition to other duties imposed upon him by this charter or by ordinance of the council, the city engineer shall:

(1) Make all surveys, inspections and estimates required by the council.

(2) He shall examine all public works done under contract, and report thereon to the city council.

(3) He shall be the custodian of and responsible for all maps, plats, profiles, field notes and other records and memoranda belonging to the city pertaining to his office and the work thereof; all of which he shall keep in good order and condition, with full index thereof, and shall turn over the same to his successor.

(4) All maps, plans, profiles, field notes, estimates and other memoranda of surveys and other professional work made or done by him for the city or under his direction or control during his term of office, shall be the property of the city.

The City Attorney

SEC. 8. It shall be the duty of the city attorney to prosecute on behalf of the people all criminal cases arising upon violations of the provisions of this charter and city ordinances, and to attend to all suits, matters and things in which the city may

be legally interested; provided, the council shall have control of all litigation of the city and may employ other attorneys to take charge of any such litigation, or to assist the city attorney therein.

He shall give his advice or opinion in writing, whenever required by the Mayor or Council, and shall do and perform all such things touching his office as by the Council may be required of him.

He shall approve, by indorsement in writing, the form of all official or other bonds required by this Charter, or by ordinance of the Council, before the same are submitted to the Council or Mayor for final approval, and no such bonds shall be approved by the Mayor or Council without such approval by the City Attorney.

He shall approve in writing the drafts of all contracts before the same are entered into on behalf of the city.

He shall give his advice or opinion in writing whenever required by the board of education, board of library trustees or any commission or officer of said city.

Street Superintendent

SEC. 9. The street superintendent shall have the general care of, and frequently inspect the streets of the city. He shall receive and investigate all complaints as to their condition and shall have charge of the enforcement of all ordinances pertaining to street obstructions.

He shall frequently inspect all public works pertaining to street improvements while the same are in course of construction, inspect and approve or reject all material used in such construction, whether done by contract or otherwise; and shall at once report to the council all deviations from contracts and use of improper material and bad workmanship in such works; and shall have the power, pending investigations, to stop all work thereon.

He shall perform such other duties as are herein elsewhere prescribed or imposed by ordinance.

Superintendent of Building

SEC. 10. The superintendent of building shall have such powers and perform such duties as are herein or may by ordinance be imposed upon him.

Chief of Police

SEC. 11. The chief of police shall have the supervision and control of the police force of the city, and in that connection he shall be subject only to the orders of the board of police commissioners, and all orders of the board relating to the direction of the police force shall be given through the chief of police, or in his absence, the officer in charge of the police force.

Amended by Section 3, Article III, approved January, 1915.

Amended by Section 3, Article III, approved March, 1925.

SEC. 12. The chief of police shall be the principal police officer of the corporation, and may, with the approval of the board of police commissioners, select and appoint one or more deputies from the police force, for whose official acts he shall be responsible.

He shall, by himself or by deputy, execute and return all writs and processes issued by the police judge or courts. He, or one of his deputies, shall attend on the sittings of the police court and preserve order therein; and his jurisdiction and that of his deputies in the service of process in all criminal cases, and in cases of violation of the city ordinances, shall be co-extensive with the county.

Amended by Section 3, Article III, approved January, 1915.

Amended by Section 3, Article III, approved March, 1925.

SEC. 13. He shall suppress all riots, disturbances and breaches of the peace, and to that end may call on any person to aid him. He may pursue and arrest, any person fleeing from justice from any part of the state, and shall forthwith bring all persons by him arrested before a police judge for trial or examination. He may receive and execute any proper authority for the arrest and detention of criminals fleeing or escaping from other places or states.

SEC. 14. He shall have, in the discharge of his proper duties, like powers and be subject to like responsibilities as a sheriff in similar cases, and shall perform such other duties and have such other powers as may be imposed on or granted to him by this charter or ordinance.

Health Officer

SEC. 15. The health officer shall have such powers and perform such duties as are herein or may by ordinance be granted or imposed upon him.

Reports of Officers

SEC. 16. It shall be the duty of the Mayor, City Attorney, City Treasurer, City Assessor, Chief of Police, Health Officer, City Clerk, City Engineer, Superintendent of Building, Street Superintendent, Chief of the Fire Department, Secretary of Board of Education, Board of Trustees of the Santa Monica public library, and the Board of Park Commissioners, each to present to the Council at a meeting of the Council in the third week of July of each year a report for the preceding fiscal year ending the 30th day of June.

Amendment approved March, 1925.

SEC. 17. It shall be the duty of any officer having in his possession any public money to pay the same into the treasury on Tuesday of each week.

SEC. 18. It shall be the duty of the mayor, the clerk, and city attorney to count all public moneys at least once a month and report their findings to the city council.

Annual Estimates

SEC. 19. Every officer or Board of the City shall make out and file with the City Clerk, on or before the 15th day of May in each year, a detailed estimate of the expenses of his or its office or department, for the year commencing on the first day of July following said report.

Amendment approved March, 1925.

Administration of Oaths and Affirmations

SEC. 20. The mayor, city treasurer, and each member of the council, and of each board and commission provided for in

this charter, shall have the power to administer oaths and affirmations in any investigation or proceeding pending before any of said officers or bodies, or concerning any demand on the city treasury, and the city clerk shall have the power to administer all oaths and affirmations required by the charter.

The city council and each board and commission provided for in this charter shall have the power and authority to examine witnesses under oath and compel the attendance of witnesses and the production of evidence before each council, board or commission, as the case may be, by subpoena, to be issued in the name of said City of Santa Monica, and to be attested by the city clerk of said city. The city clerk shall, upon demand of the president of the city council, or the presiding officer of any such board or commission, issue such subpoena in the name of said city, and attest the same with the corporate seal thereof, and shall in such subpoena direct and require the attendance of the witness or witnesses sought to be subpoenaed before the city council or the respective board or commission requiring the issuance of said subpoenas at a time and place to be in said subpoenas specified.

The chief of police shall cause all such subpoenas to be served by some member of the police department upon the person or persons required to attend before the council or board or commission in such subpoenas designated.

The city council shall from time to time, adopt ordinances providing suitable penalties for disobedience of such subpoenas, and the refusal of witnesses to testify before such council, board or commission when required so to do.

Playground and Recreation Centers Under Department of Public Works

SEC. 20-a. All public playgrounds, recreation centers and summer camps now or hereafter owned or controlled by the city, either within or without its limits, shall be under the control and management of the Commissioner of Public Works, subject to the control of the Council. Said Commissioner shall have power to organize and conduct physical training and exercise, athletics, sports, games, leagues, tournaments and pageants in and upon the recreation centers owned or controlled by the city, and also in and upon other grounds, athletic fields, gymnasias, swimming pools and other suitable places. The said Commissioner may employ and appoint superintendents, laborers, instructors and other officers and assistants in and about such playgrounds and recreation work, prescribe and fix their duties and authority and qualifications as to residence or otherwise. Their salaries shall be fixed by ordinance as are the salaries of other city employees.

Added by amendment approved March, 1925.

ARTICLE VI. Official Bonds

SECTION 1. The city council shall by ordinance, fix the amount of the official bonds of all such officers of said city of Santa Monica as are by ordinance required to give bonds.

ARTICLE VII. Salaries of Officers

SECTION 1. Each member of the council shall receive the sum of five dollars (\$5.00) for each and every meeting attended by him, not to exceed one meeting a week.

The mayor and all other officers of the city shall receive such salaries as may be fixed by this charter or by ordinance.

Amended by Section 2, Article III, approved January, 1915.

ARTICLE VIII.

Board of Education

SEC. 1. The government of the school department of the city shall be vested in a board of education, to consist of five members, to be elected as herein provided, to be called members of the board of education, who shall serve without salary.

SEC. 2. The board of education shall elect one of its number president, and shall hold regular meetings at least once in each month, and special meetings at such times as shall be determined by rule of said board.

A majority of all the members shall constitute a quorum for the transaction of business, but a smaller number may adjourn from time to time. The board may determine the rules of its proceedings; the ayes and noes shall be taken and recorded on all questions of elections, appointments, or the expenditure of money, and in all other cases upon the call of any member. Its sessions shall be public, and its records shall be open to public inspection. The board shall fill all vacancies occurring in that body until the next general municipal election.

It shall elect a secretary to serve during its pleasure, who shall not be a member of the board nor employed by it in any other capacity, and by resolution shall fix his salary.

The duties of the secretary shall be to call meetings of the board of education at the request of two members, and to keep a record of its proceedings; to keep account of receipts and expenditures of school money; to provide, under the direction of the board of education, all school supplies, authorized by law; to keep the school buildings in repair and to have care and supervision over the school premises and property during vacations; and to perform such other duties as may be prescribed by the board of education.

SEC. 3. The board of education shall have power:

(1) To establish and maintain public schools, including high schools, to change, consolidate and discontinue the same.

(2) To appoint or employ and dismiss a city school superintendent, such teachers, janitors, school census marshals, mechanics, laborers and other employees as may be necessary to carry into effect the powers and duties of the board, to fix and allow their salaries or wages; Provided, that no election of a teacher, or other person employed by the board shall be construed as a contract, as to the duration of time.

(3) To make, establish and enforce all necessary and proper rules and regulations for the government of public schools, the teachers thereof, pupils therein, and for carrying into effect the laws relating to education; provided that corporal punishment shall not be inflicted upon any pupil in the public schools of said city except in the presence of or with the written consent of the parent or guardian of the pupil; also to establish and regulate the grade of schools, and determine what textbooks, course of study and mode of instruction shall be used in said schools.

(4) To provide for the school department fuel and lights, water, blanks, blank books, printing and stationery; and to in-

our such other incidental expenses as may be deemed necessary by said board.

(5) To build, alter, repair, lease and provide school houses, and to furnish them with proper school furniture, apparatus and appliances, and to insure against fire any and all such school property.

(6) To take and hold in fee, or otherwise, in trust for the city any and all real estate, and personal property that may have been acquired, or may be hereafter acquired, for the use and benefit of the public schools of the city; and to sell or exchange and to lease any of such property; provided that the proceeds of any such sale or exchange shall be exclusively applied to the purchase of other lots, or the erection of school houses.

(7) To grade, fence and improve all school lots, and in front thereof to grade, sewer or pave and repair the street, and to construct and repair sidewalks.

(8) To sue for any and all property belonging to or claimed by the said board of education, and to prosecute and defend all actions at law or in equity necessary to recover and maintain the full enjoyment and possession of said property, and to require the services of the city attorney, free of charge in all such cases.

(9) To determine annually the amount of money required for the support of the public schools, and for carrying into effect all the provisions of law in reference thereto; and, in pursuance of this provision, the board shall on or before the 15th day of July of each year, submit, in writing, to the city council a careful estimate of the whole amount of money to be received from the state and county, and the amount required from the city for the above purpose, and the city council shall, in each year, fix the percentage of taxes to be levied and collected for school purposes, provided that the amount to be thus levied for school purposes shall not exceed twenty cents on each one hundred dollars' valuation upon the assessment roll, and that when collected it shall be paid into the school fund.

(10) To establish regulations for the just and equitable disbursement of all moneys belonging to the school fund.

(11) To examine and approve, in whole or in part, in the manner provided in Article XIII, every demand payable out of the school fund, or to reject any such demand for good cause.

(12) To discharge all legal incumbrances now existing, or which may hereafter exist, upon any school property.

(13) To prohibit any child under six years of age from attending the public schools.

(14) In its discretion to establish kindergarten schools for the instruction of children between the ages of five and six years, and industrial and manual training schools or departments.

(15) To receive and manage property or money acquired by bequest or donation in trust for the benefit of any school, educational purpose, or school property.

(16) And generally to do and perform such other acts as may be necessary and proper to carry into force and effect the powers conferred on said board, and to increase the efficiency of the public schools of said city.

SEC. 4. All contracts for building shall be given to lowest bidder thereon, offering adequate security, to be determined

by the board after due public notice, published for not less than ten days in the official newspaper of the city. It shall be the duty of the board to furnish all necessary supplies for the public schools. All supplies, books, stationery, fuel, printing, goods, material, merchandise, repairing and every other article and thing supplied to or done for the public schools, or any of them, when the expenditure to be incurred on account of such matter may exceed three hundred dollars, shall be done or furnished by contract let to the lowest bidder after like public advertisement; provided that the board of education may reject any and all bids under this section.

SEC. 5. Any member of the board of education, officer or other person officially connected with the school department, or drawing a salary from the board of education, who, while connected or drawing such salary, upon investigation by the board of education, shall be found to be interested, either directly or indirectly, in, or to have gained any advantage or benefit from any contract, payment under which have been or are to be made, in whole or in part, from moneys derived from the school fund, or raised by taxation or otherwise for the support of the public schools, shall forfeit his office, and the board of education shall thereupon declare such office vacant.

SEC. 6. The board of education shall, before the 30th day of June of each year, fix a schedule of salaries for teachers and employes of the school department, to take effect on the 1st day of July following, and to remain in force during one year.

School Superintendent

SEC. 7. The superintendent, with the approval of the board of education, may, for good and sufficient cause, provisionally suspend any teacher employed in the public schools of the city, until the next meeting of the board of education. It shall be the duty of the superintendent to report to the board of education annually, and at such other times as it may require, all matters pertaining to the condition and progress of the public schools of said city during the preceding year, with such recommendations as he may deem proper; to visit each school at least once a week; to observe, and cause to be observed, such general rules for the regulation, government and instruction of the schools as may be established by the board; to recommend to the board the dismissal of teachers, stating the reasons therefor; to attend all sessions of the board, and inform it at each session of the condition of the public schools, school houses, and other matters connected therewith, and recommend such measures as he may deem necessary for the advancement of education in the city, and to acquaint himself with all the laws, rules and regulations governing the public schools in said city, and the judicial decisions thereon, and give advice connected with public schools, gratuitously, to officers, teachers, pupils and their parents and guardians.

School Fund

SEC. 8. The school fund shall consist of all moneys received from the state school fund and county school fund, and of all moneys arising from taxes which shall be levied annually by the city council of the city for school purposes; of all moneys arising from the sale, rent or exchange of any of the school

property, and of such other moneys as may, from any source whatever, be paid into any school fund. The school fund shall be separate and distinct from all other moneys and shall be used for school purposes only under the provisions of this charter. If, at the end of any fiscal year, any surplus remains in the school fund, such surplus money shall be carried forward to the school fund for the next fiscal year, and shall not be, for any purpose whatever, diverted or withdrawn from said fund, except under the provisions of this charter.

SEC. 9. The said school fund shall be used and applied by said board of education for the following purposes, to-wit:

(1) For the payment of the salaries or wages of the superintendent, teachers, janitors, school census marshals, and other persons who may be employed by said board.

(2) For the erection, alteration, repairs, rent and furnishing of school houses.

(3) For the purchase or rent of any real or personal property purchased or leased by said board.

(4) For the insurance of all school property.

(5) For the discharge of all legal incumbrances on any school property.

(6) For lighting the school rooms and the offices and rooms of the superintendent and board of education.

(7) For supplying the schools with fuel, water, apparatus, blanks, blank books and necessary appliances, together with books for indigent children.

(8) For supplying books, printing and stationery, for the use of the superintendent and board of education, and for the incidental expenses of the department.

(9) For grading and improving all school lots, and for grading, sewerage, planking, or paving and repairing streets, and constructing and repairing sidewalks in front thereof.

SEC. 10. All demands authorized by this article shall be paid by the city treasurer from the school fund; provided, that the said board shall not have power to contract any debts or liabilities, in any form whatsoever, against the said city, in contravention of this article, or exceeding in any year the income and revenue provided for the school fund for such year; but this provision shall not be construed to prevent the incurring of indebtedness for permanent improvements to be liquidated by the proceeds of school bonds of the district issued in accordance with the general laws of the state for the purpose of defraying the cost of such permanent improvements.

SEC. 11. It shall be the duty of the auditor of the county of Los Angeles, upon the first Monday in each month, and at such other times as he may deem proper, to certify in duplicate to the superintendent of schools of such county the amount of school moneys at that time in the county treasury, and the amount received during the previous month. The county superintendent shall, upon the receipt of such certificates, indorse upon one of them the amount of such moneys to which the public schools of the city are entitled. The certificate so indorsed shall be at once returned to said auditor, who shall direct upon the same the county treasurer to pay the sum designated upon such certificate to the treasurer of the city for the use of the school fund thereof.

SEC. 12. The treasurer of said county shall thereupon pay to the treasurer of said city the sum directed by the auditor as above provided; and when said moneys are placed in the city

school fund they shall be used in precisely the same manner as moneys raised by the city school taxes in the city; provided that the entire revenue derived by the city from the state school fund and the state school tax fund shall be applied by said board of education exclusively to the support of primary and grammar schools.

ARTICLE IX.

Library Department

SEC. 1. The public library and reading rooms, known as the "Santa Monica Public Library," is hereby continued in existence, and shall be free of access to all citizens of said city and the general public, subject to such rules and regulations for the government and management thereof as may at any time be adopted by the board of trustees of said library, hereinafter provided.

Amended by amendment approved January, 1915.

SEC. 2. There shall be levied and collected annually, on all the taxable property in the city, as in other cases a tax sufficient to maintain such library, not less than \$3000 per year, and for purchasing or leasing such real and personal property, books, papers, publications, furniture and fixtures and erecting such buildings as may be necessary therefor. No indebtedness exceeding the amount of the annual levy for this purpose shall be incurred in any one year; provided, this limitation shall not be construed to prevent the incurring of indebtedness for permanent improvements, to be liquidated by the proceeds of municipal bonds issued by the city of Santa Monica, in accordance with the provisions of this charter and of the general laws of the state, for the purpose of defraying the cost of such improvements.

Trustees

SEC. 3. The mayor shall, after his qualification under this charter, appoint, subject to confirmation by the council, a board of five trustees of said library, who shall serve without compensation and be known as "The Board of Trustees of the Santa Monica Public Library." They shall be chosen from the citizens at large without regard to political opinions, but with reference to their fitness for said office, and no member of said board shall hold office in said city in any other capacity.

Amended by Section 2, Article III, approved January, 1915.

SEC. 4. Said trustees shall hold office for two years, and until their successors are appointed and qualified, and if any vacancy occurs the mayor shall, subject to confirmation by the council, fill the same by appointment for the unexpired term.

Amended by Section 2, Article III, approved January, 1915.

SEC. 5. Said trustees shall, immediately after their appointment, meet and organize by the election of a president from among their number and they may appoint the librarian or any employe of the library department to act as clerk of the board. Such clerk shall keep a record of and full minutes in writing of all their proceedings, and may certify to such proceedings or any portion thereof under his or her hand, to be verified by seal, if a seal be adopted and provided by the board for that purpose, and shall serve without extra compensation.

Powers of the Board

SEC. 6. Such board, by a majority of all the members, to be recorded in the minutes with the ayes and noes at length shall have power to make and enforce all such by-laws, rules and regulations as may be necessary or expedient for its own guidance, and for the administration, government and protection of such library, reading room and property; to determine the number of officers and assistants to be appointed for such library and reading-room, and to determine and define their duties; to fix the salaries and wages of all such employes; to appoint a librarian and necessary assistants, and such other employes as may be necessary, and, for good cause, to remove them; to control and order the expenditure of all moneys at any time in the library fund, and order the drawing and payment of all moneys out of said fund for such expenditures or liabilities as are herein authorized, subject to the general provisions for the payment of demands on the city treasurer, contained in Article XIII, to purchase or lease all necessary real property whereon to construct and thereon to construct a library building or buildings, or to lease appropriate rooms, or a building or buildings, for such library, and to have the general supervision, care and custody of the grounds, rooms or buildings constructed, leased or set apart for that purpose, and generally do all that may be necessary to carry out the spirit and intent of this charter in establishing a public library and reading-room; provided that all moneys received for such library shall be deposited in the treasury of the city, to the credit of the library fund, and shall be kept separate and apart from other moneys of the city, and shall be drawn from said fund upon demands authenticated by the signatures of the president and clerk of the board. All libraries and reading-rooms hereto established by said city, and all property, real and personal, thereto belonging, shall be turned over to the charge, custody and administration of the board of trustees, with like powers and liabilities as if such library had been established under this charter.

Amended by Section 2, Article III, approved January, 1915.

Who May Use the Library

SEC. 7. The library and reading-room shall be forever free to the use of the inhabitants of the city, and persons sojourning therein, always subject to such reasonable rules and regulations as the board of trustees may adopt, and said board may exclude from the use of said library and reading-room any and all persons who shall wilfully violate such rules, and said board may extend the privileges and use of such library and reading-room to persons residing outside the city upon such terms and conditions as said board may, from time to time, by its regulations prescribe.

Donations and Conveyances

SEC. 8. Any person desiring to make donations of money, securities or other personal property or real estate, shall have the right to vest the title to such money, personal property or real estate so donated in "The Board of Trustees of the Santa Monica Public Library," hereby created, to be owned, held and

controlled by such board, when accepted, according to the terms of the deed, gift, devise or bequest of such property; and, as to such property, the board shall be held and considered to be a special trustee thereof for the city. The title of all real property that may be purchased shall likewise be taken by said board in its name as such special trustee; and the city of Santa Monica may, in its discretion, by ordinance, set apart and order to be conveyed by said board, as special trustee, any part of the real property of the city not otherwise appropriated.

Amended by Section 2, Article III, approved January, 1915.

SEC. 9. The board of trustees shall make the annual report and estimate hereinafter provided.

SEC. 10. The city council shall have power to pass ordinances imposing suitable penalties for the punishment of persons committing injury upon such library, or the grounds or property thereof, and for injury to or failure to return any book belonging to such library.

Police Department

SEC. 11. The mayor, who shall be ex-officio a member and president of the board, and two citizens, to be appointed by the mayor, subject to confirmation by a majority of the council, shall constitute the board of police commissioners of the city. The appointive members of the board shall serve without compensation, and shall be of different political parties. The appointive members of the board shall hold office for two years, and until their successors are appointed and qualified.

Amended by Section 3, Article III, approved January, 1915.

Amended by Section 3, Article III, approved March, 1925.

SEC. 12. The police commissioners shall meet at least once a week.

Amended by Section 3, Article III, approved January, 1915.

Amended by Section 3, Article III, approved March, 1925.

SEC. 13. The police department shall consist of the chief of police and as many subordinate officers and such policemen and detective officers and employes as the council shall, by ordinance determine. All appointments and removal in the police department shall be made by the board of police commissioners.

Amended by Section 3, Article III, approved January, 1915.

Amended by Section 3, Article III, approved March, 1925.

SEC. 14. The salaries of members and employes of the police department shall be fixed by the council by ordinance.

SEC. 15. The police commissioners shall prescribe the rules and regulations for the government of the police force, and fix and enforce the penalties for their violation.

Amended by Section 3, Article III, approved January, 1915.

Amended by Section 3, Article III, approved March, 1925.

SEC. 16. The board of police commissioners, the chief of police, and other officers and employes shall have such further powers and be subject to such further duties as may be granted or imposed by ordinance.

Amended by Section 3, Article III, approved January, 1915.

Amended by Section 3, Article III, approved March, 1925.

Fire Department

SEC. 17. The mayor, who shall be ex-officio a member and president of the board, and two citizens to be appointed by the

mayor, subject to confirmation by a majority of the council, shall constitute the board of fire commissioners of the city. The appointive members of the board shall serve without compensation, and shall be of different political parties.

The appointive members of the board shall hold office for two years, and until their successors are appointed and qualified.

Amended by Section 3, Article III, approved January, 1915.

Amended by Section 3, Article III, approved March, 1925.

SEC. 18. The fire commissioners shall meet at least once a month.

Amended by Section 3, Article III, approved January, 1915.

Amended by Section 3, Article III, approved March, 1925.

SEC. 19. The fire department shall consist of a chief and assistant chief, and such other officers and employes as the council may, by ordinance, from time to time, determine to be necessary.

SEC. 20. The salaries of all officers and employes of the fire department, shall be fixed by the council, by ordinance.

SEC. 21. The board of fire commissioners shall prescribe the rules and regulations for the government of the department, and fix and enforce the penalties for their violation.

Amended by Section 3, Article III, approved January, 1915.

Amended by Section 3, Article III, approved March, 1925.

SEC. 22. The board of fire commissioners and the chief engineer, and other officers and employes, shall have such other powers and perform such other duties as may be granted or imposed by ordinance.

Amended by Section 3, Article III, approved January, 1915.

Amended by Section 3, Article III, approved March, 1925.

Park Department

SEC. 23. All lands and real property located in the City of Santa Monica which have been heretofore, or which may be hereafter, set apart or dedicated for the use of the public as a public park or parks, shall forever remain to the use of the public.

SEC. 24. The mayor, who shall be ex-officio member and president of the board, and two citizens to be appointed by the mayor, subject to confirmation by a majority of the council, shall constitute the board of park commissioners of the city. The appointive members of the board shall serve without compensation, and shall be members of different political parties. The appointive members of the board shall hold office for two years, and until their successors are appointed and qualified.

Amended by Section 3, Article III, approved January, 1915.

Amended by Section 3, Article III, approved March, 1925.

SEC. 25. The park commission shall meet at least once a month.

Amended by Section 3, Article III, approved January, 1915.

Amended by Section 3, Article III, approved March, 1925.

SEC. 26. The park department shall consist of as many officers and employes as the council may, by ordinance, from time to time determine to be necessary. All appointments and removal in the department shall be made by the board of park commissioners.

Amended by Section 3, Article III, approved January, 1915.

Amended by Section 3, Article III, approved March, 1925.

SEC. 27. The salary of all officers and employes of the park department shall be fixed by ordinance.

SEC. 28. The board of park commissioners shall prescribe the rules and regulations for the government of the department, and fix and enforce the penalties for their violation.

Amended by Section 3, Article III, approved January, 1915.

Amended by Section 3, Article III, approved March, 1925.

SEC. 29. The board of park commissioners shall have such other powers and perform such other duties as may be granted or imposed by ordinance.

Amended by Section 3, Article III, approved January, 1915.

Amended by Section 3, Article III, approved March, 1925.

Board of Health

SEC. 30. There is hereby established in and for the City of Santa Monica a department to be known as the board of health, to consist of three members, viz:

The mayor, who shall be ex-officio a member and president of the board, and two citizens, to be appointed without regard to their political opinions, by the mayor, subject to confirmation by a majority of the council.

Both of said citizens shall be physicians in good standing and graduates of some reputable medical college.

Amended by Section 3, Article III, approved January, 1915.

Amended by Section 3, Article III, approved March, 1925.

SEC. 31. The appointed members of the board shall hold office for two years, and until their successors are elected and qualified, and shall serve without compensation. All vacancies shall be filled for the unexpired term only. Any appointed member failing to qualify within ten days after his appointment shall be deemed to have declined the office, and a new appointment shall be made. Two members shall constitute a quorum for the transaction of business.

Amended by Section 3, Article III, approved January, 1915.

Amended by Section 3, Article III, approved March, 1925.

Health Office

SEC. 32. The board of health shall be provided by the City Council with a suitable office, in which it shall hold its official meeting once a month, or when requested by two members of the board.

Amended by Section 3, Article III, approved January, 1915.

Amended by Section 3, Article III, approved March, 1925.

SEC. 33. The board of health shall have such general supervision as may be provided by ordinance of all matters appertaining to the sanitary condition of the city, including jails, hospitals and all public health institutions.

Amended by Section 3, Article III, approved January, 1915.

Amended by Section 3, Article III, approved March, 1925.

Health Officer

SEC. 34. The board shall appoint and, for good cause, may remove a health officer, whose duties as such shall be defined by ordinance. He shall be a graduate of a reputable medical college, and shall have practiced medicine for at least five years, and shall have been a citizen and resident for two years in this city, and have his license to practice medicine recorded

with the county clerk of Los Angeles county, in accordance with the laws of the state of California regulating the practice of medicine. He must reside within the city limits. The board shall appoint all assistants to said health officer, and all employes in the health department, the number of such assistants and employes and their compensation to be fixed from time to time by ordinance.

Amended by Section 3, Article III, approved January, 1915.

Amended by Section 3, Article III, approved March, 1925.

SEC. 35. The health officer shall be the executive officer of the board, and he shall see that all ordinances in respect to the public health and the rules and regulations of the board of health are enforced; and shall receive all complaints of the violations of such ordinances, rules and regulations, and investigate the same and act thereon. He shall make to the board an annual report of the affairs of his office, including mortuary and other statistics, with such general observations as in his judgment might benefit the sanitary condition of the city. He shall in person visit once in each quarter all the public institutions in the city under the charge of the health department, and twice in each year he shall visit every public school in said city; during such visits he shall examine the buildings in regard to the manner in which they are lighted, ventilated, heated, and particularly in regard to their sanitary condition. At the meetings of the board in the months of January, April, July and October, he shall report to the board the result of his examinations.

Amended by Section 3, Article III, approved January, 1915.

Amended by Section 3, Article III, approved March, 1925.

Quarantine

SEC. 36. Whenever it shall be certified to the board of health by the health officer that any building or part thereof is unfit for human habitation by reason of its being so infected with disease, or from other causes, as to be likely to cause sickness among its occupants, said board may issue an order, and cause the same to be affixed conspicuously on the building or in front thereof and to be personally served upon the owner, agent, or lessee, if the same can be found, requiring all persons therein to vacate such building for the reasons aforesaid, to be stated therein. Such building, or part thereof, shall within ten days thereafter be vacated or within such shorter time, not less than twenty-four hours, as in said notice may be specified, but said board, if it should become satisfied that the danger from the building or parts thereof has ceased to exist, may revoke said order, and it shall thenceforth become inoperative.

Amended by Section 3, Article III, approved January, 1915.

Amended by Section 3, Article III, approved March, 1925.

SEC. 37. Every physician in the city shall report to the health officer in writing every patient he shall have sick of typhus, ship or yellow fever, Asiatic cholera, leprosy, smallpox, diphtheria or scarlet fever, and every death from such disease immediately after it shall have occurred. Also every householder in said city shall forthwith report in writing, or otherwise, to the health officer the name of every inmate of his or her house whom he or she have reason to believe is sick of typhus, ship or yellow fever, leprosy, cholera or smallpox, or other contagious or infectious diseases, and any deaths occurring at his or her house from such disease.

Infectious Diseases

SEC. 38. The health officer shall report to the superintendent of the public schools the names and residence of every person sick of typhus, ship or yellow fever, Asiatic cholera, smallpox, leprosy, diphtheria, scarlet fever or other contagious or infectious diseases, he may deem dangerous to the public health, and it shall be the duty of the superintendent of public schools when so notified of the residence of any person sick of any of the diseases enumerated to refuse admittance to the public schools of any member of a family, one or more of whose inmates are sick of any of the aforesaid diseases; provided that the parties excluded shall be readmitted upon presenting a certificate from the health officer that there is no longer any danger from contagion.

SEC. 39. No person shall drive or use any vehicle, or suffer or permit any vehicle under his or her charge or control, to be driven or used for the conveyance, transportation or removal of any person infected with the smallpox, or the body of any person who has died of smallpox, without the written consent of the health officer; also no person shall use or drive, or suffer or permit any vehicle authorized by the written consent of the health officer, to convey, transport or remove persons infected with the smallpox, or the bodies of persons who may die of the smallpox, to be used or driven for the conveyance, transportation or removal of persons uninfected with smallpox, without the written consent of the health officer.

SEC. 40. Whenever a case of smallpox, Asiatic cholera or yellow fever is reported to the health officer, he shall immediately visit the premises where the person is, and the said health officer, upon personal inspection, shall, in cases of smallpox, Asiatic cholera or yellow fever, immediately cause to be erected a yellow or quarantine flag in a conspicuous place on said premises, or put upon the doorway of houses infected with such diseases a placard setting forth the fact, the same to remain during the continuance of the disease on said premises.

SEC. 41. The board of health may appoint and remove at pleasure a physician and nurses for the hospital or hospitals of the city when, in their judgment, it may be necessary. The salary of said officers shall be provided for in the same manner as for other officers of the board.

Amended by Section 3, Article III, approved January, 1915.

Amended by Section 3, Article III, approved March, 1925.

Smallpox Hospital

SEC. 42. The city council may, by ordinance, establish and provide for the government of a smallpox hospital.

ARTICLE X.

Board of Water Commissioners

SECTION 1. At such time as this city may become the owner of a water system, the city council shall by ordinance provide for the appointment of a board of water commissioners defining their duties, and for the appointment of such employes as may be necessary.

Amended by Section 3, Article III, approved January, 1915.

Amended by Section 3, Article III, approved March, 1925.

ARTICLE XI.

Elections

SECTION 1. Elections to be held in said city for the purpose of electing the officers of said city, and for all other purposes, are of two kinds.

- (1) General Municipal Elections.
- (2) Special Elections.

SEC. 2. General municipal elections shall be held on the first Tuesday in December, 1925, and thereafter every two years.

Any matter may be submitted to a vote of the electors at said election.

Special elections may be called at any time by the City Council for any purpose required by law.

Election of Officers. The mode of election of all elective officers of the city to be voted for at any municipal election, shall be as follows, and not otherwise: Candidates for said office shall be nominated as follows:

The name of the candidate shall be printed upon the ballot when a petition for nomination shall have been filed in his behalf in the manner and form and under the conditions hereinafter set forth. The petition of nomination shall contain not less than twenty-five (25) or more than thirty-five (35) individual signatures which shall read substantially as follows:

"PETITION OF NOMINATION OF CANDIDATE FOR THE OFFICE OF....."

STATE OF CALIFORNIA,
COUNTY OF LOS ANGELES, } ss.
CITY OF SANTA MONICA.

I, the undersigned, certify that I do hereby join in a petition for the nomination of....., whose residence is at No.....Street, Santa Monica, California, for the office of....., to be voted for at the municipal election to be held in the city of Santa Monica, on the.....day of....., 19....., and I further certify that I am a qualified elector, and am not at this time a signer of any other petition nominating any other candidate to the above named office, and I further declare that I intend to support for such nomination the candidate named herein.

No. Precinct	Signature	Residence	Date
1.....
2.....
3.....
4.....
6 to 35, inc.

"VERIFICATION OF DEPUTY'S AFFIDAVIT.
STATE OF CALIFORNIA,
COUNTY OF LOS ANGELES, } ss.
CITY OF SANTA MONICA.

I,, solemnly swear (or affirm) that I have been duly appointed as a verification deputy to secure signatures in the City of Santa Monica, County of Los Angeles, State of California, to the annexed paper of.....; that all the signatures on this nomination paper numbered from.....to.....inclusive, were made in my presence,

and that to the best of my knowledge and belief each of said signatures is the original signature of the person whose name it purports to be.

Verification Deputy.

Subscribed and sworn to before me this.....day of..... 19.....

Notary Public in and for the County of Los Angeles, State of California.

(Or other officer).

This petition of nomination shall, if found insufficient, be returned to....., atStreet, Santa Monica, California."

It shall be the duty of the City Clerk to furnish, upon application, a reasonable number of official forms of petitions of nomination of the above character. Each petition of nomination must contain the name of one candidate and no other.

Each signer to the nominating petition must be a qualified elector, and must not at the time of signing, have signed his name to the petition of any other candidate for the same office.

Verification deputies, under this section, must be qualified electors of the City of Santa Monica, and shall be appointed by the city clerk upon application in writing, signed by not less than five (5) qualified electors of the city. The applicant shall set forth that the signers thereto desire to procure the necessary signatures of electors for the nomination of candidates for municipal offices at an election therein specified, and that the applicants desire the person or persons, whose names and addresses are given, appointed as verification deputies, who shall, upon appointment, secure the signatures of the signers of petitions of nomination; their appointments shall continue only until all of the petitions under this section shall have been filed with the city clerk. All verification deputies must, before their appointment, make and file with the city clerk an oath as to their ages, places of residence, occupation, and that they are duly qualified electors of the city of Santa Monica, California.

The petition of nomination may be presented to the city clerk not earlier than forty-five (45) days, nor later than thirty (30) days before the election. The clerk shall endorse thereon the date upon which the petition was presented to him.

When the petition of nomination is presented to the city clerk for filing, he shall forthwith examine the same, and see whether it conforms to the provisions of this section. If found not to conform thereto, he shall then and there in writing declare on said petition the defect or omission or reason why such petition cannot be filed, and shall return the petition at once. The petition may then be amended and presented to the clerk as in the first instance not later than twenty-six (26) days prior to the election.

Any signer to any petition of nomination may withdraw his name from the same by filing with the city clerk a verified revocation of his signature, before the filing of the petition by the clerk, and not otherwise. He shall then be at liberty to sign a petition for another candidate for the same office.

Any person whose name has been presented under this sec-

tion as a candidate, may, not later than twenty-five (25) days before the day of election, cause his name to be withdrawn from nomination by filing with the city clerk a request therefor in writing, and no name so withdrawn shall be printed upon the ballot.

If either the original or the amended petition of nomination shall be found sufficient as hereinbefore provided, the clerk shall file the same twenty-five (25) days before the day of the election. When the petition of nomination shall have been filed by the clerk, it shall not be withdrawn or added to, and no signature shall be revoked thereafter.

The city clerk shall preserve in his office for the period of two (2) years all petitions of nomination and all certificates belonging thereto filed under this section.

Immediately after such petitions are filed, the clerk shall enter the names of the candidates in a list with the offices to be filled, and shall at least twenty (20) days prior to the election, file in his office a notice of the date of such election and the offices to be filled, naming and numbering them in numerical order, unexpired terms or short terms being designated next after the full terms or long terms. He shall also designate in such notice the election officers, who have been appointed for each precinct and the polling places therein where the voting for such election shall be had, and shall include in said notice the list of candidates nominated as hereinabove mentioned. He shall immediately thereafter cause one copy of such notice to be posted in a prominent place in his office.

The city clerk shall cause the ballots to be printed and bound and numbered, as provided for by state law, except as otherwise required in this charter. The ballots shall contain the list of names and the respective offices, set forth in the notice of election, and shall be substantially in the following form:

"GENERAL MUNICIPAL ELECTION OR SPECIAL MUNICIPAL ELECTION, CITY OF SANTA MONICA (inserting the date thereof).

INSTRUCTIONS TO VOTERS.

TO VOTE STAMP A CROSS (X) OPPOSITE THE NAME OF THE CANDIDATE FOR WHOM YOU DESIRE TO VOTE.

ALL MARKS OTHERWISE MADE ARE FORBIDDEN.

ALL DISTINGUISHING MARKS ARE FORBIDDEN AND MAKE THE BALLOT VOID. IF YOU WRONGLY MARK, OR TEAR, OR DEFACE THIS BALLOT, RETURN IT TO THE INSPECTOR OF ELECTION AND OBTAIN ANOTHER."

All ballots shall be precisely of the same size, quality, tint of paper, and kind of type and color of ink, so that without the number it would be impossible to distinguish one ballot from another; and the names of all the candidates printed upon the ballot shall be in type of the same size and style.

A column may be provided on the right-hand side for charter amendments or other questions to be voted upon at the municipal elections.

The names of the candidates for each office shall be arranged alphabetically by the city clerk, and nothing on the ballot shall be indicative of the source of the candidacy or of the support of any candidate.

The name of every candidate who has been duly and regularly nominated, and who has not withdrawn his name as herein provided, shall be printed upon the ballot.

The offices to be filled shall be arranged in separate columns in the following order:

Commissioner of Public Safety. Vote for one.

Commissioner of Public Works. Vote for one.

Commissioner of Finance. Vote for one.

A Police Judge. Vote for one.

Members of the Board of Education. Vote for (designating the number to be elected).

Spaces of suitable size shall be provided at the right of the name of each candidate wherein to stamp the cross.

Half-inch space shall be left below the printed names of candidates for each office equal in number to the number to be voted for wherein the person may write the name of any person or persons for whom he may wish to vote.

The clerk shall cause to be printed sample ballots identical in form with the ballot to be used at the election and shall furnish copies of the same on application to registered voters at his office at least five (5) days before the day fixed for such election, and shall mail one such ballot to each voter entitled to vote at said election, so that all of the said sample ballots shall have been mailed at least three whole days before said election.

As soon as the polls are closed the election judges shall immediately open the ballot boxes, take therefrom and count the ballots and note the total number thereof on the tally sheet provided therefor. They shall carefully enter the number of votes for each candidate on said tally sheet and make return thereon to the city clerk as provided by law. The candidate receiving the highest number of votes cast for the particular office for which he is a candidate shall be declared elected. If the person elected fails to qualify, the office shall be filled as if there were a vacancy in such office as hereinbefore in this charter provided.

General Election Regulations

The provisions of any state law, now or hereafter in force, except as the council may otherwise by ordinance provide, relating to the qualifications and registrations of electors, the manner of voting, the duties of election officers, the canvassing of returns, and all other particulars in respect to the management of elections, except as otherwise provided in this article, so far as they may be applicable, shall govern all municipal elections; provided, also, that the council shall meet as a canvassing board and duly canvass the election returns within two days after any municipal election. Whenever any member of the council is a candidate for re-election, the council shall appoint some justice of the peace or notary of said city to take the place of said candidate upon said canvassing board as a member thereof.

Political activity. No person in the employ of the city shall take any active part, or contribute any money towards nomination or election of any candidate. A violation of any of the provisions of this section by any candidate or officer shall disqualify him from holding the office for which he may be elected or appointed.

No informalities in conducting any municipal election shall

invalidate the same, if the election has been conducted fairly and in substantial conformity to the regulations of this charter.

Amended by amendment approved January, 1915.

Amended by amendment approved March, 1925.

SEC. 3. Repealed by amendment approved January, 1915.

SEC. 4. The council shall have power to submit to the electors of said city at any election any question required to be so submitted by the constitution, the law, this charter, or by ordinance; provided, that in case such question is required by said constitution, law, charter, or ordinance to be submitted at a special or other particular kind of election, it shall be so submitted, and not otherwise.

SEC. 5. The present officers of the city shall hold, continue to hold and exercise their respective offices until the election or appointment and qualification of the first officers to be elected or appointed under this charter, with the powers and duties vested in and imposed upon them by the charter and the ordinances of the city under which they were elected.

Eligibility to Office

SEC. 6. All elective officers must have resided in the city of Santa Monica continuously one year next preceding their elections.

All appointed officers must maintain offices in the city of Santa Monica, but need not be actual residents thereof.

Amended by amendment approved January, 1915.

SEC. 7. The city attorney and police judge must have been admitted to practice in all the courts of this state, and also in all federal courts within the southern district of California.

Amended by amendment approved January, 1915.

SEC. 8. A vacancy exists in an office within said city when an officer dies, resigns, or ceases to be a resident of the city, or if he be a councilman ceases to reside in the ward for which he was elected.

Amended by Sec. 2, Article III, approved January, 1915.

SEC. 9. A vacancy in an elective office shall be filled by the council.

ARTICLE XII.

Contracts

SECTION 1. The commissioner of each department shall have control of expenditures and purchases for the use of his department and may enter into contracts therefor; provided, however, that a requisition shall be made and filed with the purchasing agent for all supplies purchased; and provided further, that every purchase or contract amounting to more than one hundred (\$100) dollars shall be first authorized on requisition by the city council. On January 1, April 1, July 1, and October 1, of each year, each department shall file with the purchasing agent an itemized statement of the supplies that may be needed for the ensuing quarter-year. The purchasing agent shall post a copy of such lists on the city bill-board, conspicuously affixed to the wall, in the city clerk's office, adjacent to the main door thereof, for ten days immediately succeeding the filing of such lists, and cause a brief notice to be published at least twice in one or more newspapers published in the city of Santa Monica, and in one or more newspapers to be desig-

nated by the city council, published outside of said city, calling attention to the filing of said lists and that itemized bids will be received therefor within ten days after said posting. Said published notice need not contain said itemized lists, but may describe the articles desired generally and refer to such lists for further information. The purchasing agent shall also mail a copy of said notice to the address of such dealers as may be directed by the commissioners of the departments. Itemized bids shall be filed with the city clerk and purchases shall be made of such bidders or of any of them of any article at the lowest price, quality considered, by any bidder for that article and in any quantity required; provided, however, that the city council or any commissioner shall have the right to purchase of any other person or firm any article needed for the use of the city at a price lower, quality considered, than the minimum price bid for such article by any of the said bidders.

All official notices, city printing and advertising shall be published in a newspaper of general circulation in the municipality, in the body type of the paper. The newspaper carrying such publication shall be paid a price per inch of space used and at the lowest and best rate offered, not exceeding that which it receives from regular commercial display advertisements for the quantity of space used. When it may appear to the council that the rates offered are unfair, the council may employ other means of securing publicity in lieu of newspaper advertising.

Amended by amendment approved January, 1915.

SEC. 1-a. In the letting of contracts or sub-contracts for mechanical and other labor within the control of the city council of the City of Santa Monica which are to be paid for with money raised by taxation or the proceeds of a bond issue, preference shall be given to persons residing within the territory so taxed or within the district covered by such bond issue, due regard being had to the quality, price and availability of such labor.

Added by amendment approved March, 1925.

SEC. 2. The city of Santa Monica shall not be and is not bound by any contract, or in any way liable thereon, unless the same is made in writing by order of the council, the draft thereof approved by the council, and the same ordered to be, and be, signed by the mayor, or some other person authorized thereto, in behalf of the city; provided that the approval of contracts by the city attorney, as required by the provisions of Article V of this charter, shall be endorsed on the draft thereof before the council shall have power to approve the same; but the council, by an ordinance, may authorize any officer, committee or agent of the city to bind the city without a contract in writing for the payment of any sum of money not exceeding three hundred dollars.

ARTICLE XIII.

Claims and Demands

SEC. 1. All claims and demands whatever against the city of Santa Monica except interest coupons on bonds and bonds of the funded debt, shall be paid only on demands as herein provided for.

SEC. 2. Said demands, except demands payable out of the

school fund, the library fund, or water revenue fund, shall be presented to the council on forms and blanks to be provided by the city clerk, and shall be referred to its committee on finance. The said committee shall by endorsement thereon approve or reject the same in whole or in part. The council shall then consider the said demands and the action of said committee thereon, and shall, if the same be just and legal, approve the same; or may, if it so determine, approve in part or reject the whole. The action of the council shall be endorsed thereon, with the date of such action, and certified by the signatures of the president and city clerk; provided, that it shall require the votes of a majority of the members of the whole council, under a call of the ayes and noes, and the vote spread upon the minutes, to approve any such demand in whole or in part.

Amended by amendment approved January, 1915.

SEC. 3. All demands payable out of the school fund must, before they can be approved by the city clerk, or paid, be previously approved by the board of education, by a vote of the majority of the members thereof taken with the ayes and noes spread upon the minutes, and the action of said board endorsed on said demand and signed by the presiding officer and secretary thereof. After the approval of said demands they shall be delivered to the city clerk, who shall have the same powers and perform the same duties in reference to demands payable out of the school fund as is provided for other demands.

SEC. 4. All demands payable out of the library fund must, before they can be approved by the city clerk, or paid, be previously approved by the board of trustees of the Santa Monica public library, by a vote of three members thereof, taken with the ayes and noes and spread on the minutes, and the action of said board endorsed on said demand and signed by the presiding officer and the secretary thereof. After the approval of said demands they shall be delivered to the city clerk, who shall have the same power and perform the same duties in reference to demands payable out of the library fund as are provided for other demands.

Amended by amendment approved January, 1915.

SEC. 5. No demand can be approved by any board or officer, audited or paid, unless it specify each several items, with the date and amount thereof.

SEC. 6. No payment can be made from the city treasury or out of the public funds of said city, unless the same be specifically authorized by law or this charter, nor unless the demand which is paid be duly audited as in this charter provided. The term "audited," as used in this charter with reference to demands upon the treasury, is to be understood to mean that said demands have been presented to, passed upon and approved by every officer and board of officers, as required by this charter, and this must appear upon the face of the paper representing the demand, or else it is not audited; provided that the approval or rejection in whole or part of a demand by the committee on finance of the council is advisory only to the council, and the rejection by said committee of a demand in whole or in part does not of itself prevent it being duly audited.

SEC. 7. No demand upon the treasury shall be allowed by the city clerk in favor of any person or officer in any manner indebted thereto without first deducting the amount of such indebtedness, nor to any person or officer having the collection,

custody of or disbursement of public funds, unless his account has been duly presented, passed, approved and allowed, as required by law or this charter; nor in favor of any officer who shall have neglected to make his official returns or his reports in writing in the manner and at the time required by law or this charter, or by the ordinance or regulations made in pursuance thereof; nor to any officer who shall have neglected or refused to comply with any of the provisions of this charter or ordinances of the city, or any act of legislature regulating the duties of such officer, on being required in writing to comply therewith by the mayor or president of the council; nor in favor of any officer for the time he shall have absented himself, without lawful cause, from his duties of his office during the office hours prescribed by this charter or by ordinance, and the city clerk may examine any officer receiving a salary from the treasury on oath touching such absence.

SEC. 8. The city clerk must number and keep a record of all demands on the treasury, showing the number, date, amount and name of the original and present holder, on what account allowed, out of what fund payable, and by what officers or board it has been previously approved; and it shall be a misdemeanor in office for the city clerk to deliver any demand until this requisite has been complied with.

SEC. 9. Every lawful demand upon the treasury, duly audited, as in this charter required, shall in all cases be paid on presentation and cancelled, and the proper entry thereof be made, if there be sufficient money in the treasury belonging to the fund out of which it is payable; but if there be not sufficient money belonging to said fund to pay such demand, then it shall be registered in a book to be kept by the treasurer for that purpose, showing its number, when presented, date, amount, name of the original holder, and on what account allowed, and out of what fund payable, and total deficiency in said fund; and being so registered, shall be returned to the party presenting it, with an endorsement of the word "registered" dated and signed by the city treasurer. All registered demands shall be payable in the order of their registration.

SEC. 10. Nothing in this article contained shall be construed as interfering with or preventing the payment by the city treasurer of bonds of the funded debt of the city of Santa Monica, and the interest coupons thereof, in accordance with the constitution, laws and ordinances authorizing the issuance of said bonds.

SEC. 11. All public moneys collected by any officer or employe of the city shall be paid into the city treasury, without any deduction on account of any claim for fees, commissions or other cause or pretense; and the compensation of any officer, employe or other person so collecting money, shall be paid by demands on the treasury duly audited as other demands are audited, and paid.

SEC. 12. No suit shall be brought on any claim for money or damages against the city of Santa Monica, its board of education, board of trustees of the Santa Monica public library, or the board of water commissioners, 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. Nor shall suit be brought against said city, or said board of education, board of trustees of the Santa Monica public library, or board of water commissioners, upon any claim

or demand that has been in whole approved and audited as provided herein; provided that nothing herein contained shall be construed so as to deprive the holder of any demand of his right to resort to a writ of mandamus or other proceeding against the city council, or any board or officer of said city, to compel it or him to act upon such claim or demand or pay the same when so audited.

Amended by Section 3 Article III, approved January, 1915.
Amended by Section 3 Article III, approved March, 1925.

ARTICLE XIV.

Police Court

SEC. 1. The judicial power of the city shall be vested in a Police Court presided over by a Police Judge.

SEC. 2. The Police Judge shall have the powers of examining magistrates and may commit offenders for trial in the proper court.

SEC. 3. The Police Court shall have exclusive jurisdiction of the criminal proceedings for a violation of any city ordinance, and all civil actions and proceedings arising out of the violation of such ordinances and for the collection of any license required by any ordinance, except such actions and proceedings as are within the jurisdiction of other courts under the provisions of the constitution of this state.

SEC. 4. The Police Court shall also have exclusive jurisdiction of the following public offenses committed within the city, (except when prosecuted by indictment or information):

1. Petty larceny;
2. Assault and battery;
3. Breaches of the peace, riot, committing willful injury to property and all misdemeanors punishable by fine or imprisonment in the county jail or both;
4. Proceedings respecting vagrants, lewd or disorderly persons.

SEC. 5. The Police Court shall have concurrent jurisdiction with the justice's court of the township, in all civil cases arising within said city, which might be tried by the justice's court of Santa Monica township.

SEC. 6. The Clerk of said court shall remain at his office during business hours and for such reasonable time thereafter as may be necessary for the discharge of his duties.

SEC. 7. All fines, penalties and forfeitures collected by said Police Court shall be the property of the city and shall be immediately deposited with the City Treasurer for the use of said city.

SEC. 8. The city shall furnish the necessary dockets and all blanks and other books and papers and stationery necessary in the transaction of the business of the said Police Court. A complete record of all cases shall be entered in the docket of said court. Separate dockets shall be kept for the civil and criminal business.

SEC. 9. The said court shall have a seal, which shall be furnished by the city.

SEC. 10. The Police Court shall always be open for the transaction of business, except on Sundays and other legal holidays.

ARTICLE XV

The Initiative

SEC. 1. The basis of the percentage hereinafter provided for any petition shall be the total number of voters registered in the city at the last preceding general election prior to the filing of said petition; and all voters registered at said general election or thereafter shall be qualified to sign the petitions herein provided for. Upon presentation to the City Council of a petition or petitions signed by qualified electors of the city, in number equal to 25 per cent of said registration, asking for submission to the electors of a measure fully set forth in said petition or petitions, being a measure that the City Council might itself adopt, it must either enact such measure without alteration, or submit the same to the electorate at the next regular city election occurring subsequent to sixty days after the filing of said petition or petitions. But if such petition or petitions are signed by qualified electors in number equal to 30 per cent of said registration, then such measure, if not so enacted by the City Council must be submitted to the electorate at a special election to be called within sixty days from the filing of such petition or petitions.

The method of signing and presenting petitions provided for herein shall be as follows: The signatures to the petition need not all be appended to one paper, but each signer shall add to his signature his place of residence, giving the street and number. Each such paper shall have attached thereto the affidavit of a registered voter of the city, stating that all the signatures to the paper were made in his presence, and that to the best of his knowledge and belief each signature to the paper appended is the genuine signature of the person whose name purports to be thereunto subscribed. Within twenty days from the date of filing such petition in his office the city clerk shall examine and from the great register, and certificates of registration, ascertain whether or not said petition is signed by the requisite number of qualified electors, and if necessary, the city council shall allow him extra help for the purpose, and he shall attach to said petition his certificate, showing the result of said examination. Each signature whose genuineness is not called to question by the sworn affidavit of the owner thereof shall be assumed to be genuine. If by the clerk's certificate the petition is shown to be insufficient, it may be amended within ten days from the date of said certificate. The clerk shall, within twenty days after such amendment, make like examination of the amended petition, and if his certificate shall show the same to be insufficient, it shall be returned to the persons filing the same, without prejudice, however, to the filing of a new petition to the same effect. If the petition shall be found sufficient, the clerk shall submit the same to the city council without delay. Any number of proposed measures may be voted upon at the same election in accordance with the provisions of this section; provided, that there shall not be held under this section more than one special election in any period of six months.

Whenever any measure is required or authorized by this charter to be submitted to the electors of the city, at any election, the city clerk shall cause the measure to be printed, and he shall inclose a printed copy thereof in an envelope and mail the same to each voter, at least ten days prior to the election,

but the city council may order such measure to be printed in the official newspaper of the city, and published in a like manner as ordinances adopted by the city council are required to be published; and may order that such publication shall take the place of the printing and mailing of the measure, as at first above provided. Ordinances and measures in connection with local improvements, the expenses whereof are defrayed by special local assessment, shall not come within the operation of this section.

The Referendum

SEC. 2. Any measure that the city council or the electorate of the city, as herein provided, has authority to adopt, the city council may of its own motion submit to a vote of its constituent electors at a general or special election.

Except as herein provided, no penal ordinance or measure, no ordinance or measure granting any franchise or privilege, and no ordinance or measure making or authorizing any contract (except contracts for improvements, the expenses whereof are defrayed by special local assessment, and contracts where the subject matter involved is of less value than \$1000), passed by the city council, shall go into effect in less than thirty days after its final passage. But ordinances and contracts declared by the city council to be necessary as emergency measures for the immediate preservation of the public peace, health and safety, passed by a three-fourths vote of the city council and not obligating the city for a longer period of time than one year, may go into effect at the will of the city council or as otherwise provided by law.

If within said thirty days a petition or petitions signed by qualified electors of the city, in number equal to 25 per cent of said registration, is filed with the city clerk, asking that any penal ordinance or measure, any ordinance or measure, granting any franchise or privilege, or making or authorizing any contract (except contracts for improvements, the expenses whereof are defrayed by special local assessment, and contracts where the subject matter involved is of less value than \$1000), adopted by the city council, be submitted to the electorate, then such ordinance or measure must either be repealed or submitted to the electors for approval or rejection at the next regular city election occurring subsequent to sixty days after the filing of said petition or petitions, or at a special election called prior to such regular city election; and if such ordinance or measure has not gone into effect before the filing of such petition or petitions, and said petition or petitions are signed by qualified electors of the city, in number equal to 30 per cent of said registration, then such ordinance or measure shall not go into effect until and unless adopted at such election, and no ordinance or measure once so submitted, shall be again so submitted, except by a vote of the city council, or on a petition signed by 30 per cent of said registration. Said petition or petitions shall be in all respects in accordance with the provisions of section one of this article except as to the percentage of signers, and be examined and certified by the clerk in all respects as therein provided.

If the majority of votes cast on any ordinance or measure referred as provided in sections one or two of this article to the electors of the city, shall be in favor thereof, it shall, if not

already in effect, go into effect as a valid and binding ordinance or measure of the city, ten days after the official count shall be determined, otherwise such ordinance or measure shall be repealed or rejected; such repeal shall take effect ten days after the official count shall be determined.

No ordinance or measure approved by the electorate under the provisions of these sections shall be subject to veto, nor, within two years from the date of its adoption, be amended or repealed except by a vote of the electorate or by legislative authority superior to that of the city council. Any amendment or repeal of such ordinance by the city council shall be subject to the referendum provided in this section.

If the provisions of two or more measures approved and adopted at the same election under the provisions of this charter, conflict, then the measure receiving the highest affirmative vote shall control.

The Recall

SEC. 3. The holder of any elective office may be removed at any time by the electors entitled to vote for a successor of such incumbent. The procedure to effect the removal of an incumbent of an elective office shall be as follows: A petition signed by electors entitled to vote for a successor to the incumbent sought to be removed, equal in number to at least 40 per cent of the entire vote for all candidates for the office, the incumbent of which is sought to be removed, cast at the last preceding general municipal election, demanding an election of a successor of the person sought to be removed shall be addressed to the council and filed with the city clerk; and said petition shall contain a general statement of the grounds for which the removal is sought. The signatures to the petition need not all be appended to one paper, but each signer shall add to his signature his place of residence, giving the street and number. Each such paper shall have attached thereto the affidavit of a registered voter of the city, stating that all the signatures to the paper were made in his presence and that to the best of his knowledge and belief, each signature to the paper appended is the genuine signature of the person whose name purports to be thereunto subscribed. Within ten days from the date of filing such petition the city clerk shall examine and ascertain whether or not said petition is signed by the requisite number of electors entitled to vote, and if necessary, the council shall allow him extra help for that purpose and he shall attach to said petition his certificate, showing the result of said examination. If, by the clerk's certificate the petition is shown to be insufficient, it may be amended within ten days from the date of said certificate. The clerk shall, within ten days after such amendment make like examination of the amended petition, and if his certificate shall show the same to be insufficient, it shall be returned to the person filing same without prejudice, however, to the filing of a new petition to the same effect. If the petition shall be found to be sufficient, the clerk shall submit the same to the council without delay and the council shall thereupon order and fix a date for holding the said election, not less than thirty days nor more than forty days from the date of the clerk's certificate to the council that a sufficient petition is filed.

The city council shall make or cause to be made publication of notice, and all arrangements for holding of such election and the same shall be conducted, returned and the results thereof

declared, in all respects as are all other city elections. The successor of any officer so removed, shall hold office during the unexpired term of his predecessor. Any person sought to be removed may be a candidate to succeed himself, and, unless he requests otherwise, in writing, the clerk shall place his name on the official ballot without nomination. In any such removal election, the candidate receiving the highest number of votes shall be declared elected. At such election if some other person than the incumbent receives the highest number of votes, the incumbent shall, thereupon be deemed removed from his office upon qualification of his successor. In case the party who receives the highest number of votes should fail to qualify within ten days after receiving notification of election, the office shall be deemed vacant. If the incumbent receives the highest number of votes he shall continue in office.

SEC. 4. No petition for initiative or recall shall be of any force or effect unless filed with the officer or body designated herein to receive the same, within sixty (60) days of the date of obtaining the first signature thereto.

Added by amendment approved March, 1925.

ARTICLE XV-A

Relief and Pension Fund

SECTION 1. The City Council shall, by ordinance, create a fund to be known as the "RELIEF AND PENSION FUND," and provide for the payment into said fund a percentage of each month's pay from all the members of the police and fire departments and from all the members of such other departments as may by said ordinance be declared to be entitled to relief out of said fund, and shall also provide for including in the annual budget an amount not exceeding one per cent of the general tax levy to be paid into said fund.

SEC. 2. The Council shall, in the ordinance creating said fund, designate who are to receive benefits out of said fund and upon what conditions and to what extent; provided that no member of any department, or the widow or children of such member, shall be entitled to a pension unless such member shall have been an active member of the department for at least twenty years.

Article XV-A added by amendment approved March, 1925.

ARTICLE XVI

Miscellaneous Provisions

SEC. 1. The indebtedness of said city must not exceed the sum of 10 per cent of its assessed valuation, exclusive of any indebtedness that has been or may hereafter be incurred for the purpose of acquiring or establishing a system of water-works for the supplying to the inhabitants of the city with water, and of any indebtedness that has been or may hereafter be incurred for the purpose of constructing sewers, for the collection and disposition of the sewage of the city, and of any indebtedness that has been or may hereafter be incurred for the purpose of constructing sewers for the collection and disposition of storm waters in the city. For any or all of these purposes a further indebtedness may be incurred by the issue of bonds under the provisions and subject only to the limitations of the constitution and general laws.

SEC. 2. In any action, suit or proceedings in any court concerning an assessment of property or levy of taxes, authorized by this act, or the collection of any such, or in the proceedings consequent thereon, such assessment, levy, consequent proceeding, and all proceedings connected therewith, shall be presumed to be regularly and duly done or taken until the contrary is shown; and when any proceeding, matter or thing is by this act committed, or left to the discretion of the mayor and council, or other authorities of said city, such discretion or judgment, when expressed or declared, is final, and cannot be reviewed or called in question elsewhere.

SEC. 3. Real property when sold for, or to satisfy a delinquent assessment or tax, must be sold for United States coin, and not otherwise; and any one applying or seeking to redeem property so sold, as in this charter provided, must pay, or offer to pay, the sum necessary therefor in such coin, and not otherwise.

SEC. 4. In all prosecutions for violation of any city ordinance, rule or other regulation of said authorities, whether in the court of original jurisdiction or in any appellate court, it shall be unnecessary to plead the contents of the same; but the court before which the prosecution shall be pending shall take judicial notice of such ordinance, resolution, rule or other regulation, and of the contents thereof; and, in any civil action or proceeding to which the said corporation is a party, either as plaintiff or defendant, the adoption and contents of any ordinance, resolution, by-law, rule or regulation may be prima facie proven by the introduction of the original entry thereof on the journal of the proceedings of the council, a copy of such entry, certified by the city clerk to be a full, true and correct copy of such original entry, or by the introduction of a printed copy thereof.

SEC. 5. The fiscal year of the city shall begin on the first day of July of each year and end on the thirtieth day of June following.

Amendment approved March, 1925.

SEC. 6. Whenever the word "city" occurs in this charter it means the city of Santa Monica, and whenever any department board or officer is mentioned in this charter it means such department, board or officer as the case may be of the city of Santa Monica.

SEC. 5. All acts of the legislature relating to the City of Santa Monica, and all city ordinances, resolutions and other regulations now in force and not inconsistent herewith, shall be and remain in force after this Charter takes effect until changed or repealed by the proper authority; and all rights vested under any former act or regulation, when this takes effect, shall not thereby be lost, impaired or discharged; and all actions and proceedings commenced in any court wherein the City of Santa Monica is a party, shall be continued under the law existing when said action or proceedings was commenced.

SEC. 6. This charter shall take effect immediately on its approval by the legislature, as provided by law.

CHARTER AMENDMENTS

CITY OF

Santa Monica, Cal.

Senate Concurrent Resolution

No. 5

PROPOSED BY SENATOR BENEDICT,

January 11, 1915.

Referred to Committee on Municipal Corporations.

SENATE CONCURRENT RESOLUTION No. 5,

Relative to Approving a Certain Amendment to the Charter of the City of Santa Monica, in the County of Los Angeles, State of California, Voted for and Ratified by the Qualified Electors of Said City of Santa Monica at a Special Municipal Election Held Therein on the First Day of December, 1914.

WHEREAS, The City of Santa Monica in the County of Los Angeles, State of California, contains a population of over seven thousand (7,000) inhabitants and has been ever since the year 1907, and is now, organized and acting under a free-holders' charter, adopted under and by virtue of section eight of Article XI of the Constitution of the State of California, which charter was duly ratified by a majority of the qualified electors of said city at a special election held for that purpose on the 17th day of October, 1905, and approved by the Legislature of the State of California on the 1st day of February, 1907 (Statutes of 1907, p. 1007), and

WHEREAS, A petition signed by more than fifteen per centum of the qualified electors of the City of Santa Monica, computed upon the total number of votes cast therein for all candidates for Governor, at the general election held in 1910, was filed on the 13th day of October, 1914, in the office of the City Clerk of the City of Santa Monica, petitioning the Council of said city to submit and propose the amendment to the charter of said city, hereinafter set forth, to the qualified electors of said city, and

WHEREAS, Said petition was forthwith examined and certified by the City Clerk of the City of Santa Monica and found by him to be signed by the requisite number of qualified electors of said city and was presented to the Council of said city with the Clerk's certificate thereto, on the 13th day of October, 1914, and

WHEREAS, The City Council of said City of Santa Monica did, by special ordinance No. 565, adopted by said Council on the 13th day of October, 1914, and approved by the Mayor of said city on said last named date, and pursuant to section eight

of Article XI of the Constitution of the State of California, duly proposed to the qualified electors of said City of Santa Monica, a certain amendment, hereinafter set forth, to the charter of said city, to be submitted to said qualified electors at a special election to be held in said city on the 1st day of December, 1914, and

WHEREAS, Said proposed amendment hereinafter set forth was published for ten times in a daily newspaper, printed and published in said city and of general circulation therein, to-wit, "The Daily Outlook," said publication ending on the 27th day of October, 1914; and

WHEREAS, Thereafter the City Council did, by ordinance known as Special Ordinance No. 572, which was duly adopted on the 5th day of November, 1914, order the holding of a special municipal election in said City of Santa Monica, on the 1st day of December, 1914, which said last mentioned date was not less than twenty days, nor more than forty days after the completion of the publication of said proposed amendment hereinafter set forth, for ten times, in said daily newspaper, of general circulation in said City of Santa Monica, to-wit, "The Daily Outlook," and did provide in said ordinance for submission of said proposed amendment, to said city charter, to the qualified electors of said city, for their ratification at said special municipal election, which said ordinance was approved by the Mayor of said city on the 5th day of November, 1914, and was published for at least five times, prior to the time appointed for the holding of said election in "The Daily Outlook," a daily newspaper printed and published in said city; and,

WHEREAS, At said special election a majority of the qualified electors voting thereon, voted in favor of the ratification and did ratify said proposed amendment to said charter; and,

WHEREAS, The City Council of said City of Santa Monica, at a regular meeting thereof held within ten days after said election, duly canvassed the returns of said election and duly found, determined and declared that a majority of such qualified electors voting thereon had voted for and ratified said amendment to said charter; and,

WHEREAS, The Mayor and City Clerk of said City of Santa Monica did, on the 28th day of December, 1914, duly certify to the submission to the electors of said City of Santa Monica of the said proposed amendment and did further certify to a copy of said proposed amendment, authenticated by the seal of the City of Santa Monica, which said certificate is in words and figures following, to-wit:

STATE OF CALIFORNIA, }
County of Los Angeles, } ss.
City of Santa Monica. }

**CERTIFICATE OF RATIFICATION OF PROPOSED
CHARTER AMENDMENT TO THE CHARTER OF THE
CITY OF SANTA MONICA.**

We, the undersigned, T. H. Dudley, Mayor of the City of Santa Monica, State of California, and G. A. Murray, City Clerk of said city, do hereby certify as follows, to-wit:

That the City of Santa Monica, in the County of Los Angeles, State of California, contains a population of over seven thousand inhabitants and has been, ever since the year 1907, and is now, organized and acting under a freeholders' charter, adopted under and by virtue of section 8, Article XI, of the

Constitution of the State of California, which charter was duly ratified by a majority of the qualified electors of said city, at a special election held for that purpose on the seventeenth day of October, 1905, and approved by the Legislature of the State of California, on the first day of February, 1907, (Statutes of 1907, p. 1007);

That a petition signed by more than fifteen per centum of the qualified electors of the City of Santa Monica, computed upon the total number of votes cast therein for all candidates for Governor, at the general election held in 1910, was filed on the thirteenth day of October, 1914, in the office of the City Clerk of the City of Santa Monica, petitioning the Council of said city to submit and propose the amendment to the charter of said city, hereinafter set out, to the qualified electors of said city;

That such petition was forthwith examined and certified by the City Clerk of the City of Santa Monica and found by him to be signed by the requisite number of qualified electors of said city and was presented to the council of said city with the Clerk's certificate thereto, on the thirteenth day of October, 1914;

That the City Council of said City of Santa Monica did, by special ordinance No. 565, adopted by said council on the thirteenth day of October, 1914, and approved by the Mayor of said city on said last named date, and pursuant to section 8, of Article XI, of the Constitution of the State of California, duly propose to the qualified electors of said City of Santa Monica, a certain amendment to the charter of said city to be submitted to the qualified electors at a special municipal election to be held in said city on the first day of December, 1914, which said amendment was words and figures, as follows, to-wit:

CHARTER AMENDMENT

Amendment to the Charter of the City of Santa Monica Amending Certain Sections Thereof, Repealing Certain Other Sections Thereof, and Adding Certain Sections Thereto.

1. Sections 2 and 3 of Article I, of the charter of the City of Santa Monica are hereby repealed.
2. Article 3 of the charter of the City of Santa Monica is hereby amended so that the same shall be and read as follows:

ARTICLE III.

Departments and Officers

SECTION 1. The government of the City of Santa Monica shall be divided into three departments, as follows:

- Department of public safety.
- Department of public works.
- Department of finance.

SEC. 2. There shall be elected by the electors of the city of Santa Monica at large three commissioners, a commissioner of the department of public safety, a commissioner of the department of public works, and a commissioner of the department of finance, at the municipal election to be held in December, 1915, when the commissioner of the department of public safety shall be elected for a term of four years, the commissioner of the department of public works shall be elected for a term of two years, and the commissioner of the department of finance shall be elected for a term of two years, and thereafter their successors shall be elected for a term of four years at the

municipal election held in December preceding the expiration of their respective terms of office. The term of their offices shall begin on the first day of January next succeeding their election and qualification.

The commissioners shall compose and be the city council of the city of Santa Monica, trustees of the Santa Monica Public Library, and commissioners of departments.

Should a vacancy occur in the office of commissioner and the remainder of the term of his office exceed six months, there shall be a special election called to fill such vacancy, but if less than six months, the two remaining commissioners shall fill the vacancy by appointing a commissioner from the qualified residents of the city; provided, however, that if they can not agree within ten days after the date such vacancy occurs, each commissioner shall propose a candidate, and the two candidates shall cast lots for such appointment and the successful candidate shall be commissioner of the department in which the vacancy occurs.

Each commissioner shall receive a salary of Three Thousand (\$3000) dollars per annum, payable in equal monthly installments at the end of each and every calendar month, and each commissioner shall devote his whole time and attention to the duties of his office. He shall receive no other compensation for his services.

SEC. 3. The commissioner of the department of public safety shall be ex-officio mayor of the city, chief of police, superintendent of buildings, health officer and fire commissioner, and he shall perform the duties of said officers as provided by law. The board of health and the board of police commissioners and the board of fire commissioners are hereby abolished and their duties are conferred upon the commissioner of the department of public safety.

The commissioner of public works shall be ex-officio street superintendent, park commissioner and water commissioner, and shall perform the duties of such officers as provided by law. He shall also have charge of all public works, buildings and properties of every kind and description except fire, library and school buildings and properties. The board of park commissioners is hereby abolished and its duties conferred upon said commissioner. The board of water commissioners is hereby abolished and its duties conferred upon said commissioner.

The commissioner of the department of finance shall be ex-officio vice-president of the council, city clerk, city assessor, city treasurer and city tax and license collector, and shall perform the duties of all of said officers as provided by law.

SEC. 4. There shall be elected five members of the board of education at the December election to be held in the year 1915, who shall hold their offices as follows:

Three members shall be elected for a term of four years and two members for a term of two years and thereafter their successors shall be elected for a term of four years at the municipal election held in December preceding the expiration of their respective terms of office. The term of their offices shall begin on the first day of January next succeeding their election and qualification. Should a vacancy occur on the board of education the remaining members of the board shall, by a majority vote, fill the vacancy by appointing a member of the board of education from the qualified residents of the city, who shall

hold office until the next municipal election when a member of the board of education shall be elected for the unexpired term, if any.

SEC. 5. There shall be elected at the December election to be held in the year 1915, a judge of the police court of the city of Santa Monica, who shall be elected for a term of two years, and thereafter his successor shall be elected for a term of two years at the municipal election held in December preceding the expiration of the term of office of the incumbent. The term of office of the police judge shall begin on the first day of January next succeeding his election and qualification. The police judge shall receive a salary of fifteen hundred (\$1500) dollars per annum, payable in equal monthly installments at the end of each and every calendar month. Should a vacancy occur in the office of police judge the city council shall fill the vacancy by the appointment for the unexpired term in the same manner as other officers are appointed by the city council.

SEC. 6. The following officers shall be appointed by the city council:

A city attorney.

A city engineer.

The board of education shall appoint a superintendent of schools. Such officers shall perform the duties imposed upon them by law.

SEC. 7. The commissioner of each department shall appoint a sufficient number of deputies to perform the duties pertaining to his department; provided, however, that the city council shall by ordinance prescribe the number and compensation of such deputies.

All appointed officers shall hold office until removed by the appointing power which shall have the power of removing in all cases; provided, however, that the city council shall have power to suspend any officer of the city pending trial against whom criminal proceedings may be brought, and in such cases a substitute may be appointed for such officer during suspension.

In all voting upon appointment, suspension or removal of officers, the members of the city council shall vote on call of roll, and the vote of each member shall be spread upon the minutes.

SEC. 8. The city council shall by ordinance regulate the duties of all the officers of the city in conformity with the provisions of this charter and fix their compensation.

SEC. 9. Officers of the city must not be interested in any contract made by them in their official capacity, either directly or indirectly, nor by any body or board of which they are members.

SEC. 10. The commissioner of the department of public safety as mayor shall preside at meetings of the city council and shall perform the duties of mayor as provided by law; provided, however, that the mayor shall have no right to veto any ordinance or resolution passed by the council, but he shall have the right as councilman to vote on every matter, resolution or ordinance, coming before the city council, and shall vote last on all measures. He shall not have control over any officers of the city other than of the department of public safety. All portions of the city charter in conflict herewith are hereby repealed.

3. Sections 1, 2, 4 and 5 of Article IV of the charter of the

City of Santa Monica are hereby amended so that the same shall be and read as follows:

SEC. 1. All legislative power of the city is vested in the council and shall be exercised by ordinance; other action of the city council may be ordered upon motion.

SEC. 2. The said city council is the governing body of the city and shall meet every day except Saturdays, Sundays and other holidays, and all sessions shall be open to the public. When met in regular sessions all acts may be done and ordinances passed by a vote of two-thirds of the members voting affirmatively thereon, anything in this charter or the ordinances of the city to the contrary notwithstanding.

SEC. 4. The enacting clause of all ordinances shall be substantially as follows:

"The city council of the city of Santa Monica ordains as follows:"

SEC. 5. Two members of the city council shall constitute a quorum for the transaction of business.

4. Article IV of the charter of the City of Santa Monica is hereby amended by adding thereto the following sections:

SEC. 25-a. The council may by ordinance, provide for a civil service system subject to the terms of this charter in any or all departments of the city government, and thereupon all appointments shall be made subject to the rules of said civil service system.

SEC. 25-b. The council shall designate some official of the city other than the treasurer to act as purchasing agent, who shall approve all vouchers for the payment of supplies, and conduct all sales of personal property which the council may desire to sell. All purchases and sales shall conform to such regulations as the council may prescribe from time to time, but in case the amount involved is in excess of One Hundred (\$100.00) Dollars, opportunity for competition shall be given. The purchasing agent shall store and distribute all supplies purchased by the city under such regulations as the council may prescribe, and shall furnish a bond in the sum to be designated by the council.

SEC. 25-c. The council shall have power to cause an estimate to be made and a bid submitted on behalf of the city by the city engineer, and the superintendent of streets, on the laying out, opening, extending, widening, improving, vacating, paving, or repaving of any streets, alleys, sidewalks, crossings or other highways, or on constructing or maintaining sewers, drains and other works necessary for the disposition of sewage.

Said bid shall be in regular form but no bond, certified check or other deposit or security shall be required of the city. The contract for said work may be awarded to the city if the bid of said city is the lowest, or to the next highest responsible bidder at the option of the council. No bond shall be required of the city, but the contract shall be signed in regular form. The superintendent of streets shall have charge of the execution of any such contract and careful records of the cost must be kept. Any such work may be done by day labor, or sublet by contract, or both. Assessments for such work shall be collected as designated by the council.

4½. Section 29 of Article IV of the Charter of the City of Santa Monica is hereby repealed.

5. Section 2 of Article, XI of the Charter of the City of

Santa Monica is hereby amended so that the same shall be and read as follows:

SEC. 2. General municipal elections shall be held on the first Tuesday in December, 1915, and thereafter every two years. Any matter may be submitted to a vote of the electors at said election.

Special elections may be called at any time by the city council for any purpose required by law.

Election of Officers—The mode of election of all elective officers of the city to be voted for at any municipal election shall be as follows, and not otherwise:

Preferential Ballot Form—The city clerk shall cause ballots for each general and special election to be printed, bound, numbered, endorsed and authenticated as provided by the laws of the state except as otherwise required in this charter. The ballots shall contain the full list and correct name of all the respective offices to be filled, and the names of the candidates nominated therefor. It shall be substantially in the following form with the cross (X) omitted, when there are four or more candidates for any office. (When there are three and not more candidates for any office then the ballot shall give first and second choice only, when there are less than three candidates for any office, all distinguishing columns as to choice, and all reference to choice may be omitted.)

General (or special) Municipal Election, City of Santa Monica
(Inserting the date thereof.)

Instructions—To vote for any person, stamp a cross (X) in the square in the appropriate column according to your choice, at the right of the name voted for. Vote your first choice in the first column; vote your second choice in the second column; vote any other choice in the third column; vote only one first and one second choice, except on board of education, vote as many first choices and second choices as there are members of the board to be elected. Do not vote more than one choice for one person, as only one choice will count for any candidate by this ballot. All distinguishing marks make the ballot void. If you wrongly mark, tear or deface this ballot, return it, and obtain another.

Commissioner of Public Safety	First Choice	Second Choice	Other Choices
John Doe			x
James Foe	x		
Louis Hoe		x	
Dick Joe			x
Richard Roe			
Commissioner of Public Works			
Mary Brown	x		
Harry Jones		x	
Fred Smith			
Commissioner of Finance			
Joe Black	x		
Robert White			

(Charter Amendments, Ordinances, or Other Referendum Propositions.)

Blank spaces for additional candidates. One space shall be left below the printed names of the candidates for each office to be voted for, wherein the voter may write the name of any person for whom he may wish to vote.

Amendment approved March, 1925.

Canvass and election. As soon as the polls are closed, the election judges shall immediately open the ballot boxes, take therefrom and count the ballots, and enter the total number thereof on the tally sheet provided therefor. They shall also carefully enter the number of the first, second and other choice votes for each candidate on said tally sheet and make return thereof to the city clerk as provided by law. No vote shall be counted for any candidate more than once on any ballot, all subsequent votes on that ballot for that candidate being void.

The person receiving more than one-half of the total number of ballots cast at such elections as the first choice of the electors for any office shall be elected to that office; provided, that if no candidate shall receive such a majority of the first choice votes for such office, then a canvass shall be made of the second choice votes received by each candidate for said office; said second choice votes shall then be added to the first choice votes received by each candidate for such office, and the candidate receiving the largest number of said first and second choice votes, if such votes constitute a majority of all ballots cast at such election, shall be elected thereto; and provided, further, that if no such candidate shall receive such a majority after adding the first and second choice votes, then, and in that event, a canvass shall be made of the other choice votes received by each candidate for such office; said other choice votes shall then be added to the first and second choice votes received by each candidate for such office and such candidate receiving the highest number of first, second and other choice votes shall be elected thereto.

A tie between two or more candidates is to be decided in favor of the one having the greatest number of first choice votes. If all are equal in that respect, then the greatest number of second choice votes shall determine the result. If this will not decide, then the tie shall be determined by lot, under the direction of the canvassing board.

Whenever the word "majority" is used in this section, it shall mean more than one-half of the total number of ballots cast at such election.

General election regulations. The provisions of any state law, now or hereafter in force, except as the council may otherwise by ordinance provide, relating to the qualifications and registrations of electors, the manner of voting, the duties of election officers, the canvassing of returns, and all other particulars in respect to the management of elections, except as otherwise provided in this article, so far as they may be applicable, shall govern all municipal elections; provided, also, that the council shall meet as a canvassing board and duly canvass the election returns within two days after any municipal election. Whenever any member of the council is a candidate for re-election, the council shall appoint some justice of the peace or notary of said city to take the place of said candidate upon said canvassing board as a member thereof.

Political activity. No person in the employ of the city shall take any active part, or contribute any money towards the nomination or election of any candidate. A violation of any of the provisions of this section by any candidate or officer shall disqualify him from holding the office for which he may be elected or appointed.

6. Section 3 of Article XI of the charter of the city of Santa Monica is hereby repealed.

7. Sections 6 and 7 of Article XI of the Charter of the City of Santa Monica are hereby amended so that the same shall be and read as follows:

SEC. 6. All elective officers must have resided in the city of Santa Monica continuously one year next preceding their elections.

All appointed officers must maintain offices in the city of Santa Monica, but need not be actual residents thereof.

SEC. 7. The city attorney and police judge must have been admitted to practice in all the courts of this state, and also in all federal courts within the southern district of California.

8. Section 1 of Article XII of the charter of the city of Santa Monica is hereby amended so that the same shall be and read as follows:

SECTION 1. The commissioner of each department shall have control of expenditures and purchases for the use of his department and may enter into contracts therefor; provided, however, that a requisition shall be made and filed with the purchasing agent for all supplies purchased; and provided further, that every purchase or contract amounting to more than one hundred (\$100) dollars shall be first authorized on requisition by the city council. On January 1, April 1, July 1, and October 1, of each year, each department shall file with the purchasing agent an itemized statement of the supplies that may be needed for the ensuing quarter year. The purchasing agent shall post a copy of such lists on the city billboard, conspicuously affixed to the wall, in the city clerk's office, adjacent to the main door thereof, for ten days immediately succeeding the filing of such lists, and cause a brief notice to be published at least twice in one or more newspapers published in the city of Santa Monica, and in one or more newspapers to be designated by the city council, published outside of said city, calling attention to the filing of said lists and that itemized bids will be received therefor within ten days after said posting. Said published notice need not contain said itemized lists, but may describe the articles desired generally and refer to such lists for further information. The purchasing agent shall also mail a copy of said notice to the address of such dealers as may be directed by the commissioners of the departments. Itemized bids shall be filed with the city clerk and purchases shall be made of such bidders or of any of them of any article at the lowest price, quality considered, by any bidder for that article and in any quantity required; provided, however, that the city council or any commissioner shall have the right to purchase of any other person or firm any article needed for the use of the city at a price lower, quality considered, than the minimum price bid for such article by any of the said bidders.

All official notices, city printing and advertising shall be published in a newspaper of general circulation in the municipality, in the body type of the paper. The newspaper carrying

such publication shall be paid a price per inch of space used and at the lowest and best rate offered, not exceeding that which it receives from regular commercial display advertisements for the quantity of space used. When it may appear to the council that the rates offered are unfair, the council may employ other means of securing publicity in lieu of newspaper advertising.

9. The city clerk shall certify to the adoption of this ordinance and cause the same to be published in the Daily Outlook for ten times in ten successive issues of said paper.

10. That after such publication, as required by law, an ordinance will be duly passed for the holding of said special election on December 1st, 1914, appointing the voting places and the officers of such election, and regulating the holding thereof.

I hereby certify that the foregoing ordinance was adopted by the city council held October 13th, 1914.

G. A. MURRAY, City Clerk of the City of Santa Monica.

Approved this 15th day of October, 1914.

T. H. DUDLEY, Mayor of the City of Santa Monica.

That said proposed amendment was published for ten times in a daily newspaper, printed and published in said city and of general circulation therein, to-wit: the Daily Outlook, said publication ending on the 27th day of October, 1914;

That thereafter the City Council did, by ordinance known as Special Ordinance No. 572, which was duly adopted on the fifth day of November, 1914, order the holding of a special municipal election in said City of Santa Monica, on the first day of December, 1914, which said last mentioned date was not less than twenty days, nor more than forty days after the completion of the publication of said proposed amendment, for ten times in said daily newspaper, of general circulation in said city of Santa Monica, to-wit: the Daily Outlook, and did provide in said ordinance for submission of said proposed amendment, to said city charter, to the qualified electors of said city, for their ratification at said special municipal election, which ordinance was approved by the Mayor of said city on the fifth day of November, 1914, and was published for at least five times, prior to the time appointed for the holding of said election, in the Daily Outlook, a daily newspaper printed and published in said city;

That at said special election a majority of the qualified electors voting thereon, voted in favor of the ratification and did ratify said proposed amendment to said charter;

That the City Council of the City of Santa Monica, at a regular meeting thereof held within ten days after said election, duly canvassed the returns of said election and duly found, determined and declared that a majority of such qualified electors voting thereon, had voted for and ratified said amendment to said charter.

IN WITNESS WHEREOF, We have hereunto set our hands and affixed the corporate seal of the City of Santa Monica this twenty-eighth day of December, A. D. 1914.

T. H. DUDLEY,
Mayor of the City of Santa Monica.

(Seal) G. A. MURRAY,
City Clerk of the City of Santa Monica.

AND, WHEREAS, The said proposed amendment so ratified as hereinabove set forth has been duly presented and submitted

to the Legislature of the State of California for approval or rejection, without power of alteration or amendment, in accordance with section eight of Article XI of the Constitution of the State of California; now, therefore, be it

RESOLVED BY THE SENATE OF THE STATE OF CALIFORNIA, THE ASSEMBLY CONCURRING (a majority of all members elected to each house voting for the adoption of this resolution and concurring herein,) That the said proposed amendment to the said charter of the City of Santa Monica herein above set forth, as presented and as submitted to and adopted and ratified by the qualified electors of said city, be and the same is hereby approved as a whole for and as amendment to the said charter of the City of Santa Monica.

Assembly Concurrent Resolution No. 5

Adopted in Assembly January 21, 1925.

ARTHUR A. OHNIMUS,
Chief Clerk of the Assembly.

Adopted in Senate March 3, 1925.

J. A. BEEK,
Secretary of the Senate.

This resolution was received by the Governor, this 9th day of March A. D. 1925, at 3:10 o'clock p. m.

JOSEPH W. VICKERS,
Private Secretary of the Governor.

CHAPTER 25

Assembly Concurrent Resolution No. 5—Approving fifteen (15) certain amendments to the charter of the city of Santa Monica, State of California, ratified by the qualified electors of said city at a special municipal election held therein on the sixteenth day of December, one thousand nine hundred twenty-four.

WHEREAS, The city of Santa Monica in the county of Los Angeles, State of California, contains a population of over ten thousand (10,000) inhabitants, and has been ever since the year 1907, and now is, organized and acting under a freeholders' charter, adopted under and by virtue of section eight (8) article eleven (XI) of the constitution of the State of California, which charter was duly ratified by a majority of the qualified electors of said city at a special election held for that purpose on the twenty-eighth day of March, 1906, and approved by the legislature of the State of California February, 1907 (Statutes of 1907, p. 1007), and amendments thereto duly adopted by the qualified voters of said city and by resolution of said legislature filed with the secretary of state of the State of California, January 26, 1915 (statutes of 1915, p. 1714), and amendments thereto duly adopted by said voters and said legislature and filed with the secretary of state January 21, 1919 (statutes of 1919, p. 1393); and

WHEREAS, Proceedings have been had for the proposal, adoption and ratification of certain amendments to the charter of said city of Santa Monica as set out in the certificate of the Commissioner of Public Safety, ex-officio Mayor and Commissioner of Finance, ex-officio City Clerk and ex-officio Clerk of the City Council of said City of Santa Monica, as follows, to-wit:

Certificate of adoption by the qualified electors of the city of Santa Monica at a special municipal election held therein on the sixteenth day of December 1924 of certain amendments to the charter of the city of Santa Monica, State of California.

State of California,
County of Los Angeles, } ss.
City of Santa Monica.

WHEREAS, the City of Santa Monica in the County of Los Angeles, State of California, contains a population of over ten thousand (10,000) inhabitants, and has been ever since the year 1907, and now is, organized and acting under a freeholders' charter, adopted under and by virtue of section eight, Article XI of the Constitution of the State of California, which charter was duly ratified by a majority of the qualified electors of said city at a special election held for that purpose on the 26th day of March, 1906, and approved by the Legislature of the State of California, February 1907, (Statutes of 1907, p. 1007), and amendments thereto duly adopted by the qualified voters of said city, and by Resolution of the said Legislature filed with the Secretary of State of California, January 26th, 1915, (Statutes of 1915, p. 1714), and amendments duly adopted by said voters and said Legislature and filed with the Secretary of State January 21st, 1919, (Statutes of 1919, p. 1393), and

WHEREAS, the legislative body of said city, namely, the City Council of the City of Santa Monica did, pursuant to

the provisions of section eight of Article XI of the Constitution of the State of California, by Ordinance adopted November 5th, 1924, being Ordinance No. 296, (Commissioners' Series), entitled:

"AN ORDINANCE OF THE CITY OF SANTA MONICA PROPOSING VARIOUS AMENDMENTS TO THE CHARTER OF THE CITY OF SANTA MONICA AND PROVIDING FOR THE SUBMISSION OF THE SAME TO THE QUALIFIED ELECTORS THEREOF FOR ADOPTION AND RATIFICATION AT A SPECIAL MUNICIPAL ELECTION TO BE HELD ON THE SIXTEENTH DAY OF DECEMBER, 1924," duly propose to the qualified electors of the City of Santa Monica, nineteen (19) amendments to the charter of said city, being therein designated as Proposed Charter Amendment No. 1, Proposed Charter Amendment No. 2, Proposed Charter Amendment No. 3, Proposed Charter Amendment No. 4, Proposed Charter Amendment No. 5, Proposed Charter Amendment No. 6, Proposed Charter Amendment No. 7, Proposed Charter Amendment No. 8, Proposed Charter Amendment No. 9, Proposed Charter Amendment No. 10, Proposed Charter Amendment No. 11, Proposed Charter Amendment No. 12, Proposed Charter Amendment No. 13, Proposed Charter Amendment No. 14, Proposed Charter Amendment No. 15, Proposed Charter Amendment No. 16, Proposed Charter Amendment No. 17, Proposed Charter Amendment No. 18, and Proposed Charter Amendment No. 19, and did order that said amendments be submitted to said qualified electors at the special municipal election to be held on the 16th day of December, 1924, which date was fixed in said ordinance as the date for holding said special municipal election; and

WHEREAS, said proposed charter amendments numbers one to nineteen inclusive were, and each of them was on November 5th, 1924, duly published in the Santa Monica Evening Outlook, a daily newspaper of general circulation printed, published and circulated in the said City of Santa Monica and designated by said Council for that purpose; and

WHEREAS, said proposed amendments were printed in convenient pamphlet form, and from November 5th, 1924, to December 15th, 1924, both inclusive, a notice was published in said Santa Monica Evening Outlook, the newspaper aforementioned, that said copies could be had upon application therefor at the office of the city clerk of said city, and said proposed amendments in such pamphlet form were in fact available at the office of said city clerk; and

WHEREAS, the said Council of said city did by ordinance duly adopted on the 14th day of November, 1924, being Ordinance No. 298 (Commissioners' Series), entitled: "AN ORDINANCE CALLING A SPECIAL ELECTION TO BE HELD ON TUESDAY, THE 16th DAY OF DECEMBER, 1924, IN THE CITY OF SANTA MONICA, IN THE COUNTY OF LOS ANGELES, WHICH IS CONTIGUOUS TO THE CITY OF LOS ANGELES, PROPOSED TO BE CONSOLIDATED WITH SAID CITY OF LOS ANGELES, PROVIDING FOR THE HOLDING OF SUCH ELECTION AND SUBMITTING TO THE ELECTORS RESIDING IN SAID CITY OF SANTA MONICA THE QUESTION WHETHER SAID CITY OF SANTA MONICA SHALL BE CONSOLIDATED WITH THE SAID CITY OF LOS ANGELES AND THE

PROPERTY OF SAID CITY OF SANTA MONICA BE, AFTER SUCH CONSOLIDATION, SUBJECT TO TAXATION EQUALLY WITH THE PROPERTY WITHIN THE CITY OF LOS ANGELES, TO PAY CERTAIN BONDED INDEBTEDNESS OF SAID CITY OF LOS ANGELES OUTSTANDING AT THE DATE OF SUCH CONSOLIDATION, OR THERETOFORE AUTHORIZED, ESTABLISHING CONSOLIDATED ELECTION PRECINCTS AND POLLING PLACES IN SAID CITY OF SANTA MONICA, APPOINTING THE OFFICERS OF ELECTION FOR SAID SPECIAL ELECTION, AND FOR THE SPECIAL ELECTION TO BE CONSOLIDATED THEREWITH, PROVIDING FOR THE PUBLICATION OF NOTICE OF SUCH ELECTION; CALLING A SPECIAL ELECTION TO BE HELD ON SAID TUESDAY, THE 16th DAY OF DECEMBER, 1924, IN SAID CITY FOR THE PURPOSE OF SUBMITTING NINETEEN (19) PROPOSED AMENDMENTS TO THE CHARTER OF SAID CITY OF SANTA MONICA UNDER THE PROVISIONS OF SECTIONS 8 AND 8½ OF ARTICLE ELEVEN OF THE CONSTITUTION OF THE STATE OF CALIFORNIA, CONSOLIDATING SAID SPECIAL ELECTION WITH THE SPECIAL ELECTION CALLED IN THIS ORDINANCE FOR CONSOLIDATION OF THE CITY OF SANTA MONICA WITH THE CITY OF LOS ANGELES," order the holding of a special municipal election in said City of Santa Monica on the 16th day of December, 1924, which said date was more than forty days and less than sixty days after the completion of the publication of said Nineteen (19) Proposed Amendments as aforesaid; which said ordinance was signed by the Mayor of said city on the said 14th day of November, 1924, and was published on the 14th day of November, 1924, in said newspaper, the Santa Monica Evening Outlook; and

WHEREAS, said special municipal election was by said ordinance ordered consolidated according to law with an election called for the purpose of submitting to the electors of said city the question whether the City of Santa Monica should be consolidated with the City of Los Angeles, as more fully appears from the title of said ordinance hereinabove quoted; and

WHEREAS, said special municipal election was held in said city of Santa Monica on the 16th day of December, 1924, which date was more than forty days and less than sixty days after said proposed amendments to said charter had been published in the Santa Monica Evening Outlook, and said election was also held during the six months next preceding a regular session of the Legislature of the State of California; and

WHEREAS, thereafter the said Council of said City of Santa Monica had duly canvassed the returns of said special municipal election, and did on the 23rd day of December, 1924, duly and regularly declare the canvass of the returns of said election; and

WHEREAS, at said special municipal election held on said 16th day of December, 1924, fifteen (15) of said Proposed Amendments were ratified by a majority of the electors of said city voting thereon, to-wit: Proposed Charter Amendment No. 1, Proposed Charter Amendment No. 2, Proposed Charter Amendment No. 3, Proposed Charter Amendment No.

5, Proposed Charter Amendment No. 8, Proposed Charter Amendment No. 10, Proposed Charter Amendment No. 11, Proposed Charter Amendment No. 12, Proposed Charter Amendment No. 13, Proposed Charter Amendment No. 14, Proposed Charter Amendment No. 15, Proposed Charter Amendment No. 16, Proposed Charter Amendment No. 17, Proposed Charter Amendment No. 18 and Proposed Charter Amendment No. 19; and all other amendments received less than a majority of the votes of the qualified electors voting thereon, and were not ratified; and

WHEREAS, the said Fifteen (15) Charter Amendments so ratified by the electors of the City of Santa Monica, are now submitted to the Legislature of the State of California for approval or rejection as a whole, without power of alteration or amendment, in accordance with section eight of article XI of the Constitution of the State of California, and are in words and figures as follows, to-wit:

Proposed Charter Amendment No. 1

Sub-section four of section one of article II of the Charter of the City of Santa Monica is hereby amended so that the same shall be and read as follows:

Section 1. The said corporation shall have the power**** (4), to erect and maintain public buildings, and to lay out and establish, improve and maintain public parks and cemeteries, to acquire by purchase, condemnation or otherwise, or lease such buildings, parks and cemeteries, and to acquire by purchase, or lease, condemnation or otherwise, and to construct, establish, maintain, equip, own and operate libraries, reading rooms, art galleries, museums, playgrounds, places of recreation, camps, fountains, baths, dispensaries, infirmaries, hospitals, free municipal employment offices, charitable institutions, jails, houses of correction and reform schools, work houses, detention houses, morgues, cemeteries, garbage cleaning, garbage disposal and garbage reduction works, street cleaning and street sprinkling plants and apparatus, quarries, plants for the production, making or assemblage of asphalt or any other substance or material for use in the building, maintenance or repair of streets, plants, appliances and equipment for the construction, maintenance and repair of wharves, docks, slips and quays, and for the maintenance of proper depths of water on and along the water front of the city and all other public buildings, places, works, institutions and establishments, whether situated inside or outside of the city limits which may be necessary or convenient for the transaction of public business or for promoting the health, morals, education or welfare of the inhabitants of the city, or for their amusement, recreation, entertainment or benefit.

Proposed Charter Amendment No. 2

There shall be added to article II, (two), two new sections, to be numbered section 1-a and 1-b, respectively, which shall be and read as follows:

Section 1-a. Not more than twelve cents on each one hundred (\$100.00) dollars worth of taxable property out of the fifteen cents mentioned in sub-division eleven of section one of article two of this charter shall be expended for music.

Section 1-b. Out of the fifteen cents on each one hundred (\$100.00) dollars worth of taxable property specified in sub-

division eleven of section one of article two of this charter, there shall be expended not less than three cents for advertising, recreation and entertainment. Or, in the event that there be not sufficient reason for expending the whole sum of three cents in any one year, so much thereof as is not expended shall be set aside for advertising in any future year or years.

Proposed Charter Amendment No. 3

That a new section be added to article two of the charter of the City of Santa Monica to be designated as section 1-c.

Section 1-c. The dollar limit specified in subdivision eleven of section one of article two of this Charter shall not include monies to be expended for the care and relief of needy persons within the City of Santa Monica unable to care for themselves, and having no relatives legally liable and able to care for them, and for the prevention of epidemic, but there may be provided in the tax levy in any year a levy not to exceed one (1) cent on each one hundred (\$100.00) dollars worth of taxable property within the said City of Santa Monica for the care and relief of such persons, and the prevention of epidemics.

Proposed Charter Amendment No. 5

Section 3 (three) of Article III (three) of the Charter of the City of Santa Monica is hereby amended so that the same shall be and read as follows:

Section 3. The Commissioner of the Department of Public Safety shall be ex-officio Mayor of the City, Chief of Police, Superintendent of Buildings, Health Officer and Fire Commissioner, and he shall perform the duties of said officers as provided by law. The Board of Health and the Board of Police Commissioners and the Board of Fire Commissioners are hereby abolished and their duties are conferred upon the Commissioner of the Department of Public Safety.

He shall have charge of all matters pertaining to the care and relief of the needy, the establishment of employment bureaus, dispensaries, hospitals and the like, and the prevention of epidemics, and may employ such employees and professional services as may be necessary to carry on such work. The salaries of any employees engaged in this work shall be fixed by ordinance, but the said Commissioner of Police Safety may, anything to the contrary in this charter notwithstanding, expend, in case of emergency, sums up to Two Hundred Fifty (\$250.00) dollars, without authorization of the Council, and he shall at all times have the power to expend sums less than One Hundred (\$100.00) Dollars in connection with any of the matters mentioned in this paragraph in the same manner that he or any other head of a department is authorized to make expenditure.

The Commissioner of Public Works shall be ex-officio Street Superintendent, Park Commissioner and Water Commissioner, and shall perform the duties of such officers as provided by law, except to the extent that any of such duties may be herein conferred upon the Board of Public Utilities. He shall also have charge of all public works, buildings and properties of every kind and description, except fire, library and school buildings and properties, and except that the Board of Public Utilities shall have such control of works, buildings and properties used for or pertaining to the operation of public utilities, as is conferred upon them by this charter.

The Board of Park Commissioners is hereby abolished, and its duties conferred upon said Commissioner.

The Board of Water Commissioners is hereby abolished and its duties conferred upon said Commissioner, except in so far as any of said duties may be in this charter conferred upon the Board of Public Utilities.

The Commissioner of the Department of Finance shall be ex-officio vice-president of the Council, City Clerk, City Assessor, City Treasurer and City Tax and License Collector, and shall perform the duties of all of said officers as provided by law.

In the absence or during the inability to act of the Commissioner of Public Safety, said Commissioner of the Department of Finance shall be ex-officio acting Mayor, and may sign any Deeds, Ordinances or other documents required by law to be signed by the ex-officio Mayor.

Proposed Charter Amendment No. 8

There is hereby added to Article IV (four) of the Charter of the City of Santa Monica a new section to be numbered 25-d, which shall be and read as follows:

Section 25-d. The City Council shall have the power in its discretion, upon recommendation of the head of the Department in which any employe herein specified is employed, to allow regular monthly salary demands for a period of not to exceed six months to any employe of the city, who having been in the employ of the city for a period of five (5) years, at the time of his incapacity may be for any reason incapacitated from performing his duties.

This provision shall not apply in any case where an employe was incapacitated in or as the result of the performance of his duties, in such a manner as to entitle him to benefits conferred under the Workmen's Compensation Insurance and Safety Act of the State of California.

Proposed Charter Amendment No. 10

Section 2 (two) of Article V (five) of the Charter of the City of Santa Monica is hereby amended so that the same shall be and read as follows:

City Clerk

Section 2. The City Clerk shall have the custody of, and be responsible for, all books, papers, records and archives belonging to the city, not in actual use by other officers, or elsewhere by special provision committed to their custody.

He shall be present at each meeting of the Council, and keep a record of its proceedings.

He shall keep separate books in which respectively he shall record all ordinances and contracts and official bonds.

He shall keep all books properly indexed, and open to public inspection when not in actual use.

He shall make out, and sign all licenses other than building permits, and perform such other duties as are, or shall be, imposed by this Charter, or by ordinance.

He shall act as the general accountant and fiscal agent of

the city, and shall exercise a general superintendence over all the officers of the city charged in any manner with the receipt, collection or disbursement of the city revenues.

He shall keep a complete set of books, in which he shall set forth in a plain and business-like manner every money transaction of the city, so as to show at all times the state of each fund, from which source the money was derived, and for what purpose any money was expended, and also all collections made and paid into the treasury by each officer or any other person.

He shall on application of any person indebted to the city, holding money payable into the city treasury, or desiring to pay money therein, deliver to such person a countersigned order on the city treasurer, in duplicate, stating the amount claimed as payable, by whom to be paid, and designating to what fund it is applicable; he shall file such orders with the city treasurer's duplicate receipts for money paid into the city treasury, and shall charge the city treasurer with the amounts received by him.

He shall audit and approve all demands against the city before payment, and keep a record of the same as hereinafter provided in Article XIII. He shall on or before the first day of July in each year make and present to the Council a report as to the revenue and expenses of the city for the current fiscal year and in which he shall set forth estimates of (1), the revenue from sources other than taxation; (2), the itemized expenditures; (3), the itemized amounts necessary to be raised by taxation for each fund.

He shall act as ex-officio Clerk of the Police Court and ex-officio Clerk of the Board of Equalization.

He shall perform such other duties as shall be required of him by this Charter or by ordinance.

Proposed Charter Amendment No. 11

Section 3 of Article V of the City Charter of the City of Santa Monica is hereby amended so that the same shall be and read as follows:

City Treasurer

Section 3. It shall be the duty of the city treasurer to receive and keep all moneys that shall come to the city by taxation or otherwise, and to pay the same out on demands legally audited in the manner hereinafter provided; and without such auditing he shall disburse no public moneys whatever, except the principal and interest of the municipal debt when payable.

He shall receive no money into the city treasury unless accompanied by an order of the city clerk provided for in section 2 hereof.

After verifying the amount to be paid into the city treasury, he shall fill in and sign the receipt contained in the order of the city clerk, and shall issue the original to the person paying the money, and shall file the duplicate with his records.

He shall make a report at the close of each month, to the city clerk, showing all moneys received during the preceding month, together with the number of each receipt given by him therefor, and what account and from whom received and to

what fund applied, and he shall make such special reports from time to time as may be required by the Council.

The Mayor, City Attorney, the Finance Committee of the Council, or any special Committee appointed by the Council, separately, or collectively, and with the aid of an accountant selected by such officer or committee, shall have the right and power to examine the books of the treasurer at all times; and the Mayor, Clerk, Attorney or Finance Committee shall also have the right to inspect and count all public moneys.

Proposed Charter Amendment No. 12

Section 16 (sixteen) of Article V (five) of the Charter of the City of Santa Monica is hereby amended so that the same shall be and read as follows:

Reports of Officers

Section 16. It shall be the duty of the Mayor, City Attorney, City Treasurer, City Assessor, Chief of Police, Health Officer, City Clerk, City Engineer, Superintendent of Building, Street Superintendent, Chief of the Fire Department, Secretary of Board of Education, Board of Trustees of the Santa Monica public library, and the Board of Park Commissioners, each to present to the Council at a meeting of the Council in the third week of July of each year a report for the preceding fiscal year ending the 30th day of June.

Proposed Charter Amendment No. 13

Section 19 (nineteen) of Article V (five) of the Charter of the City of Santa Monica is hereby amended so that the same shall be and read as follows:

Section 19. Every officer or Board of the City shall make out and file with the City Clerk, on or before the 15th day of May in each year, a detailed estimate of the expenses of his or its office or department, for the year commencing on the first day of July following said report.

Proposed Charter Amendment No. 14

There is hereby added to Article V of the Charter of the City of Santa Monica, a new section to be numbered 20-a, which shall be and read as follows:

Playground and Recreation Centers Under Department of Public Works

Section 20-a. All public playgrounds, recreation centers and summer camps now or hereafter owned or controlled by the city, either within or without its limits, shall be under the control and management of the Commissioner of Public Works, subject to the control of the Council. Said Commissioner

shall have power to organize and conduct physical training and exercise, athletics, sports, games, leagues, tournaments and pageants in and upon the recreation centers owned or controlled by the city, and also in and upon other grounds, athletic fields, gymnasia, swimming pools and other suitable places. The said Commissioner may employ and appoint superintendents, laborers, instructors and other officers and assistants in and about such playgrounds and recreation work, prescribe and fix their duties and authority and qualifications as to residence or otherwise. Their salaries shall be fixed by ordinance as are the salaries of other city employees.

Proposed Charter Amendment No. 15

Section 2 (two) of Article XI (eleven) of the Charter of the City of Santa Monica is hereby amended so that the same shall be and read as follows:

Section 2. General municipal elections shall be held on the first Tuesday in December, 1925, and thereafter every two years.

Any matter may be submitted to a vote of the electors at said election.

Special elections may be called at any time by the City Council for any purpose required by law.

ELECTION OF OFFICERS. The mode of election of all elective officers of the city to be voted for at any municipal election, shall be as follows, and not otherwise: Candidates for said office shall be nominated as follows:

The name of the candidate shall be printed upon the ballot when a petition for nomination shall have been filed in his behalf in the manner and form and under the conditions hereinafter set forth. The petition of nomination shall contain not less than twenty-five (25) or more than thirty-five (35) individual signatures which shall read substantially as follows:

"Petition of Nomination of Candidate for the Office of

STATE OF CALIFORNIA,
COUNTY OF LOS ANGELES, } ss.
CITY OF SANTA MONICA.

"I the undersigned, certify that I do hereby join in a petition for the nomination of _____, whose residence is at No. _____ Street, Santa Monica, California, for the office of _____, to be voted for at the municipal election to be held in the city of Santa Monica, on the _____ day of _____, 19____ and I further certify that I am a qualified elector, and am not at this time a signer of any other petition nominating any other candidate to the above named office; and I further declare that I intend to support for such nomination the candidate named herein.

No. Precinct	Signature	Residence	Date
1
2
3
4
6 to 35, inclusive

"Verification Deputy's Affidavit

STATE OF CALIFORNIA,
COUNTY OF LOS ANGELES, } ss.
CITY OF SANTA MONICA.

I, _____, solemnly swear (or affirm) that I have been duly appointed as a verification deputy to secure signatures in the City of Santa Monica, County of Los Angeles, State of California, to the annexed paper of _____ for the office of _____ that all the signatures on this nomination paper numbered from _____ to _____ inclusive, were made in my presence, and that to the best of my knowledge and belief each of said signatures is the original signature of the person whose name it purports to be.

Subscribed and sworn to before me this _____ day of _____, 19_____, _____ Verification Deputy.

Notary Public in and for the County of Los Angeles, State of California.
(Or other officer.)

This petition of nomination shall, if found insufficient, be returned to _____, at No. _____ Street, Santa Monica, California."

It shall be the duty of the City Clerk to furnish, upon application, a reasonable number of official forms of petitions of nomination of the above character. Each petition of nomination must contain the name of one candidate and no other.

Each signer to the nominating petition must be a qualified elector, and must not at the time of signing, have signed his name to the petition of any other candidate for the same office.

Verification deputies, under this section, must be qualified electors of the City of Santa Monica, and shall be appointed by the city clerk upon application in writing, signed by not less than five (5) qualified electors of the city. The applicant shall set forth that the signers thereto desire to procure the necessary signatures of electors for the nomination of candidates for municipal offices at an election therein specified, and that the applicants desire the person or persons, whose names and addresses are given, appointed as verification deputies, who shall, upon appointment, secure the signatures of the signers of petitions of nomination; their appointments shall continue only until all of the petitions under this section shall have been filed with the city clerk. All verification deputies must, before their appointment, make and file with the city clerk an oath as to their ages, places of residence, occupation, and that they are duly qualified electors of the city of Santa Monica, California.

The petition of nomination may be presented to the city clerk not earlier than forty-five (45) days, nor later than thirty (30) days before the election. The clerk shall endorse thereon the date upon which the petition was presented to him.

When the petition of nomination is presented to the city clerk for filing, he shall forthwith examine the same, and see whether it conforms to the provisions of this section. If found not to conform thereto, he shall then and there in writing

declare on said petition the defect or omission or reason why such petition cannot be filed, and shall return the petition at once. The petition may then be amended and presented to the clerk as in the first instance not later than twenty-six (26) days prior to the election.

Any signer to any petition of nomination may withdraw his name from the same by filing with the city clerk a verified revocation of his signature before the filing of the petition by the clerk, and not otherwise. He shall then be at liberty to sign a petition for another candidate for the same office.

Any person whose name has been presented under this section as a candidate, may, not later than twenty-five (25) days before the day of election, cause his name to be withdrawn from nomination by filing with the city clerk a request therefor in writing, and no name so withdrawn shall be printed upon the ballot.

If either the original or the amended petition of nomination shall be found sufficient as hereinbefore provided, the clerk shall file the same twenty-five (25) days before the day of the election. When the petition of nomination shall have been filed by the clerk, it shall not be withdrawn or added to, and no signature shall be revoked thereafter.

The city clerk shall preserve in his office for the period of two (2) years all petitions of nomination and all certificates belonging thereto filed under this section.

Immediately after such petitions are filed, the clerk shall enter the names of the candidates in a list with the offices to be filled, and shall at least twenty (20) days prior to the election, file in his office a notice of the date of such election and the offices to be filled, naming and numbering them in numerical order, unexpired terms or short terms being designated next after the full terms or long terms. He shall also designate in such notice the election officers who have been appointed for each precinct and the polling places therein where the voting for such election shall be had, and shall include in said notice the list of candidates nominated as hereinabove mentioned. He shall immediately thereafter cause one copy of such notice to be posted in a prominent place in his office.

The city clerk shall cause the ballots to be printed and bound and numbered, as provided for by state law, except as otherwise required in this charter. The ballots shall contain the list of names and the respective offices, set forth in the notice of election, and shall be in substantially the following form:

"GENERAL MUNICIPAL ELECTION OR SPECIAL MUNICIPAL ELECTION, CITY OF SANTA MONICA (inserting the date thereof).

INSTRUCTIONS TO VOTERS:
TO VOTE STAMP A CROSS (X) OPPOSITE THE NAME OF THE CANDIDATE FOR WHOM YOU DESIRE TO VOTE.

ALL MARKS OTHERWISE MADE ARE FORBIDDEN.
ALL DISTINGUISHING MARKS ARE FORBIDDEN
AND MAKE THE BALLOT VOID.

IF YOU WRONGLY MARK, OR TEAR, OR DEFACE THIS BALLOT, RETURN IT TO THE INSPECTOR OF ELECTION AND OBTAIN ANOTHER."

All ballots shall be precisely of the same size, quality, tint of paper, and kind of type and color of ink, so that without the number it would be impossible to distinguish one ballot from

another; and the names of all the candidates printed upon the ballot shall be in type of the same size and style.

A column may be provided on the right-hand side for charter amendments or other questions to be voted upon at the municipal elections.

The names of the candidates for each office shall be arranged alphabetically by the city clerk, and nothing on the ballot shall be indicative of the source of the candidacy or of the support of any candidate.

The name of every candidate who has been duly and regularly nominated, and who has not withdrawn his name as herein provided, shall be printed upon the ballot.

The offices to be filled shall be arranged in separate columns in the following order:

Commissioner of Public Safety. Vote for one.

Commissioner of Public Works. Vote for one.

Commissioner of Finance. Vote for one.

A Police Judge. Vote for one.

Members of the Board of Education. Vote for (designating the number to be elected).

Spaces of suitable size shall be provided at the right of the name of each candidate wherein to stamp the cross.

Half-inch space shall be left below the printed names of candidates for each office equal in number to the number to be voted for wherein the person may write the name of any person or persons for whom he may wish to vote.

The clerk shall cause to be printed sample ballots identical in form with the ballot to be used at the election and shall furnish copies of the same on application to registered voters at his office at least five (5) days before the day fixed for such election, and shall mail one such ballot to each voter entitled to vote at said election, so that all of the said sample ballots shall have been mailed at least three whole days before said election.

As soon as the polls are closed the election judges shall immediately open the ballot boxes, take therefrom and count the ballots and note the total number thereof on the tally sheet provided therefor. They shall carefully enter the number of votes for each candidate on said tally sheet and make return thereon to the city clerk as provided by law. The candidate receiving the highest number of votes cast for the particular office for which he is a candidate shall be declared elected. If the person elected fails to qualify, the office shall be filled as if there were a vacancy in such office as hereinbefore in this charter provided.

General Election Regulations

The provisions of any state law, now or hereafter in force, except as the council may otherwise by ordinance provide, relating to the qualifications and registrations of electors, the manner of voting, the duties of election officers, the canvassing of returns, and all other particulars in respect to the management of elections, except as otherwise provided in this article, so far as they may be applicable, shall govern all municipal elections; provided, also, that the council shall meet as a canvassing board and duly canvass the election returns within two days after any municipal election. Whenever any member of the council is a candidate for re-election, the coun-

cil shall appoint some justice of the peace or notary of said city to take the place of said candidate upon said canvassing board as a member thereof.

Political activity. No person in the employ of the city shall take any active part, or contribute any money towards nomination or election of any candidate. A violation of any of the provisions of this Section by any candidate or officer shall disqualify him from holding the office for which he may be elected or appointed.

No informalities in conducting any municipal election shall invalidate the same, if the election has been conducted fairly and in substantial conformity to the regulations of this charter.

Proposed Charter Amendment No. 16

There is hereby added to Article XII (twelve) of the Charter of the City of Santa Monica a new section to be numbered section 1-a which shall be and read as follows:

Section 1-a. In the letting of contracts or sub-contracts for mechanical and other labor within the control of the city council of the City of Santa Monica which are to be paid for with money raised by taxation or the proceeds of a bond issue, preference shall be given to persons residing within the territory so taxed or within the district covered by such bond issue, due regard being had to the quality, price and availability of such labor.

Proposed Charter Amendment No. 17

There is hereby added to Article XV (fifteen) of the Charter of the City of Santa Monica a new section to be known and numbered as section 4 which shall be and read as follows:

Section 4. No petition for initiative or recall shall be of any force or effect unless filed with the officer or body designated herein to receive the same, within sixty (60) days of the date of obtaining the first signature thereto.

Proposed Charter Amendment No. 18

Section 5 of Article XVI (sixteen) of the Charter of the City of Santa Monica is hereby amended so that the same shall be and read as follows:

Section 5. The fiscal year of the city shall begin on the first day of July of each year and end on the thirtieth day of June following.

Proposed Charter Amendment No. 19

There is hereby added to the Charter of the City of Santa Monica a new article to be numbered XVA to be and read as follows:

ARTICLE XVA

Relief and Pension Fund

Section One. The City Council shall, by ordinance, create a fund to be known as the "RELIEF AND PENSION FUND,"

and provide for the payment into said fund a percentage of each month's pay from all the members of the police and fire departments and from all the members of such other departments as may by said ordinance be declared to be entitled to relief out of said fund, and shall also provide for including in the annual budget an amount not exceeding one per cent of the general tax levy to be paid into said fund.

Section Two. The Council shall, in the ordinance creating said fund, designate who are to receive benefits out of said fund and upon what conditions and to what extent; provided, that no member of any department, or the widow or children of such member, shall be entitled to a pension unless such member shall have been an active member of the department for at least twenty years.

NOW THEREFORE, we, the undersigned, J. C. STEELE, Commissioner of Public Safety, ex-officio Mayor of the City of Santa Monica, State of California, and F. A. HELTON, Commissioner of Finance, ex-officio City Clerk and ex-officio Clerk of the City Council of said City, do hereby certify that the foregoing proposed ratified amendments to the charter of the City of Santa Monica, submitted to the electors of said city at a special municipal election held in said city on the Sixteenth day of December, 1924, have been compared by us, and each of us, with the respective proposed amendments set forth in the ordinance adopted by the Council as hereinbefore stated, and that the foregoing is a full, true, correct and exact copy thereof, and we further certify that the facts set forth in the preamble preceding said amendments to said charter are, and each of them is true.

IN TESTIMONY WHEREOF, we have hereunto set out hands and caused the same to be authenticated by the Seal of said City of Santa Monica this 16th day of January, 1925.

(SEAL)

J. C. STEELE,
Commissioner of Public Safety, ex-
officio Mayor of the City of
Santa Monica.

F. A. HELTON,
Commissioner of Finance, ex-officio
City Clerk, ex-officio Clerk of
the City Council of the City of
Santa Monica.

WHEREAS, Said amendment has been submitted to the legislature of the State of California for approval or rejection without alteration or amendment, in accordance with section eight (8) of article eleven (XI) of the constitution of the State of California. Now therefore be it

Resolved by the assembly of the State of California, the senate thereof concurring, a majority of all members elected to each house voting therefor and concurring therein, that said amendments to the charter of the city of Santa Monica, State of California, as proposed to, adopted and ratified by the electors of said city as hereinbefore fully set forth, be and the same are and each of them is hereby approved as a whole without amendment or alteration for and as amendments to and as a part of the charter of the said city of Santa Monica.

Certificate of Adoption by the Qualified Electors of the City of Santa Monica at a Special Municipal Election Held Therein on the Sixteenth Day of December 1924 of Certain Amendments to the Charter of the City of Santa Monica, State of California.

State of California,
County of Los Angeles, } ss.
City of Santa Monica.

WHEREAS, the City of Santa Monica in the County of Los Angeles, State of California, contains a population of over ten thousand (10,000) inhabitants, and has been ever since the year 1907, and now is, organized and acting under a freeholders' charter, adopted under and by virtue of section eight, Article XI of the Constitution of the State of California, which charter was duly ratified by a majority of the qualified electors of said city at a special election held for that purpose on the 28th day of March, 1906, and approved by the Legislature of the State of California February 1907, (Statutes of 1907, p. 1007), and amendments thereto duly adopted by the qualified voters of said city, and by Resolution of the said Legislature filed with the Secretary of State of California, January 26th, 1915, (Statutes of 1915, p. 1714), and amendments duly adopted by said voters and said Legislature and filed with the Secretary of State January 21st, 1919, (Statutes of 1919, p. 1393), and

WHEREAS, the legislative body of said city, namely, the City Council of the City of Santa Monica did, pursuant to the provisions of section eight of Article XI of the Constitution of the State of California, by Ordinance adopted November 5th, 1924, being Ordinance No. 296, (Commissioners' Series), entitled:

"AN ORDINANCE OF THE CITY OF SANTA MONICA PROPOSING VARIOUS AMENDMENTS TO THE CHARTER OF THE CITY OF SANTA MONICA AND PROVIDING FOR THE SUBMISSION OF THE SAME TO THE QUALIFIED ELECTORS THEREOF FOR ADOPTION AND RATIFICATION AT A SPECIAL MUNICIPAL ELECTION TO BE HELD ON THE SIXTEENTH DAY OF DECEMBER, 1924," duly propose to the qualified electors of the City of Santa Monica, nineteen (19) amendments to the charter of said city, being therein designated as Proposed Charter Amendment No. 1, Proposed Charter Amendment No. 2, Proposed Charter Amendment No. 3, Proposed Charter Amendment No. 4, Proposed Charter Amendment No. 5, Proposed Charter Amendment No. 6, Proposed Charter Amendment No. 7, Proposed Charter Amendment No. 8, Proposed Charter Amendment No. 9, Proposed Charter Amendment No. 10, Proposed Charter Amendment No. 11, Proposed Charter Amendment No. 12, Proposed Charter Amendment No. 13, Proposed Charter Amendment No. 14, Proposed Charter Amendment No. 15, Proposed Charter Amendment No. 16, Proposed Charter Amendment No. 17, Proposed Charter Amendment No. 18, and Proposed Charter Amendment No. 19, and did order that said amendments be submitted to said qualified electors at the special municipal election to be held on the 16th day of December, 1924, which date was fixed in said ordinance as the date for holding said special municipal election; and

WHEREAS, said proposed charter amendments numbers one to nineteen inclusive were, and each of them was on November 5th, 1924, duly published in the Santa Monica Evening Outlook, a daily newspaper of general circulation printed, published and circulated in the said City of Santa Monica and designated by said Council for that purpose; and

WHEREAS, said proposed amendments were printed in convenient pamphlet form, and from November 5th, 1924, to December 15th, 1924, both inclusive, a notice was published in said Santa Monica Evening Outlook, the newspaper aforementioned, that said copies could be had upon application therefor at the office of the City Clerk of said city, and said proposed amendments in such pamphlet form were in fact available at the office of said City Clerk; and

WHEREAS, the said Council of said city did by ordinance duly adopted on the 14th day of November, 1924, being Ordinance No. 298, (Commissioners' Series), entitled: "AN ORDINANCE CALLING A SPECIAL ELECTION TO BE HELD ON TUESDAY, THE 16th DAY OF DECEMBER, 1924, IN THE CITY OF SANTA MONICA, IN THE COUNTY OF LOS ANGELES, WHICH IS CONTIGUOUS TO THE CITY OF LOS ANGELES, PROPOSED TO BE CONSOLIDATED WITH SAID CITY OF LOS ANGELES, PROVIDING FOR THE HOLDING OF SUCH ELECTION AND SUBMITTING TO THE ELECTORS RESIDING IN SAID CITY OF SANTA MONICA THE QUESTION WHETHER SAID CITY OF SANTA MONICA SHALL BE CONSOLIDATED WITH THE SAID CITY OF LOS ANGELES AND THE PROPERTY OF SAID CITY OF SANTA MONICA BE, AFTER SUCH CONSOLIDATION, SUBJECT TO TAXATION EQUALLY WITH THE PROPERTY WITHIN THE CITY OF LOS ANGELES, TO PAY CERTAIN BONDED INDEBTEDNESS OF SAID CITY OF LOS ANGELES OUTSTANDING AT THE DATE OF SUCH CONSOLIDATION, OR THERETOFORE AUTHORIZED, ESTABLISHING CONSOLIDATED ELECTION PRECINCTS AND POLLING PLACES IN SAID CITY OF SANTA MONICA, APPOINTING THE OFFICERS OF ELECTION FOR SAID SPECIAL ELECTION, AND FOR THE SPECIAL ELECTION TO BE CONSOLIDATED THEREWITH, PROVIDING FOR THE PUBLICATION OF NOTICE OF SUCH ELECTION; CALLING A SPECIAL ELECTION TO BE HELD ON SAID TUESDAY, THE 16th DAY OF DECEMBER, 1924, IN SAID CITY FOR THE PURPOSE OF SUBMITTING NINETEEN (19) PROPOSED AMENDMENTS TO THE CHARTER OF SAID CITY OF SANTA MONICA UNDER THE PROVISIONS OF SECTIONS 8 AND 8½ OF ARTICLE ELEVEN OF THE CONSTITUTION OF THE STATE OF CALIFORNIA, CONSOLIDATING SAID SPECIAL ELECTION WITH THE SPECIAL ELECTION CALLED IN THIS ORDINANCE FOR CONSOLIDATION OF THE CITY OF SANTA MONICA WITH THE CITY OF LOS ANGELES.", order the holding of a special municipal election in said City of Santa Monica on the 16th day of December, 1924, which said date was more than forty days and less than sixty days after the completion of the publication of said Nineteen (19) Proposed Amendments as aforesaid; which said ordinance was signed by the Mayor of said city on the said 14th day of November, 1924,

and was published on the 14th day of November, 1924, in said newspaper, the Santa Monica Evening Outlook; and

WHEREAS, said special municipal election was by said ordinance ordered consolidated according to law with an election called for the purpose of submitting to the electors of said city the question whether the City of Santa Monica should be consolidated with the City of Los Angeles, as more fully appears from the title of said ordinance hereinabove quoted; and

WHEREAS, said special municipal election was held in said City of Santa Monica on the 16th day of December, 1924, which date was more than forty days and less than sixty days after said proposed amendments to said charter had been published in the Santa Monica Evening Outlook, and said election was also held during the six months next preceding a regular session of the Legislature of the State of California; and

WHEREAS, thereafter the said Council of said City of Santa Monica had duly canvassed the returns of said special municipal election, and did on the 23rd day of December, 1924, duly and regularly declare the canvass of the returns of said election; and

WHEREAS, at said special municipal election held on said 16th day of December, 1924, fifteen (15) of said Proposed Amendments were ratified by a majority of the electors of said city voting thereon, to-wit: Proposed Charter Amendment No. 1, Proposed Charter Amendment No. 2, Proposed Charter Amendment No. 3, Proposed Charter Amendment No. 5, Proposed Charter Amendment No. 8, Proposed Charter Amendment No. 10, Proposed Charter Amendment No. 11, Proposed Charter Amendment No. 12, Proposed Charter Amendment No. 13, Proposed Charter Amendment No. 14, Proposed Charter Amendment No. 15, Proposed Charter Amendment No. 16, Proposed Charter Amendment No. 17, Proposed Charter Amendment No. 18 and Proposed Charter Amendment No. 19; and all other amendments received less than a majority of the votes of the qualified electors voting thereon, and were not ratified; and

WHEREAS, the said Fifteen (15) Charter Amendments so ratified by the electors of the City of Santa Monica, are now submitted to the Legislature of the State of California for approval or rejection as a whole, without power of alteration or amendment, in accordance with section eight of Article XI of the Constitution of the State of California, and are in words and figures as follows, to-wit:

Proposed Charter Amendment No. 1

Sub-section four of section one of article II of the Charter of the City of Santa Monica is hereby amended so that the same shall be and read as follows:

Section 1. The said corporation shall have the power * * * (4), to erect and maintain public buildings, and to lay out and establish, improve and maintain public parks and cemeteries, to acquire by purchase, condemnation or otherwise, or lease such buildings, parks and cemeteries, and to acquire by purchase, or lease, condemnation or otherwise, and to construct, establish, maintain, equip, own and operate libraries, reading rooms, art galleries, museums, playgrounds, places of recrea-

tion, camps, fountains, baths, dispensaries, infirmaries, hospitals, free municipal employment offices, charitable institutions, jails, houses of correction and reform schools, work houses, detention houses, morgues, cemeteries, garbage cleaning, garbage disposal and garbage reduction works, street cleaning and street sprinkling plants and apparatus, quarries, plants for the production, making or assemblage of asphalt or any other substance or material for use in the building, maintenance or repair of streets, plants, appliances and equipment for the construction, maintenance and repair of wharves, docks, slips and quays, and for the maintenance of proper depths of water on and along the water front of the city and all other public buildings, places, works, institutions and establishments, whether situated inside or outside of the city limits which may be necessary or convenient for the transaction of public business or for promoting the health, morals, education or welfare of the inhabitants of the city, or for their amusement, recreation, entertainment or benefit.

Proposed Charter Amendment No. 2

There shall be added to article II, (two), two new sections, to be numbered section 1-a and 1-b, respectively, which shall be and read as follows:

Section 1-a. Not more than twelve cents on each one hundred (\$100.00) dollars worth of taxable property out of the fifteen cents mentioned in sub-division eleven of section one of article two of this charter shall be expended for music.

Section 1-b. Out of the fifteen cents on each one hundred (\$100.00) dollars worth of taxable property specified in sub-division eleven of section one of article two of this charter, there shall be expended not less than three cents for advertising, recreation and entertainment. Or, in the event that there be not sufficient reason for expending the whole sum of three cents in any one year, so much thereof as is not expended shall be set aside for advertising in any future year or years.

Proposed Charter Amendment No. 3

That a new section be added to article two of the charter of the City of Santa Monica to be designated as section 1-c.

Section 1-c. The dollar limit specified in subdivision eleven of section one of article two of this Charter shall not include monies to be expended for the care and relief of needy persons within the City of Santa Monica unable to care for themselves, and having no relatives legally liable and able to care for them, and for the prevention of epidemic, but there may be provided in the tax levy in any year a levy not to exceed one (1) cent on each one hundred (\$100.00) dollars worth of taxable property within the said City of Santa Monica for the care and relief of such persons, and the prevention of epidemics.

Proposed Charter Amendment No. 5

Section 3 (three) of Article III (three) of the Charter of the City of Santa Monica is hereby amended so that the same shall be and read as follows:

Section 3. The Commissioner of the Department of Public Safety shall be ex-officio Mayor of the City, Chief of Police, Superintendent of Buildings, Health Officer and Fire Commissioner, and he shall perform the duties of said officers as

provided by law. The Board of Health and the Board of Police Commissioners and the Board of Fire Commissioners are hereby abolished and their duties are conferred upon the Commissioner of the Department of Public Safety.

He shall have charge of all matters pertaining to the care and relief of the needy, the establishment of employment bureaus, dispensaries, hospitals and the like, and the prevention of epidemics, and may employ such employees and professional services as may be necessary to carry on such work. The salaries of any employees engaged in this work shall be fixed by ordinance, but the said Commissioner of Public Safety may, anything to the contrary in this charter notwithstanding, expend, in case of emergency, sums up to Two Hundred Fifty (\$250.00) Dollars, without authorization of the Council, and he shall at all times have the power to expend sums less than One Hundred (\$100.00) Dollars in connection with any of the matters mentioned in this paragraph in the same manner that he or any other head of a department is authorized to make expenditure.

The Commissioner of Public Works shall be ex-officio Street Superintendent, Park Commissioner and Water Commissioner, and shall perform the duties of such officers as provided by law, except to the extent that any of such duties may be herein conferred upon the Board of Public Utilities. He shall also have charge of all public works, buildings and properties of every kind and description, except fire, library and school buildings and properties, and except that the Board of Public Utilities shall have such control of works, buildings and properties used for or pertaining to the operation of public utilities, as is conferred upon them by this charter.

The Board of Park Commissioners is hereby abolished, and its duties conferred upon said Commissioner.

The Board of Water Commissioners is hereby abolished and its duties conferred upon said Commissioner, except in so far as any of said duties may be in this charter conferred upon the Board of Public Utilities.

Proposed Charter Amendment No. 8

The Commissioner of the Department of Finance shall be ex-officio vice-president of the Council, City Clerk, City Assessor, City Treasurer and City Tax and License Collector, and shall perform the duties of all of said officers as provided by law.

In the absence or during the inability to act of the Commissioner of Public Safety, said Commissioner of the Department of Finance shall be ex-officio acting Mayor, and may sign any Deeds, Ordinances or other documents required by law to be signed by the ex-officio Mayor.

There is hereby added to Article IV (four) of the Charter of the City of Santa Monica a new section to be numbered 25-d, which shall be and read as follows:

Section 25-d. The City Council shall have the power in its discretion, upon recommendation of the head of the Department in which any employe herein specified is employed, to allow regular monthly salary demands for a period of not to exceed six months to any employe of the city, who having been in the employ of the city for a period of five (5) years; at the time of his incapacity may be for any reason incapacitated from performing his duties.

This provision shall not apply in any case where an employe was incapacitated in or as the result of the performance of his duties, in such a manner as to entitle him to benefits conferred under the Workmen's Compensation Insurance and Safety Act of the State of California.

Proposed Charter Amendment No. 10

Section 2 (two) of Article V (five) of the Charter of the City of Santa Monica is hereby amended so that the same shall be and read as follows:

City Clerk

Section 2. The City Clerk shall have the custody of, and be responsible for, all books, papers, records and archives belonging to the city, not in actual use by other officers, or elsewhere by special provision committed to their custody.

He shall be present at each meeting of the Council, and keep a record of its proceedings.

He shall keep separate books in which respectively he shall record all ordinances and contracts and official bonds.

He shall keep all books properly indexed, and open to public inspection when not in actual use.

He shall make out, and sign all licenses other than building permits, and perform such other duties as are, or shall be, imposed by this Charter, or by ordinance.

He shall act as the general accountant and fiscal agent of the city, and shall exercise a general superintendence over all the officers of the city charged in any manner with the receipt, collection or disbursement of the city revenues.

He shall keep a complete set of books, in which he shall set forth in a plain and business-like manner every money transaction of the city, so as to show at all times the state of each fund, from which source the money was derived, and for what purpose any money was expended, and also all collections made and paid into the treasury by each officer or any other person.

He shall on application of any person indebted to the city, holding money payable into the city treasury, or desiring to pay money thereing, deliver to such person a countersigned order on the city treasurer, in duplicate, stating the amount claimed as payable, by whom to be paid, and designating to what fund it is applicable: he shall file such orders with the city treasurer's duplicate receipts for money paid into the city treasury, and shall charge the city treasurer with the amounts received by him.

He shall audit and approve all demands against the city before payment, and keep a record of the same as hereinafter provided in Article XIII. He shall on or before the first day of July in each year make and present to the Council a report as to the revenue and expenses of the city for the current fiscal year and in which he shall set forth estimates of (1), the revenue from sources other than taxation; (2), the itemized expenditures; (3), the itemized amounts necessary to be raised by taxation for each fund.

He shall act as ex-officio Clerk of the Police Court and ex-officio Clerk of the Board of Equalization.

He shall perform such other duties as shall be required of him by this Charter or by ordinance.

Proposed Charter Amendment No. 11

Section 3 of Article V of the City Charter of the City of Santa Monica is hereby amended so that the same shall be and read as follows:

City Treasurer

Section 3. It shall be the duty of the city treasurer to receive and keep all moneys that shall come to the city by taxation or otherwise, and to pay the same out on demands legally audited in the manner hereinafter provided; and without such auditing he shall disburse no public moneys whatever, except the principal and interest of the municipal debt when payable. He shall receive no money into the city treasury unless accompanied by an order of the city clerk provided for in section 2 hereof.

After verifying the amount to be paid into the city treasury, he shall fill in and sign the receipt contained in the order of the city clerk, and shall issue the original to the person paying the money, and shall file the duplicate with his records.

He shall make a report at the close of each month, to the city clerk, showing all moneys received during the preceding month, together with the number of each receipt given by him therefor, and what account and from whom received and to what fund applied, and he shall make such special reports from time to time as may be required by the Council.

The Mayor, City Attorney, the Finance Committee of the Council, or any special Committee appointed by the Council, separately, or collectively, and with the aid of an accountant selected by such officer or committee, shall have the right and power to examine the books of the treasurer at all times; and the Mayor, Clerk, Attorney or Finance Committee shall also have the right to inspect and count all public moneys.

Proposed Charter Amendment No. 12

Section 16 (sixteen) of Article V (five) of the Charter of the City of Santa Monica is hereby amended so that the same shall be and read as follows:

Reports of Officers

Section 16. It shall be the duty of the Mayor, City Attorney, City Treasurer, City Assessor, Chief of Police, Health Officer, City Clerk, City Engineer, Superintendent of Building, Street Superintendent, Chief of the Fire Department, Secretary of Board of Education, Board of Trustees of the Santa Monica public library, and the Board of Park Commissioners, each to present to the Council at a meeting of the Council in the third week of July of each year a report for the preceding fiscal year ending the 30th day of June.

Proposed Charter Amendment No. 13

Section 19 (nineteen) of Article V (five) of the Charter of the City of Santa Monica is hereby amended so that the same shall be and read as follows:

Section 19. Every officer or Board of the City shall make out and file with the City Clerk, on or before the 15th day of May in each year, a detailed estimate of the expenses of his or its office or department, for the year commencing on the first day of July following said report.

Proposed Charter Amendment No. 14

There is hereby added to Article V of the Charter of the City of Santa Monica, a new section to be numbered 20-a, which shall be and read as follows:

Playground and Recreation Centers Under Department of Public Works

Section 20-a. All public playgrounds, recreation centers and summer camps now or hereafter owned or controlled by the city, either within or without its limits, shall be under the control and management of the Commissioner of Public Works, subject to the control of the Council. Said Commissioner shall have power to organize and conduct physical training and exercise, athletics, sports, games, leagues, tournaments and pageants in and upon the recreation centers owned or controlled by the city, and also in and upon other grounds, athletic fields, gymnasia, swimming pools and other suitable places. The said Commissioner may employ and appoint superintendents, laborers, instructors and other officers and assistants in and about such playgrounds and recreation work, prescribe and fix their duties and authority and qualifications as to residence or otherwise. Their salaries shall be fixed by ordinance as are the salaries of other city employees.

Proposed Charter Amendment No. 15

Section 2 (two) of Article XI (eleven) of the Charter of the City of Santa Monica is hereby amended so that the same shall be and read as follows:

Section 2. General municipal elections shall be held on the first Tuesday in December, 1925, and thereafter every two years.

Any matter may be submitted to a vote of the electors at said election.

Special elections may be called at any time by the City Council for any purpose required by law.

ELECTION OF OFFICERS. The mode of election of all elective officers of the city to be voted for at any municipal election, shall be as follows, and not otherwise: Candidates for said office shall be nominated as follows:

The name of the candidate shall be printed upon the ballot when a petition for nomination shall have been filed in his behalf in the manner and form and under the conditions hereinafter set forth. The petition of nomination shall contain not less than twenty-five (25) or more than thirty-five (35) individual signatures which shall read substantially as follows:

"Petition of Nomination of Candidate for the Office of

STATE OF CALIFORNIA,
COUNTY OF LOS ANGELES, } ss.
CITY OF SANTA MONICA.

I, the undersigned, certify that I do hereby join in a petition for the nomination of _____, whose residence is at No. _____ Street, Santa

Monica, California, for the office of _____ to be voted for at the municipal election to be held in the city of Santa Monica, on the _____ day of _____, 19____, and I further certify that I am a qualified elector, and am not at this time a signer of any other petition nominating any other candidate to the above named office; and I further declare that I intend to support for such nomination the candidate named herein.

No. Precinct	Signature	Residence	Date
1	_____	_____	_____
2	_____	_____	_____
3	_____	_____	_____
4	_____	_____	_____
6 to 35, inclusive	_____	_____	_____

"Verification of Deputy's Affidavit

STATE OF CALIFORNIA,
COUNTY OF LOS ANGELES, } ss.
CITY OF SANTA MONICA.

I, _____, solemnly swear (or affirm) that I have been duly appointed as a verification deputy to secure signatures in the City of Santa Monica, County of Los Angeles, State of California, to the annexed paper of _____, for the office of _____, that all the signatures on this nomination paper numbered from _____ to _____ inclusive, were made in my presence, and that to the best of my knowledge and belief each of said signatures is the original signature of the person whose name it purports to be.

Subscribed and sworn to before me this _____ day of _____, 19____.

Verification Deputy.

Notary Public in and for the County of Los Angeles, State of California.
(Or other officer.)

This petition of nomination shall, if found insufficient, be returned to _____, at No. _____ Street, Santa Monica, California."

It shall be the duty of the City Clerk to furnish, upon application, a reasonable number of official forms of petitions of nomination of the above character. Each petition of nomination must contain the name of one candidate and no other.

Each signer to the nominating petition must be a qualified elector, and must not at the time of signing, have signed his name to the petition of any other candidate for the same office.

Verification deputies, under this section, must be qualified electors of the City of Santa Monica, and shall be appointed by the city clerk upon application in writing, signed by not less than five (5) qualified electors of the city. The applicant shall set forth that the signers thereto desire to procure the necessary signatures of electors for the nomination of candidates for municipal offices at an election therein specified, and that the applicants desire the person or persons, whose names and addresses are given, appointed as verification deputies, who shall, upon appointment, secure the signatures of the signers of petitions of nomination; their appointments shall

continue only until all of the petitions under this section shall have been filed with the city clerk. All verification deputies must, before their appointment, make and file with the city clerk an oath as to their ages, places of residence, occupation, and that they are duly qualified electors of the city of Santa Monica, California.

The petition of nomination may be presented to the city clerk not earlier than forty-five (45) days, nor later than thirty (30) days before the election. The clerk shall endorse thereon the date upon which the petition was presented to him.

When the petition of nomination is presented to the city clerk for filing, he shall forthwith examine the same, and see whether it conforms to the provisions of this section. If found not to conform thereto, he shall then and there in writing declare on said petition the defect or omission or reason why such petition cannot be filed, and shall return the petition at once. The petition may then be amended and presented to the clerk as in the first instance not later than twenty-six (26) days prior to the election.

Any signer to any petition of nomination may withdraw his name from the same by filing with the city clerk a verified revocation of his signature before the filing of the petition by the clerk, and not otherwise. He shall then be at liberty to sign a petition for another candidate for the same office.

Any person whose name has been presented under this section as a candidate, may, not later than twenty-five (25) days before the day of election, cause his name to be withdrawn from nomination by filing with the city clerk a request therefor in writing, and no name so withdrawn shall be printed upon the ballot.

If either the original or the amended petition of nomination shall be found sufficient as hereinbefore provided, the clerk shall file the same twenty-five (25) days before the day of the election. When the petition of nomination shall have been filed by the clerk, it shall not be withdrawn or added to, and no signature shall be revoked thereafter.

The city clerk shall preserve in his office for the period of two (2) years all petitions of nomination and all certificates belonging thereto filed under this section.

Immediately after such petitions are filed, the clerk shall enter the names of the candidates in a list with the offices to be filled, and shall at least twenty (20) days prior to the election, file in his office a notice of the date of such election and the offices to be filled, naming and numbering them in numerical order, unexpired terms or short terms being designated next after the full terms or long terms. He shall also designate in such notice the election officers who have been appointed for each precinct and the polling places therein where the voting for such election shall be had, and shall include in said notice the list of candidates nominated as hereinabove mentioned. He shall immediately thereafter cause one copy of such notice to be posted in a prominent place in his office.

The city clerk shall cause the ballots to be printed and bound and numbered, as provided for by state law, except as otherwise required in this charter. The ballots shall contain the list of names and the respective offices, set forth in the notice of election, and shall be in substantially the following form:

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"GENERAL MUNICIPAL ELECTION OR SPECIAL MUNICIPAL ELECTION, CITY OF SANTA MONICA, (inserting the date thereof).

INSTRUCTIONS TO VOTERS:

TO VOTE STAMP A CROSS (X) OPPOSITE THE NAME OF THE CANDIDATE FOR WHOM YOU DESIRE TO VOTE.

ALL MARKS OTHERWISE MADE ARE FORBIDDEN.

ALL DISTINGUISHING MARKS ARE FORBIDDEN AND MAKE THE BALLOT VOID.

IF YOU WRONGLY MARK, OR TEAR, OR DEFACE THIS BALLOT, RETURN IT TO THE INSPECTOR OF ELECTION AND OBTAIN ANOTHER."

All ballots shall be precisely of the same size, quality, tint of paper, and kind of type and color of ink, so that without the number it would be impossible to distinguish one ballot from another; and the names of all the candidates printed upon the ballot shall be in type of the same size and style.

A column may be provided on the right-hand side for charter amendments or other questions to be voted upon at the municipal elections.

The names of the candidates for each office shall be arranged alphabetically by the city clerk, and nothing on the ballot shall be indicative of the source of the candidacy or of the support of any candidate.

The name of every candidate who has been duly and regularly nominated, and who has not withdrawn his name as here-in provided, shall be printed upon the ballot.

The offices to be filled shall be arranged in separate columns in the following order:

Commissioner of Public Safety. Vote for one.

Commissioner of Public Works. Vote for one.

Commissioner of Finance. Vote for one.

A Police Judge. Vote for one.

Members of the Board of Education. Vote for (designating the number to be elected).

Spaces of suitable size shall be provided at the right of the name of each candidate wherein to stamp the cross.

Half inch space shall be left below the printed names of candidates for each office equal in number to the number to be voted for wherein the person may write the name of any person or persons for whom he may wish to vote.

The clerk shall cause to be printed sample ballots identical in form with the ballot to be used at the election and shall furnish copies of the same on application to registered voters at his office at least five (5) days before the day fixed for such election, and shall mail one such ballot to each voter entitled to vote at said election, so that all of the said sample ballots shall have been mailed at least three whole days before said election.

As soon as the polls are closed the election judges shall immediately open the ballot boxes, take therefrom and count the ballots and note the total number thereof on the tally sheet provided therefor. They shall carefully enter the number of votes for each candidate on said tally sheet and make return thereon to the city clerk as provided by law. The candidate receiving the highest number of votes cast for the particular office for which he is a candidate shall be declared elected. If the person elected fails to qualify, the office shall be

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filled as if there were a vacancy in such office as hereinbefore in this charter provided.

General Election Regulations

The provisions of any state law, now or hereafter in force, except as the council may otherwise by ordinance provide, relating to the qualifications and registrations of electors, the manner of voting, the duties of election officers, the canvassing of returns, and all other particulars in respect to the management of elections, except as otherwise provided in this article, so far as they may be applicable, shall govern all municipal elections; provided, also, that the council shall meet as a canvassing board and duly canvass the election returns within two days after any municipal election. Whenever any member of the council is a candidate for re-election, the council shall appoint some justice of the peace or notary of said city to take the place of said candidate upon said canvassing board as a member thereof.

Political activity. No person in the employ of the city shall take any active part, or contribute any money towards the nomination or election of any candidate. A violation of any of the provisions of this Section by any candidate or officer shall disqualify him from holding the office for which he may be elected or appointed.

No informalities in conducting any municipal election shall invalidate the same, if the election has been conducted fairly and in substantial conformity to the regulations of this charter.

Proposed Charter Amendment No. 16

There is hereby added to Article XII (twelve) of the Charter of the City of Santa Monica a new section to be numbered section 1-a which shall be and read as follows:

Section 1-a. In the letting of contracts or sub-contracts for mechanical and other labor within the control of the city council of the City of Santa Monica which are to be paid for with money raised by taxation or the proceeds of a bond issue, preference shall be given to persons residing within the territory so taxed or within the district covered by such bond issue, due regard being had to the quality, price and availability of such labor.

Proposed Charter Amendment No. 17

There is hereby added to Article XV (fifteen) of the Charter of the City of Santa Monica a new section to be known and numbered as section 4 which shall be and read as follows:

Section 4. No petition for initiative or recall shall be of any force or effect unless filed with the officer or body designated herein to receive the same, within sixty (60) days of the date of obtaining the first signature thereto.

Proposed Charter Amendment No. 18

Section 5 of Article XVI (sixteen) of the Charter of the City of Santa Monica is hereby amended so that the same shall be and read as follows:

Section 5. The fiscal year of the city shall begin on the first day of July of each year and end on the thirtieth day of June following.

Proposed Charter Amendment No. 19

There is hereby added to the Charter of the City of Santa Monica a new article to be numbered XVA to be and read as follows:

ARTICLE XVA

Relief and Pension Fund

Section One. The City Council shall, by ordinance, create a fund to be known as the "RELIEF AND PENSION FUND", and provide for the payment into said fund a percentage of each month's pay from all the members of the police and fire departments and from all the members of such other departments as may by said ordinance be declared to be entitled to relief out of said fund, and shall also provide for including in the annual budget an amount not exceeding one per cent of the general tax levy to be paid into said fund.

Section Two. The Council shall, in the ordinance creating said fund, designate who are to receive benefits out of said fund and upon what condition and to what extent; provided, that no member of any department, or the widow or children of such member, shall be entitled to a pension unless such member shall have been an active member of the department for at least twenty years.

NOW THEREFORE, we, the undersigned, J. C. STEELE, Commissioner of Public Safety, ex-officio Mayor of the City of Santa Monica, State of California, and F. A. HELTON, Commissioner of Finance, ex-officio City Clerk and ex-officio Clerk of the City Council of said City, do hereby certify that the foregoing proposed ratified amendments to the charter of the City of Santa Monica, submitted to the electors of said city at a special municipal election held in said city on the Sixteenth day of December, 1924, have been compared by us, and each of us, with the respective proposed amendments set forth in the ordinance adopted by the Council as hereinbefore stated, and that the foregoing is a full, true, correct and exact copy thereof, and we further certify that the facts set forth in the preamble preceding said amendments to said charter are, and each of them is true.

IN TESTIMONY WHEREOF, we have hereunto set our hands and caused the same to be authenticated by the Seal of said City of Santa Monica this 16th day of January, 1925.

(SEAL)

J. C. STEELE,
Commissioner of Public Safety,
ex-officio Mayor of the City of
Santa Monica.

F. A. HELTON,
Commissioner of Finance, ex-officio
City Clerk, ex-officio Clerk of
the City Council of the City of
Santa Monica.

FRANK F. MERRIAM,
Speaker of the Assembly
C. C. YOUNG,
President of the Senate

Attest:

(SEAL)

FRANK C. JORDAN,
Secretary of State

Assembly Concurrent Resolution No. 27

Adopted in Assembly April 5, 1927.

ARTHUR A. OHNIMUS,
Chief Clerk of the Assembly

Adopted in Senate April 6, 1927.

ALBERT BRADY,
Asst. Secretary of the Senate

This resolution was received by the Governor, this 12th day
of April A. D. 1927, at 4 o'clock p. m.

HOMER R. SPENCE,
Private Secretary of the Governor

CHAPTER 44

Assembly Concurrent Resolution No. 27—Approving one certain amendment to the charter of the city of Santa Monica, State of California, ratified by the qualified electors of said city at a special municipal election held therein on the twenty-seventh day of January, 1927.

WHEREAS, The city of Santa Monica in the county of Los Angeles, State of California, contains a population of over ten thousand (10,000) inhabitants, and has been ever since the year 1907, and now is, organized and acting under a freeholders' charter, adopted under and by virtue of section 8, article XI of the constitution of the State of California, which charter was duly ratified by a majority of the qualified electors of said city at a special election held for that purpose on the twenty-eighth day of March, 1906, and approved by the Legislature of the State of California, February, 1907, (statutes of 1907, page 1007), and amendments thereto duly ratified by the qualified voters of said city, and approved by resolution of the said Legislature and filed with the secretary of the State of California, January 26, 1915, (statutes of 1915, page 1714) and amendments duly ratified by said voters and approved by said Legislature and filed with the secretary of state, January 21, 1919, (statutes of 1919, page 1393) and amendments duly ratified by said voters and approved by said Legislature and filed with the secretary of state, March 10, 1925, (statutes of 1925, page 1259); and

WHEREAS, Proceedings have been had for the proposal, adoption and ratification of a certain amendment to the charter of said city of Santa Monica as set out in the certificate of the commissioner of public safety, ex-officio mayor and commissioner of finance, ex-officio city clerk and ex-officio clerk of the city council of said city of Santa Monica, as follows, to-wit:

Certificate of Adoption by the Qualified Electors of the City of Santa Monica at a Special Municipal Election Held Therein on the Twenty-seventh Day of January, 1927, of a Certain Amendment to the Charter of the City of Santa Monica, State of California.

State of California,
County of Los Angeles, } ss.
City of Santa Monica.

Whereas, the city of Santa Monica in the county of Los Angeles, State of California, contains a population of over ten thousand (10,000) inhabitants, and has been ever since the year 1907, and now is, organized and acting under a freeholders' charter, adopted under and by virtue of section 8, article XI of the constitution of the State of California, which charter was duly ratified by a majority of the qualified electors of said city at a special election held for that purpose on the twenty-eighth day of March, 1906, and approved by the Legislature of the State of California, February, 1907, (statutes of 1907, page 1007) and amendments thereto duly adopted by the qualified voters of said city, and approved by resolution of the said Legislature and filed with the secretary of the State of California, January 26, 1915, (statutes of 1915, page 1714) and amendments duly adopted by said voters and approved by said Legislature by resolution and filed with the secretary of state, January 21, 1919, (statutes of 1919, page

1898) and amendments duly adopted by said voters and approved by said Legislature by resolution and filed with the secretary of state, March 10, 1925, (statutes of 1925, page 1259); and

Whereas, the legislative body of said city, namely, the city council of the city of Santa Monica did, pursuant to the provisions of section 8 of article XI of the constitution of the State of California, by ordinance adopted December 16, 1926, being Ordinance No. 364 (commissioners' series), entitled: "AN ORDINANCE OF THE CITY OF SANTA MONICA PROPOSING VARIOUS AMENDMENTS TO THE CHARTER OF THE CITY OF SANTA MONICA AND PROVIDING FOR THE SUBMISSION OF THE SAME TO THE QUALIFIED ELECTORS THEREOF FOR ADOPTION AND RATIFICATION AT THE SPECIAL MUNICIPAL ELECTION TO BE HELD ON THE TWENTY-SEVENTH DAY OF JANUARY, 1927," duly propose to the qualified electors of the city of Santa Monica, fourteen (14) amendments to the charter of said city, being therein designated as proposed charter amendment No. 1, proposed charter amendment No. 2, proposed charter amendment No. 3, proposed charter amendment No. 4, proposed charter amendment No. 5, proposed charter amendment No. 6, proposed charter amendment No. 7, proposed charter amendment No. 8, proposed charter amendment No. 9, proposed charter amendment No. 10, proposed charter amendment No. 11, proposed charter amendment No. 12, proposed charter amendment No. 13, proposed charter amendment No. 14, and did order that said amendments be submitted to said qualified electors at the special municipal election to be held on the twenty-seventh day of January, 1927, which date was fixed in said ordinance as the date for holding said special municipal election, which said ordinance was signed by the mayor of said city on the said sixteenth day of December, 1926, and was published on the sixteenth day of December, 1926, in the Santa Monica Evening Outlook, a newspaper of general circulation in said city, being the official paper and so designated by said council.

Whereas, the city council of the city of Santa Monica caused said proposed charter amendments numbers one to fourteen inclusive to be and they were, and each of them was on December 16, 1926, duly published in the Santa Monica Evening Outlook, a daily newspaper of general circulation printed, published and circulated in the said city of Santa Monica, and designated by said council, as the official paper for that purpose; and which said paper is and was at all times herein mentioned the official paper of the city of Santa Monica; and

Whereas, said proposed amendments were printed in convenient pamphlet form, and from December 16, 1926, to January 26, 1927, both inclusive, a notice was published in said Santa Monica Evening Outlook, the newspaper aforementioned, that said copies could be had upon application therefor at the office of the city clerk of said city, and said proposed amendments in such pamphlet form were in fact available at the office of said city clerk; and

Whereas, the said council of said city did by ordinance duly adopted on the twenty-fourth day of December, 1926, being Ordinance No. 368 (commissioners' series), entitled: "AN ORDINANCE OF THE CITY OF SANTA MONICA CALLING A SPECIAL ELECTION TO BE HELD IN THURS-

DAY THE TWENTY-SEVENTH DAY OF JANUARY, 1927, IN THE CITY OF SANTA MONICA FOR THE PURPOSE OF SUBMITTING FOURTEEN (14) PROPOSED AMENDMENTS TO THE CHARTER OF THE SAID CITY OF SANTA MONICA UNDER THE PROVISIONS OF SECTION 8 AND 8½ OF ARTICLE XI, OF THE CONSTITUTION OF THE STATE OF CALIFORNIA, ESTABLISHING ELECTION PRECINCTS AND POLLING PLACES IN SAID CITY OF SANTA MONICA, APPOINTING THE OFFICERS OF ELECTION FOR SAID SPECIAL ELECTION, PROVIDING FOR THE PUBLICATION OF THIS ORDINANCE," order the holding of a special municipal election in said city of Santa Monica on the twenty-seventh day of January, 1927, which said date was more than forty days and less than sixty days after the completion of the publication of said fourteen (14) proposed amendments as aforesaid; which said ordinance was signed by the mayor of said city on the said twenty-fourth day of December, 1926, and was published on the twenty-fourth day of December, 1926, in said newspaper, the Santa Monica Evening Outlook; and

Whereas, said special municipal election was held in said city of Santa Monica on the twenty-seventh day of January, 1927, which date was more than forty days and less than sixty days after said proposed amendments to said charter had been published in the Santa Monica Evening Outlook, and said election was also held during the six months next preceding a regular session of the Legislature of the State of California; and

Whereas, thereafter the said council of said city of Santa Monica had duly canvassed the returns of said special municipal election, and did on the twenty-eighth day of January, 1927, duly and regularly declare the canvass of the returns of said election; and

Whereas, at said special municipal election held on said twenty-seventh day of January, 1927, one of said proposed amendments was ratified by a majority of the electors of said city voting thereon, to-wit: Proposed charter amendment number seven (7), and all other amendments received less than a majority of the votes of the qualified electors voting thereon, and were not ratified; and

Whereas, the said charter amendment so ratified by the electors of the city of Santa Monica, is now submitted to the Legislature of the State of California for approval or rejection as a whole, without power of alteration or amendment, in accordance with section 8 of article XI, of the constitution of the State of California, and is in words and figures as follows, to-wit:

"PROPOSED CHARTER AMENDMENT NO. 7"

"There is hereby added to Article III of the charter of the City of Santa Monica, a new section to be Number 3-A, which shall be and read as follows: Section 3-A. The City Council shall appoint three (3) citizens of said city within thirty (30) days after the taking effect of this charter to serve for a period of two (2) years as members of a Library Advisory Board. The members of this board shall act without compensation, and it shall be the duty of said board to make a survey and study of the needs and management of the Public Library and to advise the trustees of the Santa Monica Public Library on the solution of all problems touching on the management

and upkeep of said library. Said board shall meet at least once a month at such times and places as its members may designate. It shall cause one of its members to be elected President, and one to be elected Secretary, and a representative of said Advisory Board may be present at each meeting of the board of trustees of the Santa Monica Library. The Council shall appoint the successors to the members of said board for like two year periods."

Now Therefore, we, the undersigned, H. Michel, commissioner of public safety, ex-officio mayor of the city of Santa Monica, State of California, and F. A. Helton, commissioner of finance, ex-officio city clerk and ex-officio clerk of the city council of said city, do hereby certify that the foregoing proposed ratified amendment to the charter of the city of Santa Monica, submitted to the electors of said city at a special municipal election, held in said city on the twenty-seventh day of January, 1927, has been compared by us, and each of us, with the respective proposed amendment set forth in the ordinance adopted by the council as hereinbefore stated, and that the foregoing is a full, true, correct and exact copy thereof, and we further certify that the facts set forth in the preamble preceding said amendment to said charter are, and each of them is true.

In testimony whereof, we have hereunto set our hands and caused the same to be authenticated by the seal of said city of Santa Monica, this nineteenth day of March, 1927.

H. MICHEL,

Commissioner of Public Safety, ex-officio Mayor of the City of Santa Monica.
(SEAL)

F. A. HELTON,

Commissioner of Finance, ex-officio City Clerk, ex-officio Clerk of the City Council of the City of Santa Monica.

Whereas, said amendment has been submitted to the Legislature of the State of California for approval or rejection without alteration or amendment, in accordance with section eight (8) of article eleven (XI) of the constitution of the State of California; now therefore be it

Resolved by the Assembly, the Senate thereof concurring (a majority of all members elected to each house voting therefor and concurring therein), that said amendment to the charter of the city of Santa Monica, State of California, as proposed to, adopted and ratified by the electors of said city as hereinbefore fully set forth, be and the same is hereby approved as a whole without amendment or alteration for and as an amendment to and as a part of the charter of the said city of Santa Monica.

EDGAR C. LEVEY,
Speaker of the Assembly

BURON FITTS,
President of the Senate

Attest:

FRANK C. JORDAN,
Secretary of State
By Frank H. Cory, Deputy

(SEAL)

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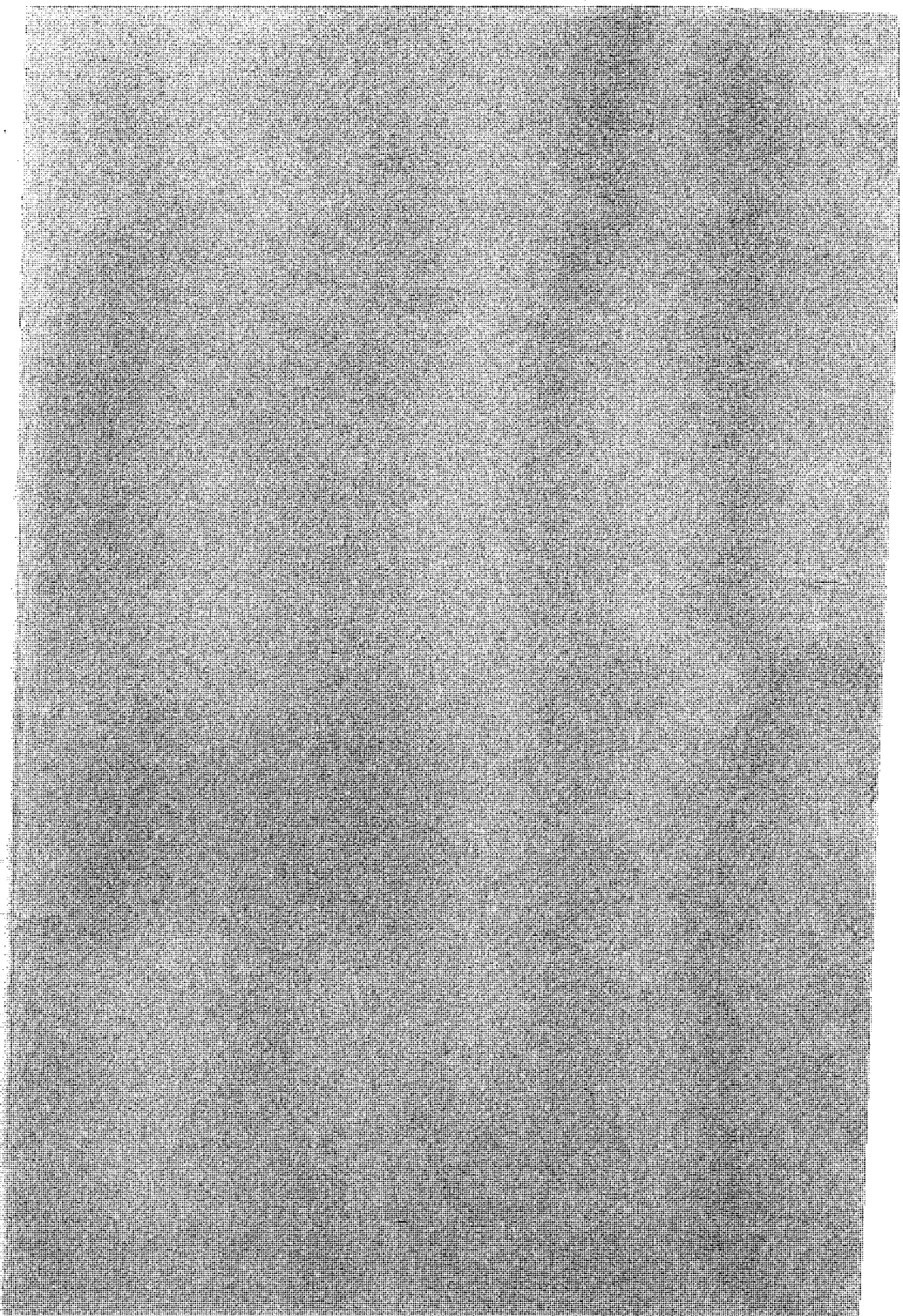


EXHIBIT J

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SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

DEPARTMENT 28 HON. YVETTE M. PALAZUELOS, JUDGE

PICO NEIGHBORHOOD ASSOCIATION,)	
ET AL.,)	
)	
PLAINTIFFS,)	
)	
VS.)	CASE NO. BC616804
)	
CITY OF SANTA MONICA, ET AL.,)	
)	
DEFENDANTS.)	
)	

REPORTER'S TRANSCRIPT OF PROCEEDINGS

TRIAL

MONDAY, AUGUST 13, 2018

P.M. SESSION

APPEARANCES :

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PAGES 4351 TO 4460-4500

REPORTED BY: RHONA S. REDDIX, CSR RPR CRR RMR NO. 10807
OFFICIAL REPORTER

1 (Indiscernible: speaking simultaneously.)

2

3 **THE COURT:** Hold on. I can't listen to both of
4 you at the same time.

5 **MR. PARRIS:** Your Honor, it's obvious that he
6 wants to read one paragraph of a multi-paragraph answer,
7 and I think it's inappropriate to take something out of
8 context like that. If he wants to, let him read --

9 **THE COURT:** What's your objection?

10 **MR. PARRIS:** It's improper impeachment to just --

11 **THE COURT:** Overruled. He's refreshing his
12 recollection. Did you say this in this deposition, and
13 he says I don't know. So he's just trying to show him
14 the deposition so he can remember whether he said it or
15 not. So overruled.

16 **THE WITNESS:** Yes, I probably said that. The
17 questions before them are different, are phrases that I
18 might emphasize for the purposes of this case.

19 **BY MR. MCRAE:**

20 **Q** Okay. Sir, voters, members of the Board of
21 Freeholders, members of the city council, and members of
22 the Charter Commission were all important groups in the
23 different decisions to maintain the at-large method of
24 election in Santa Monica over time; correct?

25 **A** Yes. Which -- you said the city council,
26 the Board of Freeholders, the city council again, the
27 voters -- I'm sorry.

28 **Q** Let me give you the groups.

1 **A** Okay.

2 **Q** Be easier. Voters, members of the Board of
3 Freeholders, members of the city council, and members of
4 the Charter Commission were all important groups in the
5 different decisions to maintain the at-large method of
6 election in Santa Monica over time; correct?

7 **A** Yes.

8 **Q** And the individual composition of each of
9 those groups that I mentioned varied over time; correct?

10 **A** Correct.

11 **Q** In fact, we're talking about decades of
12 time over which the decision to maintain the at-large
13 election is maintained; correct?

14 **A** That's correct.

15 **Q** And specifically, the decision to implement
16 and maintain the at-large method of election in
17 Santa Monica took place from at least 1914 through 2002;
18 correct?

19 **A** At-large elections were first adopted in
20 1914 and they continue, and it's been maintained ever
21 since.

22 **Q** And the decision to implement the at-large
23 method of election, for example, in Santa Monica, was a
24 decision approved by the voters in 1914; correct?

25 **A** Yes.

26 **Q** And the Board of Freeholders proposed
27 expanding the number of people from three to seven and
28 still continuing the at-large method of election in

1 1946; correct?

2 **A** Yes, but they were voted on at separate
3 times, as opposed to those three commissioners who were
4 voted on all at once.

5 **Q** And the proposal by the Board of
6 Freeholders in 1946 was approved by Santa Monica voters;
7 correct?

8 **A** That's correct.

9 **Q** And, sir, the city council in Santa Monica
10 in 1975 approved to maintain the at-large system in
11 Santa Monica; correct?

12 **A** They put it up for a vote.

13 **Q** Yeah.

14 **A** They, I think, biased the vote by making it
15 a vote in -- in November rather than April, but they put
16 it up for a vote. They allowed the voters to decide.

17 **Q** You understand from that then that the city
18 council approved maintaining the at-large system in
19 Santa Monica in 1975; correct?

20 **A** They allowed the voters to vote on it. If
21 the voters had voted differently, then the city council
22 would not have been able to maintain the system.

23 **Q** Sir, the city council's decision in 1975
24 went to the voters of Santa Monica, who approved the
25 referendum to keep the at-large system; correct?

26 **A** That's correct.

27 **Q** And there was a different city council with
28 different individuals in Santa Monica in 1992; correct?

EXHIBIT K

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SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

DEPARTMENT 28 HON. YVETTE M. PALAZUELOS, JUDGE

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(CONTINUED)

PAGES 7501 TO 7576-7650

REPORTED BY: RHONA S. REDDIX, CSR RPR CRR RMR NO. 10807
OFFICIAL REPORTER

1 You moved from three commissioners to seven
2 city council members. So the governing body was
3 expanded by more than double.

4 You moved from the Commission system to a
5 city council-city manager form of government, and
6 critically, the council members, seven, would be elected
7 at-large with no designated post.

8 That is, as I explained, under this system
9 in one year three would be elected, and voters could
10 cast up to one to three votes. They weren't voting
11 separately for each position, and could concentrate
12 their votes if they so choose, if they had a strongly
13 preferred candidate.

14 And in the other year, four seats were up
15 simultaneously, no differentiation among them, and once
16 again voters could concentrate their votes. If they had
17 a preferred candidate, they didn't have to vote only for
18 one candidate.

19 As in designated posts, you could vote for
20 up to four, but you could decide only to vote for one,
21 maximizing your power. There was no majority vote
22 requirement, no prohibition on the single shot voting.
23 You didn't have to cast all four of your votes, which
24 would have vitiated the benefits of the new at-large
25 system, and it kept in place odd-year elections.

26 That's not correct. That's the system in
27 place today. They switched much later to even-year
28 elections in 1984. That's a typo.

1 MR. GRIMES: What's the typo, Your Honor, and
2 what's not correct?

3 THE COURT: Yes. Well, I'm still back at
4 single-shot voting, but let's --

5 THE WITNESS: They had odd-year elections then,
6 but eventually that was changed. Everything else is in
7 place today.

8 THE COURT: So what's the error, I guess, is what
9 counsel wanted to know.

10 THE WITNESS: What's the what?

11 THE COURT: Error.

12 THE WITNESS: Here. It says the election system
13 in place today. This is almost entirely the election
14 system in place today except for odd-year elections. In
15 1984 the City switched to even-year elections. But it
16 was the system in place in '46 and '75.

17 MR. SCOLNICK: Okay.

18 THE COURT: Can you explain single-shot again?
19 Single-shot voting.

20 THE WITNESS: Yeah, sure. Under the old system,
21 the designated posts, everyone runs separately.
22 Everyone only has one vote to cast. So there's nothing
23 you can do to maximize your voting strength.

24 Under the new system, let's take for
25 example when four city council members are up
26 simultaneously. Because there's no prohibition on
27 single-shot voting, every voter could cast one vote, two
28 votes, three votes, or four votes, any of the four

1 candidates -- any of the candidates that are up for the
2 four positions.

3 Single-shot voting means you have such a
4 strongly preferred candidate that a group really
5 wants -- some minority group really wants that candidate
6 to win, so they only vote for that candidate.

7 THE COURT: Even though they have three other
8 votes, okay.

9 THE WITNESS: And they don't cast their three
10 other votes because they don't want to give some other
11 candidates a better chance to win --

12 THE COURT: Right.

13 THE WITNESS: -- by giving them some of their
14 votes.

15 THE COURT: That's strategic voting.

16 THE WITNESS: They can't do that on designated
17 posts. They can't do that if there's a prohibition on
18 single-shot voting. But there's no designated posts as
19 of 1946 and no prohibition on single shot voting.

20 BY MR. SCOLNICK:

21 Q Right. So let's just go quickly to
22 Exhibit 1512.

23 Sir, is this 1512 -- that's the '46 charter
24 that we've been talking about?

25 A It is.

26

27 (Exhibit Number 1512, identified:

28 1946 Charter.)

1 about the Arlington Heights framework. The first factor
2 I think you said was discriminatory effect?

3 A Effect, impact on minorities, that's right.

4 Q Okay. So what were the significant
5 changes? You outlined them a bit already, but what were
6 the significant changes in the 1946 charter with respect
7 to the effect on minorities in the election system?

8 A The most critical changes were as follows:
9 The increase in the number of officials for the
10 governing body from three to seven, the elimination of
11 the three separate commission designated posts.

12 So instead of having three separate
13 elections where you can only cast one vote, you had a
14 staggered seven-vote system election; that is, in one
15 year voters could choose three city -- city council
16 members. They can cast one vote, they could cast two
17 votes, or they could cast three votes. And the other
18 year you have four selected. And in contradistinction
19 again to the designated post system, voters could cast
20 one vote, two votes, three votes, or four votes.

21 So you now had the elimination of
22 designated posts and the expansion of the size of the
23 governing body, and you didn't have other traditionally
24 discriminatory additions.

25 Q Let's focus on those two. The expansion
26 from three to seven, was that beneficial to minorities?

27 A It was highly beneficial to minorities.
28 Leaving aside how the three were elected or how the

1 seven were elected, having a choice among seven, even
2 under a staggered system, gives minorities -- however
3 you define them, by the way.

4 Minorities can be defined in many ways
5 within a city. Minorities, however you define them,
6 racially, ethnically, politically, economically, it gives
7 minorities more shots, more chances to elect candidates
8 of their choice.

9 Q How about the elimination of designated
10 posts? Was that also beneficial to minorities?

11 A The elimination of designated posts is
12 profound.

13 Q How so?

14 A How so? Designated posts were used
15 throughout the South as a means for restricting minority
16 electoral opportunities, particularly African-American,
17 under at-large systems. It was used in Dallas County,
18 for example, and that was quite typical.

19 Designated posts are cited in the
20 literature as one of the invidious forms of
21 discrimination against minorities. Designated posts are
22 cited in the Senate, U.S. Senate report that followed
23 the adoption of the 1982 amendments to the Federal
24 Voting Rights Act. They are cited in the Thornburg
25 versus Gingles decision as a discriminatory element of
26 an at-large system, and they are cited in Dr. Kousser's
27 declaration, along with things like prohibition on
28 single-shot voting, as an example of a form of

1 discrimination.

2 Designated posts also play a very important
3 part in Dr. Kousser's 1999 book, *Colorblind Injustice*.
4 On page 189 in one of his case studies he points out
5 that, you know, there are these good government
6 arguments -- you've heard them -- for at-large
7 elections, avoiding parochialism, getting a citywide
8 perspective.

9 And he says the good government arguments
10 could in fact justify at-large elections, per se, but
11 it's only when you add on the invidious, discriminatory
12 feature of designated posts, which have no relationship
13 to good government, that you could then decide that the
14 system has the intent of discriminating against
15 minorities. So this is very important.

16 MR. SHENKMAN: Your Honor, I'd move to strike that
17 portion about what Dr. Kousser's book says as hearsay.
18 We have the book. We could put it up. I think that's a
19 mischaracterization of what Dr. Kousser says.

20 THE COURT: Well, then you can do that in your
21 cross-examination. So overruled.

22 MR. SHENKMAN: Thank you.

23 BY MR. SCOLNICK:

24 Q And just to be clear, this discriminatory
25 feature you're talking about, designated posts, that was
26 eliminated in 1946?

27 A That's correct.

28 Q Okay.

1 A Entirely wiped out.

2 MR. SCOLNICK: I'd like to put up some testimony
3 from Dr. Kousser from the trial, page 1505, lines 3
4 through 12.

5 THE COURT: This is Kousser's deposition?

6 MR. SCOLNICK: This is his trial testimony.

7 THE COURT: Okay, trial. Thank you.

8 MR. GRIMES: I'm sorry, Counsel, what --

9 MR. MCRAE: 1505, lines 3 through 12.

10 MR. GRIMES: Thank you.

11

12 (PAUSE IN THE PROCEEDINGS.)

13

14 BY MR. SCOLNICK:

15 Q Do you agree with this testimony, sir?

16 A No. It's not a correct analysis of the old
17 system. He's trying to say, you know, the old system
18 was comparable to the new system. In gubernatorial
19 years under the new system, as we explained, voters can
20 elect three council members with one, two, three votes,
21 and he's saying they can elect three commissioners at
22 the same time under the previous system. It wasn't two
23 and one, it was all three at the same time.

24 First of all, it wasn't all three at the
25 same time; it was staggered, two and one. Secondly, it
26 is not comparable to the new system because it's three
27 separate elections. You're not electing them all at the
28 same time the way you are under the new system.

EXHIBIT L

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ALCOOS
90401

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FILED
Superior Court of California
County of Los Angeles

APR 12 2016

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SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF LOS ANGELES BC 6 1 6 8 0 4

18 PICO NEIGHBORHOOD
19 ASSOCIATION, MARIA LOYA and
20 ADVOCATES FOR MALIBU PUBLIC
SCHOOLS

Plaintiff,

v.

23 CITY OF SANTA MONICA,
24 CALIFORNIA; and DOES 1-100,
inclusive,

Defendants.

Case No.:

COMPLAINT FOR VIOLATION OF:

- 1) CALIFORNIA VOTING RIGHTS ACT OF 2001; and
- 2) EQUAL PROTECTION CLAUSE OF CALIFORNIA CONSTITUTION

CITY/CASE: BC616804
LEA/DEF#:
RECEIPT #: CCHES9179031
DATE PAID: 04/12/16 11:04 AM
AMOUNT: \$435.00 310
RECEIVED:
CHECK: \$0.00
CASH: \$0.00
CHANGE: \$0.00
CARD: \$435.00

04/12/2016

1 COMES NOW Plaintiffs Pico Neighborhood Association (hereinafter "PNA"), Maria Loya
2 (hereinafter "Loya") and Advocates for Malibu Public Schools (hereinafter "AMPS")
3 (collectively "Plaintiffs"), and allege as follows:

4 **NATURE OF THE ACTION**

5 1. This action is brought by Plaintiffs for injunctive relief against the City of Santa
6 Monica, California, for its violation of the California Voting Rights Act of 2001 (hereinafter
7 the "CVRA"), Cal. Elec. Code §§ 14025, et seq., and for declaratory relief that the provision
8 of the Santa Monica City Charter requiring the at-large election of its city council as well as
9 the governing board of the Santa Monica Malibu Unified School District ("SMMUSD") is
10 unconstitutional. The previous system of district-based elections was abandoned and at-large
11 elections were adopted in 1946, purposefully to prevent non-Anglo Santa Monicans residing
12 primarily around and south of what is now Interstate 10 from achieving representation in their
13 local governments. Since that time, at-large elections have been very successful in achieving
14 that purpose -- the imposition of the City of Santa Monica's at-large method of election has
15 accomplished its nefarious purpose -- dilution of Latino voting power and denial of effective
16 political participation in elections to the Santa Monica City Council. The City of Santa
17 Monica's at-large method of election for electing members to its City Council prevents Latino
18 residents from electing candidates of their choice or influencing the outcome of Santa
19 Monica's City Council elections.

20 2. The effects of the City of Santa Monica's at-large method of election are
21 apparent and compelling. Since the adoption of at-large elections in the City of Santa Monica
22 sixty years ago, only one Latino has been elected to the City Council, and not a single Latino
23 resident of the Pico Neighborhood, where Latinos are concentrated, has been elected to the
24 Santa Monica city council. Latino residents of the Pico Neighborhood, including Ms. Loya,
25 have run in several recent elections for the Santa Monica city council, and though they have
26 been preferred by both voters in the Pico Neighborhood and by Latino voters generally, they
27 have all lost due to the costly and discriminatory at-large system by which Santa Monica
28

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1 elects its city council. Rather, those Latino candidates preferred by the Latino electorate were
2 all defeated by the bloc voting of the non-Latino electorate.

3 3. Santa Monica's at-large method of election violates the CVRA. Plaintiffs bring
4 this action to enjoin the City of Santa Monica's continued abridgment of Latino voting rights.
5 Plaintiffs seek a declaration from this Court that the at-large method of election currently
6 used by the City of Santa Monica violates the CVRA. Plaintiffs seek injunctive relief
7 enjoining the City of Santa Monica from further imposing or applying its current at-large
8 method of election. Further, Plaintiffs seek injunctive relief requiring the City of Santa
9 Monica to implement district based elections or other alternative relief tailored to remedy
10 Santa Monica's violation of the CVRA.

11 4. District elections were abandoned and at-large elections were adopted by Santa
12 Monica with the purpose of discriminating against Santa Monica's ethnic minority population
13 residing in the southern portion of the city. That fact alone – that the rejection of district
14 elections and adoption of at-large elections were generally motivated by a desire to
15 disenfranchise ethnic minorities – makes the at-large election system unconstitutional today.
16 *See, e.g., Hunter v. Underwood*, 471 US 222 (1985) (invalidating a suffrage provision of the
17 1901 Alabama Constitution Convention even though it was adopted 84 years earlier).
18 Specifically, the provision in the Santa Monica City Charter requiring at-large elections for
19 the city council and the SMMUSD governing board, not only runs afoul of the CVRA, it also
20 runs afoul of the Equal Protection Clause (Article I, Section 7) of the California Constitution,
21 among other controlling laws.

22 5. Plaintiffs attempted to avoid the need for litigation by engaging in a dialogue
23 with the City of Santa Monica, through their counsel. Specifically, Plaintiffs, through their
24 counsel, brought this CVRA violation to the attention of the City of Santa Monica through
25 correspondence sent nearly four months prior to the filing of this Complaint. Despite that
26 correspondence, the Santa Monica City Council has taken no action to end its violation of the
27 CVRA, content to continue violating the CVRA and their constituents' voting rights by
28 clinging to a relic of its racist past. In fact, other than an email from Santa Monica's city

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1 attorney on December 28, 2015 noting that the matter would be considered by the city council
2 in closed session on January 12, 2016, and promising a substantive response thereafter,
3 Defendant City of Santa Monica has not responded at all.

4 **PARTIES**

5 6. Established in 1979, PNA is a non-profit organization dedicated to improving
6 the living conditions of residents of the Pico Neighborhood of Santa Monica, where Latino
7 residents of Santa Monica are concentrated, and advocating for the interests of Pico
8 Neighborhood residents to the Santa Monica City Council. PNA has dozens of members,
9 including Latino registered voters residing in the City of Santa Monica.

10 7. AMPS, founded in 2010, is a non-profit organization dedicated to improving
11 the public schools within the boundaries of the City of Malibu that are part of the SMMUSD.
12 As part of those efforts, AMPS has advocated for district-based elections for SMMUSD,
13 among other political subdivisions, so that every neighborhood has a voice in their local
14 governing boards. But SMMUSD is not able to adopt district-based elections by petitioning
15 the County Committee on School District Organization, like nearly 200 California school
16 districts have done in just the last eight years, because the Santa Monica City Charter
17 prescribes at-large elections for SMMUSD's governing board. AMPS has hundreds of
18 members, including Latino registered voters residing in the City of Santa Monica.

19 8. The Latino residents of Santa Monica whose voting rights are immediately
20 harmed by the City of Santa Monica's adherence to an unlawful at-large system of electing its
21 city council are hindered from protecting their own interests. Many of the Latino citizens of
22 Santa Monica do not recognize that their voting rights are being violated by the City of Santa
23 Monica's adherence to an unlawful at-large system of electing its city council, and still others
24 fear reprisal by the City of Santa Monica if they were to seek redress for the City of Santa
25 Monica imposing its unlawful election system.

26 9. Despite that fear of reprisal, Maria Loya feels compelled to seek redress for the
27 City of Santa Monica's violation of the CVRA and dilution of the Latino vote in Santa
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1 Monica. Loya is a member of a "protected class" as that term is defined in the CVRA – she
2 is Latina – and she is registered to vote and resides in the City of Santa Monica.

3 10. At all times herein mentioned, Defendant City of Santa Monica, California
4 (hereinafter "Santa Monica") is and has been a political subdivision subject to the provisions
5 of the CVRA.

6 11. Plaintiffs are unaware of the true names and capacities, whether individual,
7 corporate, associate, or otherwise, of defendants sued herein as Does 1 through 100,
8 inclusive, and therefore, sues said defendants by such fictitious names and will ask leave of
9 court to amend this complaint to show their true names and capacities when the same have
10 been ascertained. Plaintiffs are informed and believe and thereon allege that defendants Does
11 1 through 100, inclusive, are responsible on the facts and theories herein alleged.

12 12. Does 1 through 100, inclusive, are Defendants that have caused Santa Monica
13 to violate the CVRA, failed to prevent Santa Monica's violation of the CVRA, or are
14 otherwise responsible for the acts and omissions alleged herein.

15 13. Plaintiffs are informed and believe and thereon allege that Defendants and each
16 of them are in some manner legally responsible for the acts and omissions alleged herein, and
17 actually and proximately caused and contributed to the various injuries and damages referred
18 to herein.

19 14. Plaintiffs are informed and believe and thereon allege that at all times herein
20 mentioned each of the Defendants was the agent, partner, predecessor in interest, successor in
21 interest, and/or employee of one or more of the other Defendants, and were at all times herein
22 mentioned acting within the course and scope of such agency and/or employment.

23
24 **JURIDICTION AND VENUE**

25 15. All parties hereto are within the unlimited jurisdiction of this Court. The
26 unlawful acts complained of occurred in Los Angeles County. Venue in this Court is proper.

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1 **FACTS**

2 16. The City of Santa Monica contains approximately 89,736 persons, of which
3 approximately 13.1% are Hispanic or Latino, based upon the 2010 United States Census.

4 17. The City of Santa Monica is governed by a city council. The Santa Monica
5 City Council serves as the governmental body responsible for the operations of the City of
6 Santa Monica. The City Council is comprised of seven members, including a Mayor elected
7 by and from the members of the City Council.

8 18. The Santa Monica City Council members are elected pursuant to an at-large
9 method of election. Under this method of election, all of the eligible voters of the entire City
10 of Santa Monica elect the members of the City Council.

11 19. Vacancies to the City Council are elected on a staggered basis; as a result, every
12 two years the city electorate elects either three or four City Council members.

13 20. Upon information and belief, since adopting at-large elections in 1946, only one
14 of Santa Monica's city council members has been Latino, and he was not a resident of the
15 Latino-concentrated Pico Neighborhood.

16 21. Elections conducted within the City of Santa Monica are characterized by
17 racially polarized voting. Racially polarized voting occurs when members of a protected
18 class as defined by the CVRA, Cal. Elec. Code § 14025(d), vote for candidates and electoral
19 choices that are different from the rest of the electorate. Racially polarized voting exists
20 within the City of Santa Monica because there is a difference between the choice of
21 candidates or other electoral choices that are preferred by Latino voters, and the choice of
22 candidates or other electoral choices that are preferred by voters in the rest of the electorate,
23 with the result being that Latino-preferred candidates usually lose.

24 22. Racially polarized voting is legally significant in Santa Monica's City Council
25 elections because it dilutes the opportunity of Latino voters to elect candidates of their choice.

26 23. Patterns of racially polarized voting have the effect of impeding opportunities
27 for Latino voters to elect candidates of their choice to the at-large city council positions in the
28

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1 City of Santa Monica, where the non-Latino populace dominates elections. For several years,
2 Latino voters have been harmed by racially polarized voting.

3 24. The at-large method of election and repeated racially polarized voting has
4 caused Latino vote dilution within the City of Santa Monica. Where Latinos and the rest of
5 the electorate express different preferences on candidates and other electoral choices, non-
6 Latinos by virtue of their overall numerical majority among voters, defeat the preferences of
7 Latino voters.

8 25. The obstacles posed by the City of Santa Monica's at-large method of election,
9 together with racially polarized voting, impair the ability of people of certain races, color or
10 language minority groups, such as Latino voters, to elect candidates of their choice or to
11 influence the outcome of elections conducted in the City of Santa Monica.

12 26. An alternative method of election, such as, but not limited to, district-based
13 elections, exists that will provide an opportunity for the members of the CVRA-protected
14 classes to elect candidates of their choice or to influence the outcome of the Santa Monica
15 City Council elections.

16 27. It is no accident that at-large elections have diluted the vote of ethnic minorities
17 in elections for Santa Monica's city council – that was a significant motivation and purpose
18 of adopting at-large elections, instead of the district-based elections previously employed in
19 Santa Monica. At-large elections have long been well known to dilute minority vote. The
20 electorate of Santa Monica understood well that minority vote dilution would be the result of
21 at-large elections when it adopted at-large elections in 1946, a time of significant interracial
22 tension in Santa Monica. In one advertisement, calling for the rejection of at-large elections
23 in 1946, the "Anti-Charter Committee" decried:

24 **MINORITY GROUPS AND THE PROPOSED CHARTER**

25 The lot of a member of a minority group, whether it be in a location of
26 not-so-fine homes, or one of race, creed or color, is never too happy
27 under the best of conditions.
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But consider what life would be like under a dictatorship type of government as proposed under the charter.

With seven councilmen elected AT LARGE (and history shows they will mostly originate from NORTH OF MONTANA), and a city manager responsible to the seven councilmen plus a dictatorship that has so long ruled Santa Monica (without regard to minorities) where will these people be?

The proposed ruling groups control the chief of police – and through him the police force – and the city attorney, the personnel director, the health officer, etc.

Where will the laboring man go? Where will the Jewish, colored or Mexican go for aid in his special problems?

Where will the resident of Ocean Park, Douglas district, the Lincoln-Pico and other districts go when he needs help?

The proposed charter is not fair – it is not democratic.

It is a power grab – and we plead with all citizens of Santa Monica to protect their interests (vote no) and convince your neighbors to vote NO ON THE PROPOSED CHARTER.

28. At-large elections have accomplished exactly what proponents hoped for – and opponents feared – in 1946: the dilution of the vote of racial and ethnic minorities, as well as the residents of less privileged neighborhoods in the southern portion of Santa Monica. That unlawful election system must not be allowed to stand, both because it was intended to disenfranchise minority voters when it was enacted, and because it has done exactly that and therefore violates the CVRA.

///
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04/12/2016

1 **FIRST CAUSE OF ACTION**

2 **(Violation of California Voting Rights Act of 2001)**

3 **(Against All Defendants)**

4 29. Plaintiff incorporates by this reference paragraphs 1 through 28 as though fully
5 set forth herein.

6 30. Defendant City of Santa Monica is a political subdivision within the State of
7 California. Defendant is a charter city.

8 31. Defendant City of Santa Monica employs an at-large method of election, where
9 voters of its entire jurisdiction elect members to its City Council.

10 32. Racially polarized voting has occurred, and continues to occur, in elections for
11 members of the City Council for the City of Santa Monica and in elections incorporating
12 other electoral choices by voters of the City of Santa Monica, California. As a result, the City
13 of Santa Monica's at-large method of election is imposed in a manner that impairs the ability
14 of protected classes as defined by the CVRA to elect candidates of their choice or influence
15 the outcome of elections.

16 33. An alternative method of election, such as, but not limited to, district-based
17 elections, exists that will provide an opportunity for Latinos to elect candidates of their choice
18 or to influence the outcome of the Santa Monica City Council elections.

19 34. An actual controversy has arisen and now exists between the parties relating to
20 the legal rights and duties of Plaintiffs and Defendants, for which Plaintiffs desire a
21 declaration of rights.

22 35. Defendants' wrongful conduct has caused and, unless enjoined by this Court,
23 will continue to cause, immediate and irreparable injury to Plaintiffs, and all residents of the
24 City of Santa Monica.

25 36. Plaintiffs, and the residents of the City of Santa Monica, have no adequate
26 remedy at law for the injuries they currently suffer and will otherwise continue to suffer.

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1 **SECOND CAUSE OF ACTION**

2 **(Violation of California Equal Protection Clause)**

3 **(Against All Defendants)**

4 37. Plaintiff incorporates by this reference paragraphs 1 through 37 as though fully
5 set forth herein.

6 38. Defendant City of Santa Monica's rejection of district-based elections and
7 adoption of at-large elections were motivated by the desire to deny local government
8 representation to racial and ethnic minorities.

9 39. As a direct consequence of the decades-old racially-motivated decisions to
10 reject district-based elections and adopt at-large elections, Defendant City of Santa Monica
11 still employs an at-large method of election, where voters of its entire jurisdiction elect
12 members to its City Council.

13 40. Those intentionally discriminatory decisions are enshrined in what is now
14 sections 600 and 900 of the Santa Monica City Charter.

15 41. Because the rejection of district-based elections and the adoption of at-large
16 elections were motivated by a desire to discriminate against the non-Anglo residents of Santa
17 Monica, those enactments - sections 600 and 900 of the Santa Monica City Charter - are
18 invalid as they violate, among other laws, the Equal Protection Clause of the California
19 Constitution (Article I Section 7).

20 42. An actual controversy has arisen and now exists between the parties relating to
21 the legal rights and duties of Plaintiffs and Defendants, for which Plaintiffs desire a
22 declaration of rights.

23 43. A declaration by this Court regarding the invalidity of Defendant's at-large
24 election system, and specifically sections 600 and 900 of the Santa Monica City Charter, is
25 necessary to prevent Defendant from continuing to employ that intentionally-discriminatory
26 election system, and to permit the elections of the Santa Monica Malibu Unified School
27 District to be converted to district-based elections through a petition to the Los Angeles
28 County Committee on School District Organization and the California Board of Education.

04/12/2016

1 **PRAYER FOR RELIEF**

2 WHEREFORE, Plaintiff prays for judgment against Defendants, and each of them, as
3 follows:

4 1. For a decree that the City of Santa Monica's current at-large method of election
5 for the City Council violates the California Voting Rights Act of 2001;

6 2. For a decree that the City of Santa Monica's current at-large method of election
7 for the City Council, and specifically sections 600 and 900 of the Santa Monica City Charter,
8 was adopted with the purpose of discriminating against, and denying effective representation
9 to, non-Anglo residents of Santa Monica, and therefore those provisions are invalid.

10 3. For preliminary and permanent injunctive relief enjoining the City of Santa
11 Monica from imposing or applying its current at-large method of election;

12 4. For injunctive relief mandating the City of Santa Monica to implement district-
13 based elections, as defined by the California Voting Rights Act of 2001, or other alternative
14 relief tailored to remedy the City of Santa Monica's violation of the California Voting Rights
15 Act of 2001;


16 5. For an award of Plaintiffs' attorneys' fees, costs, litigation expenses and
17 prejudgment interest pursuant to the CVRA, Cal. Elec. Code § 14030 and other applicable
18 law; and

19 6. For such further relief as the Court deems just and proper.
20

21 Respectfully submitted:

22 DATED: April 11, 2016

23 **SHENKMAN & HUGHES,**
24 **R. REX PARRIS LAW FIRM, and**
25 **LAW OFFICES OF MILTON C. GRIMES**
26 **LAW OFFICE OF ROBERT RUBIN**

27 By: 
28 Kevin Shenkman
Attorneys for Plaintiff

04/12/2016

FOR COURT USE ONLY

FILED

Superior Court of California
County of Los Angeles

APR 12 2016

Sherri R. Carter, Executive Officer/Clerk
By [Signature], Deputy
Ishayia Chambers

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, S
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SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles
STREET ADDRESS: 110 N. Grand Ave.
MAILING ADDRESS: 110 N. Grand Ave.
CITY AND ZIP CODE: Los Angeles, CA 90012
BRANCH NAME: Stanley Mosk Courthouse

CASE NAME:
Pico Neighborhood Association, et al. v. City of Santa Monica, et al.

CIVIL CASE COVER SHEET

Unlimited (Amount demanded exceeds \$25,000) Limited (Amount demanded is \$25,000 or less)

Complex Case Designation

Counter Joinder
Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)

CASE NUMBER: BC 6 1 6 8 0 4

JUDGE:

DEPT:

Items 1-6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:

Auto Tort

- Auto (22)
- Uninsured motorist (46)

Other P/PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort

- Asbestos (04)
- Product liability (24)
- Medical malpractice (45)
- Other P/PI/PD/WD (23)

Non-P/PI/PD/WD (Other) Tort

- Business tort/unfair business practice (07)
- Civil rights (08)
- Defamation (13)
- Fraud (16)
- Intellectual property (19)
- Professional negligence (25)
- Other non-P/PI/PD/WD tort (35)

Employment

- Wrongful termination (36)
- Other employment (15)

Contract

- Breach of contract/warranty (06)
- Rule 3.740 collections (09)
- Other collections (09)
- Insurance coverage (18)
- Other contract (37)

Real Property

- Eminent domain/inverse condemnation (14)
- Wrongful eviction (33)
- Other real property (26)

Unlawful Detainer

- Commercial (31)
- Residential (32)
- Drugs (38)

Judicial Review

- Asset forfeiture (05)
- Petition re: arbitration award (11)
- Writ of mandate (02)
- Other judicial review (39)

Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403)

- Antitrust/Trade regulation (03)
- Construction defect (10)
- Mass tort (40)
- Securities litigation (28)
- Environmental/Toxic tort (30)
- Insurance coverage claims arising from the above listed provisionally complex case types (41)

Enforcement of Judgment

- Enforcement of judgment (20)

Miscellaneous Civil Complaint

- RICO (27)
- Other complaint (not specified above) (42)

Miscellaneous Civil Petition

- Partnership and corporate governance (21)
- Other petition (not specified above) (43)

2. This case is is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:

- a. Large number of separately represented parties
- b. Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve
- c. Substantial amount of documentary evidence
- d. Large number of witnesses
- e. Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court
- f. Substantial postjudgment judicial supervision

3. Remedies sought (check all that apply): a. monetary b. nonmonetary; declaratory or injunctive relief c. punitive

4. Number of causes of action (specify): 2

5. This case is is not a class action suit.

6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: April 11, 2016
Kevin Shenkman

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

To Plaintiffs and Others Filing First Papers. If you are filing a first paper (for example, a complaint) in a civil case, you must complete and file, along with your first paper, the *Civil Case Cover Sheet* contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must complete items 1 through 6 on the sheet. In item 1, you must check **one** box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the **primary** cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 2.30 and 3.220 of the California Rules of Court.

To Parties in Rule 3.740 Collections Cases. A "collections case" under rule 3.740 is defined as an action for recovery of money owed in a sum stated to be certain that is not more than \$25,000, exclusive of interest and attorney's fees, arising from a transaction in which property, services, or money was acquired on credit. A collections case does not include an action seeking the following: (1) tort damages, (2) punitive damages, (3) recovery of real property, (4) recovery of personal property, or (5) a prejudgment writ of attachment. The identification of a case as a rule 3.740 collections case on this form means that it will be exempt from the general time-for-service requirements and case management rules, unless a defendant files a responsive pleading. A rule 3.740 collections case will be subject to the requirements for service and obtaining a judgment in rule 3.740.

To Parties in Complex Cases. In complex cases only, parties must also use the *Civil Case Cover Sheet* to designate whether the case is complex. If a plaintiff believes the case is complex under rule 3.400 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

CASE TYPES AND EXAMPLES

<p>Auto Tort Auto (22)—Personal Injury/Property Damage/Wrongful Death Uninsured Motorist (46) <i>(If the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto)</i></p> <p>Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort Asbestos (04) Asbestos Property Damage Asbestos Personal Injury/Wrongful Death Product Liability <i>(not asbestos or toxic/environmental)</i> (24) Medical Malpractice (45) Medical Malpractice— Physicians & Surgeons Other Professional Health Care Malpractice Other PI/PD/WD (23) Premises Liability (e.g., slip and fall) Intentional Bodily Injury/PD/WD (e.g., assault, vandalism) Intentional Infliction of Emotional Distress Negligent Infliction of Emotional Distress Other PI/PD/WD</p> <p>Non-PI/PD/WD (Other) Tort Business Tort/Unfair Business Practice (07) Civil Rights (e.g., discrimination, false arrest) <i>(not civil harassment)</i> (08) Defamation (e.g., slander, libel) (13) Fraud (16) Intellectual Property (19) Professional Negligence (25) Legal Malpractice Other Professional Malpractice <i>(not medical or legal)</i> Other Non-PI/PD/WD Tort (35)</p> <p>Employment Wrongful Termination (36) Other Employment (15)</p>	<p>Contract Breach of Contract/Warranty (06) Breach of Rental/Lease Contract <i>(not unlawful detainer or wrongful eviction)</i> Contract/Warranty Breach—Seller Plaintiff <i>(not fraud or negligence)</i> Negligent Breach of Contract/Warranty Other Breach of Contract/Warranty Collections (e.g., money owed, open book accounts) (09) Collection Case—Seller Plaintiff Other Promissory Note/Collections Case Insurance Coverage <i>(not provisionally complex)</i> (18) Auto Subrogation Other Coverage Other Contract (37) Contractual Fraud Other Contract Dispute</p> <p>Real Property Eminent Domain/Inverse Condemnation (14) Wrongful Eviction (33) Other Real Property (e.g., quiet title) (26) Writ of Possession of Real Property Mortgage Foreclosure Quiet Title Other Real Property <i>(not eminent domain, landlord/tenant, or foreclosure)</i></p> <p>Unlawful Detainer Commercial (31) Residential (32) Drugs (38) <i>(if the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential)</i></p> <p>Judicial Review Asset Forfeiture (05) Petition Re: Arbitration Award (11) Writ of Mandate (02) Writ—Administrative Mandamus Writ—Mandamus on Limited Court Case Matter Writ—Other Limited Court Case Review Other Judicial Review (39) Review of Health Officer Order Notice of Appeal—Labor Commissioner Appeals</p>	<p>Provisionally Complex Civil Litigation (Cal. Rules of Court Rules 3.400–3.403) Antitrust/Trade Regulation (03) Construction Defect (10) Claims Involving Mass Tort (40) Securities Litigation (28) Environmental/Toxic Tort (30) Insurance Coverage Claims <i>(arising from provisionally complex case type listed above)</i> (41)</p> <p>Enforcement of Judgment Enforcement of Judgment (20) Abstract of Judgment (Out of County) Confession of Judgment <i>(non-domestic relations)</i> Sister State Judgment Administrative Agency Award <i>(not unpaid taxes)</i> Petition/Certification of Entry of Judgment on Unpaid Taxes Other Enforcement of Judgment Case</p> <p>Miscellaneous Civil Complaint RICO (27) Other Complaint <i>(not specified above)</i> (42) Declaratory Relief Only Injunctive Relief Only <i>(non-harassment)</i> Mechanics Lien Other Commercial Complaint Case <i>(non-tort/non-complex)</i> Other Civil Complaint <i>(non-tort/non-complex)</i></p> <p>Miscellaneous Civil Petition Partnership and Corporate Governance (21) Other Petition <i>(not specified above)</i> (43) Civil Harassment Workplace Violence Elder/Dependent Adult Abuse Election Contest Petition for Name Change Petition for Relief From Late Claim Other Civil Petition</p>
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SHORT TITLE: Pico Neighborhood Association, et al. v. City of Santa Monica

CASE NUMBER

BC 616804

CIVIL CASE COVER SHEET ADDENDUM AND STATEMENT OF LOCATION (CERTIFICATE OF GROUNDS FOR ASSIGNMENT TO COURTHOUSE LOCATION)

This form is required pursuant to Local Rule 2.3 in all new civil case filings in the Los Angeles Superior Court.

Step 1: After completing the Civil Case Cover Sheet (Judicial Council form CM-010), find the exact case type in Column A that corresponds to the case type indicated in the Civil Case Cover Sheet.

Step 2: In Column B, check the box for the type of action that best describes the nature of the case.

Step 3: In Column C, circle the number which explains the reason for the court filing location you have chosen.

Applicable Reasons for Choosing Court Filing Location (Column C)

- 1. Class actions must be filed in the Stanley Mosk Courthouse, Central District.
- 2. Permissive filing in central district.
- 3. Location where cause of action arose.
- 4. Mandatory personal injury filing in North District.
- 5. Location where performance required or defendant resides.
- 6. Location of property or permanently garaged vehicle.
- 7. Location where petitioner resides.
- 8. Location wherein defendant/respondent functions wholly.
- 9. Location where one or more of the parties reside.
- 10. Location of Labor Commissioner Office.
- 11. Mandatory filing location (Hub Cases – unlawful detainer, limited non-collection, limited collection, or personal injury).

Auto Tort

Other Personal Injury/Property Damage/Wrongful Death Tort
91072112/2016

Auto (22)	<input type="checkbox"/> A7100 Motor Vehicle - Personal Injury/Property Damage/Wrongful Death	1, 4, 11
Uninsured Motorist (46)	<input type="checkbox"/> A7110 Personal Injury/Property Damage/Wrongful Death – Uninsured Motorist	1, 4, 11
Asbestos (04)	<input type="checkbox"/> A6070 Asbestos Property Damage	1, 11
	<input type="checkbox"/> A7221 Asbestos - Personal Injury/Wrongful Death	1, 11
Product Liability (24)	<input type="checkbox"/> A7260 Product Liability (not asbestos or toxic/environmental)	1, 4, 11
Medical Malpractice (45)	<input type="checkbox"/> A7210 Medical Malpractice - Physicians & Surgeons	1, 4, 11
	<input type="checkbox"/> A7240 Other Professional Health Care Malpractice	1, 4, 11
Other Personal Injury Property Damage Wrongful Death (23)	<input type="checkbox"/> A7250 Premises Liability (e.g., slip and fall)	1, 4, 11
	<input type="checkbox"/> A7230 Intentional Bodily Injury/Property Damage/Wrongful Death (e.g., assault, vandalism, etc.)	1, 4, 11
	<input type="checkbox"/> A7270 Intentional Infliction of Emotional Distress	1, 4, 11
	<input type="checkbox"/> A7220 Other Personal Injury/Property Damage/Wrongful Death	1, 4, 11

SHORT TITLE:

Pico Neighborhood Association, et al. v. City of Santa Monica

CASE NUMBER

Non-Personal Injury/Property
Damage/Wrongful Death Tort

Business Tort (07)	<input type="checkbox"/> A6029 Other Commercial/Business Tort (not fraud/breach of contract)	1, 2, 3	
Civil Rights (08)	<input checked="" type="checkbox"/> A6005 Civil Rights/Discrimination	1, 2, 3	
Defamation (13)	<input type="checkbox"/> A6010 Defamation (slander/libel)	1, 2, 3	
Fraud (16)	<input type="checkbox"/> A6013 Fraud (no contract)	1, 2, 3	
Professional Negligence (25)	<input type="checkbox"/> A6017 Legal Malpractice	1, 2, 3	
	<input type="checkbox"/> A6050 Other Professional Malpractice (not medical or legal)	1, 2, 3	
Other (35)	<input type="checkbox"/> A6025 Other Non-Personal Injury/Property Damage tort	1, 2, 3	
Employment	Wrongful Termination (36)	<input type="checkbox"/> A6037 Wrongful Termination	1, 2, 3
	Other Employment (15)	<input type="checkbox"/> A6024 Other Employment Complaint Case <input type="checkbox"/> A6109 Labor Commissioner Appeals	1, 2, 3 10
Contract	Breach of Contract/ Warranty (06) (not insurance)	<input type="checkbox"/> A6004 Breach of Rental/Lease Contract (not unlawful detainer or wrongful eviction)	2, 5
		<input type="checkbox"/> A6008 Contract/Warranty Breach -Seller Plaintiff (no fraud/negligence)	2, 5
		<input type="checkbox"/> A6019 Negligent Breach of Contract/Warranty (no fraud)	1, 2, 5
		<input type="checkbox"/> A6028 Other Breach of Contract/Warranty (not fraud or negligence)	1, 2, 5
	Collections (09)	<input type="checkbox"/> A6002 Collections Case-Seller Plaintiff	5, 6, 11
		<input type="checkbox"/> A6012 Other Promissory Note/Collections Case	5, 11
<input type="checkbox"/> A6034 Collections Case-Purchased Debt (Charged Off Consumer Debt Purchased on or after January 1, 2014)		5, 6, 11	
Insurance Coverage (18)	<input type="checkbox"/> A6015 Insurance Coverage (not complex)	1, 2, 5, 8	
Other Contract (37)	<input type="checkbox"/> A6009 Contractual Fraud	1, 2, 3, 5	
	<input type="checkbox"/> A6031 Tortious Interference	1, 2, 3, 5	
	<input type="checkbox"/> A6027 Other Contract Dispute(not breach/insurance/fraud/negligence)	1, 2, 3, 8, 9	
Real Property	Eminent Domain/Inverse Condemnation (14)	<input type="checkbox"/> A7300 Eminent Domain/Condemnation Number of parcels_____	2, 6
	Wrongful Eviction (33)	<input type="checkbox"/> A6023 Wrongful Eviction Case	2, 6
	Other Real Property (26)	<input type="checkbox"/> A6018 Mortgage Foreclosure	2, 6
<input type="checkbox"/> A6032 Quiet Title		2, 6	
<input type="checkbox"/> A6060 Other Real Property (not eminent domain, landlord/tenant, foreclosure)		2, 6	
Unlawful Detainer	Unlawful Detainer-Commercial (31)	<input type="checkbox"/> A6021 Unlawful Detainer-Commercial (not drugs or wrongful eviction)	6, 11
	Unlawful Detainer-Residential (32)	<input type="checkbox"/> A6020 Unlawful Detainer-Residential (not drugs or wrongful eviction)	6, 11
	Unlawful Detainer-Post-Foreclosure (34)	<input type="checkbox"/> A6020F Unlawful Detainer-Post-Foreclosure	2, 6, 11
	Unlawful Detainer-Drugs (38)	<input type="checkbox"/> A6022 Unlawful Detainer-Drugs	2, 6, 11

SHORT TITLE:

Pico Neighborhood Association, et al. v. City of Santa Monica

CASE NUMBER

Judicial Review

Asset Forfeiture (05)	<input type="checkbox"/> A8108 Asset Forfeiture Case	2, 3, 6
Petition re Arbitration (11)	<input type="checkbox"/> A6115 Petition to Compel/Confirm/Vacate Arbitration	2, 5
Writ of Mandate (02)	<input type="checkbox"/> A6151 Writ - Administrative Mandamus	2, 8
	<input type="checkbox"/> A6152 Writ - Mandamus on Limited Court Case Matter	2
	<input type="checkbox"/> A6153 Writ - Other Limited Court Case Review	2
Other Judicial Review (39)	<input type="checkbox"/> A6150 Other Writ /Judicial Review	2, 8
Antitrust/Trade Regulation (03)	<input type="checkbox"/> A6003 Antitrust/Trade Regulation	1, 2, 8
Construction Defect (10)	<input type="checkbox"/> A6007 Construction Defect	1, 2, 3
Claims Involving Mass Tort (40)	<input type="checkbox"/> A6006 Claims Involving Mass Tort	1, 2, 8
Securities Litigation (28)	<input type="checkbox"/> A6035 Securities Litigation Case	1, 2, 8
Toxic Tort Environmental (30)	<input type="checkbox"/> A6036 Toxic Tort/Environmental	1, 2, 3, 8
Insurance Coverage Claims from Complex Case (41)	<input type="checkbox"/> A6014 Insurance Coverage/Subrogation (complex case only)	1, 2, 5, 8
Enforcement of Judgment	<input type="checkbox"/> A6141 Sister State Judgment	2, 5, 11
	<input type="checkbox"/> A6160 Abstract of Judgment	2, 6
	<input type="checkbox"/> A6107 Confession of Judgment (non-domestic relations)	2, 9
	<input type="checkbox"/> A8140 Administrative Agency Award (not unpaid taxes)	2, 8
	<input type="checkbox"/> A6114 Petition/Certificate for Entry of Judgment on Unpaid Tax	2, 8
	<input type="checkbox"/> A6112 Other Enforcement of Judgment Case	2, 8, 9
RICO (27)	<input type="checkbox"/> A6033 Racketeering (RICO) Case	1, 2, 8
Other Complaints (Not Specified Above) (42)	<input type="checkbox"/> A6030 Declaratory Relief Only	1, 2, 8
	<input type="checkbox"/> A6040 Injunctive Relief Only (not domestic/harassment)	2, 8
	<input type="checkbox"/> A6011 Other Commercial Complaint Case (non-tort/non-complex)	1, 2, 8
	<input type="checkbox"/> A6000 Other Civil Complaint (non-tort/non-complex)	1, 2, 8
Partnership Corporation Governance (21)	<input type="checkbox"/> A6113 Partnership and Corporate Governance Case	2, 8
Other Petitions (Not Specified Above) (43)	<input type="checkbox"/> A6121 Civil Harassment	2, 3, 9
	<input type="checkbox"/> A6123 Workplace Harassment	2, 3, 9
	<input type="checkbox"/> A6124 Elder/Dependent Adult Abuse Case	2, 3, 9
	<input type="checkbox"/> A6190 Election Contest	2
	<input type="checkbox"/> A6110 Petition for Change of Name/Change of Gender	2, 7
	<input type="checkbox"/> A6170 Petition for Relief from Late Claim Law	2, 3, 8
	<input type="checkbox"/> A6100 Other Civil Petition	2, 9

Provisionally Complex Litigation

Miscellaneous Civil Complaints

Miscellaneous Civil Petitions

91027112/2016

SHORT TITLE: Pico Neighborhood Association, et al. v. City of Santa Monica	CASE NUMBER
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Step 4: Statement of Reason and Address: Check the appropriate boxes for the numbers shown under Column C for the type of action that you have selected. Enter the address which is the basis for the filing location, including zip code. (No address required for class action cases).

REASON: 1. <input checked="" type="checkbox"/> 2. <input type="checkbox"/> 3. <input type="checkbox"/> 4. <input type="checkbox"/> 5. <input type="checkbox"/> 6. <input type="checkbox"/> 7. <input type="checkbox"/> 8. <input type="checkbox"/> 9. <input type="checkbox"/> 10. <input type="checkbox"/> 11. <input type="checkbox"/>	ADDRESS: 1685 Main Street			
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 33%; padding: 2px;">CITY: Santa Monica</td> <td style="width: 33%; padding: 2px;">STATE: CA</td> <td style="width: 33%; padding: 2px;">ZIP CODE: 90401</td> </tr> </table>	CITY: Santa Monica	STATE: CA	ZIP CODE: 90401	
CITY: Santa Monica	STATE: CA	ZIP CODE: 90401		

Step 5: Certification of Assignment: I certify that this case is properly filed in the Central District of the Superior Court of California, County of Los Angeles [Code Civ. Proc., §392 et seq., and Local Rule 2.3(a)(1)(E)].

Dated: April 11, 2016



(SIGNATURE OF ATTORNEY/FILING PARTY)

PLEASE HAVE THE FOLLOWING ITEMS COMPLETED AND READY TO BE FILED IN ORDER TO PROPERLY COMMENCE YOUR NEW COURT CASE:

1. Original Complaint or Petition.
2. If filing a Complaint, a completed Summons form for issuance by the Clerk.
3. Civil Case Cover Sheet, Judicial Council form CM-010.
4. Civil Case Cover Sheet Addendum and Statement of Location form, LACIV 109, LASC Approved 03-04 (Rev. 02/16).
5. Payment in full of the filing fee, unless there is court order for waiver, partial or scheduled payments.
6. A signed order appointing the Guardian ad Litem, Judicial Council form CIV-010, if the plaintiff or petitioner is a minor under 18 years of age will be required by Court in order to issue a summons.
7. Additional copies of documents to be conformed by the Clerk. Copies of the cover sheet and this addendum must be served along with the summons and complaint, or other initiating pleading in the case.

04/12/2016

EXHIBIT M

FEB 23 2017

Shorri R. Carter, Executive Officer/Clerk
By: Charlie L. Coleman, Deputy

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25 Attorneys for Plaintiffs

26 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
27 **COUNTY OF LOS ANGELES**

28 PICO NEIGHBORHOOD
ASSOCIATION and MARIA LOYA

Plaintiff,

v.

CITY OF SANTA MONICA,
CALIFORNIA; and DOES 1-100,
inclusive,

Defendants.

Case No.: BC616804

FIRST AMENDED COMPLAINT FOR
VIOLATION OF:

- 1) CALIFORNIA VOTING RIGHTS ACT
OF 2001; and
- 2) EQUAL PROTECTION CLAUSE OF
CALIFORNIA CONSTITUTION

Dept. 28 – Hon. Yvette Palazuelos