

**ARTICLE 1
PRELIMINARY PROVISIONS**

Section 1.1. Charter City Powers

(a) The City of Salinas is a charter city organized under the constitution of the State of California and shall exercise all powers not inconsistent therewith or with the restrictions imposed by the Charter.

(b) The City hereby reserves to itself all constitutional powers over municipal affairs, except to the extent the provisions of general law are expressly adopted in the Charter.

(c) The Council may, in its sole discretion, avail itself of provisions of the general law. The Council's action to do so in any instance, or with respect to any subject matter, shall not be construed as a waiver of this Charter's express reservation of all constitutional powers of charter cities not in conflict with state law or as to subjects constituting municipal affairs under California Constitution Article XI, section 5.

**ARTICLE 2
ELECTIVE OFFICERS-ELIGIBILITY FOR OFFICE, TERM OF OFFICE, REDISTRICTING**

Section 2.1. City Council Composed of Mayor and Six Councilmembers

All powers of the City, except as otherwise provided by this Charter, shall be vested in a Council of seven elective members, consisting of a Mayor, who shall be elected at-large, and six Councilmembers, who shall be elected by District from six contiguous districts.

Section 2.2. Residency Required for Mayor or Councilmember Office

No person shall be eligible to hold the office of Mayor or Councilmember unless on the date of the filing of nomination papers, the individual is a qualified elector of the City of Salinas, and, with respect to a Councilmember, has been a resident of the district for which s/he is running, for at least twenty-eight days preceding the opening date for the filing of nomination papers, or the appointment to fill a vacancy therein, and shall forfeit office upon ceasing to reside therein.

Section 2.3. Designation of Office on Nominating Papers

Designation for the office as Mayor or Councilmember for a district, as the case may be, shall be used on all nomination papers, certificates of election, and all election papers referring to the office. Candidates may not run simultaneously for the office of both Councilmember and Mayor.

Section 2.4. Redistricting Required After Each Decennial Census

Following each decennial federal census, and using the census as the basis, the City Council shall adjust the boundaries of any or all of the districts of the City so that each district shall be as nearly equal in population as may be according to the latest federal decennial census, except to the extent otherwise mandated by applicable federal or state law.

Section 2.5. Councilmembers – Four-Year Terms; Exception.

(a) Council members shall serve four-year staggered terms. The terms of Councilmembers elected from Districts 1, 4 and 6 shall expire in 2016 when their successors are elected and qualified at the general municipal election. The terms of Councilmembers elected from Districts 2, 3 and 5 shall expire in 2018 when their successors are elected and qualified at the general municipal election.

(b) The term of office of a Councilmember who files as a candidate for the Office of Mayor shall automatically expire on the Tuesday next succeeding the general municipal election held following that filing. The filing period for candidates to fill such Councilmember's term shall be extended an additional five days.

Section 2.6. Mayor – Two Year Term

The Mayor shall be elected for a two year term at each general municipal election.

Section 2.7. Vacancies In Mayor Or Councilmember Office

(a) Vacancies in the Council from the district vacated shall be filled by majority choice of the remaining Councilmembers. The appointee shall hold office for the remainder of the unexpired Council term, or until the next regular municipal election, when a Councilmember shall be elected from the vacant district to serve during the remainder of such term. If the Council fails to fill the vacancy within sixty (60) days, it shall immediately cause an election to be held to fill the vacancy.

(b) In the case of a vacancy in the office of Mayor for any reason, the council shall fill the vacancy by appointment. If the Council fails to fill it within sixty (60) days, it shall immediately cause an election to be held to fill the vacancy. A person appointed or elected to fill a vacancy shall hold office for the unexpired term of the former incumbent.

ARTICLE 3 ELECTIONS

Section 3.1. General Municipal Elections

General municipal elections of officers and for such other purposes as the Council may prescribe shall be held in the City of Salinas on the first Tuesday following the first Monday in November of each even-numbered year.

Section 3.2. Special Municipal Elections

All other municipal elections shall be known as special municipal elections.

Section 3.3. Consolidation of Elections

The Council may provide for the consolidation of any general or special municipal election with any election to be conducted in the county of Monterey, State of California.

Section 3.4. Procedure for Conducting Elections

(a) All elections shall be held in accordance with the provisions of the Elections Code of the State of California, insofar as the same are not in conflict with this charter.

(b) If, for any municipal election for Mayor or for Councilmember, there shall be no choice between candidates by reason of two or more candidates having received an equal number of votes, then the City Council shall proceed to determine the election of such candidates by lots.

Section 3.5. Provisions of State Law Applicable to Voting

The provisions of the laws of the State of California relating to the qualifications of electors, the manner of voting, the duties of election officers, and all other particulars in respect to the management of elections, so far as they may be applicable, shall govern all municipal elections, except as otherwise provided in this Charter.

ARTICLE 4 INITIATIVE REFERENDUM AND RECALL

Section 4.1. Powers Reserved to the People

The people reserve to themselves the power to adopt or reject ordinances at the polls independent of the Council and recall elective officers.

Section 4.2. Initiative, Referendum and Recall

The voters shall exercise their powers of initiative, referendum, and recall in accordance with the laws of the State of California except as otherwise provided in this Charter.

Section 4.3. Delayed Effective Date of Certain Initiatives

No initiative ordinance providing for the expenditures of public moneys or for an increase in salaries shall take effect until the beginning of the fiscal year, following its adoption.

Section 4.4. Council Submission of Measure to Popular Vote

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

ARTICLE 5 MAYOR AND COUNCIL

Section 5.1. Mayor

(a) The Mayor shall preside at all meetings of the Council, and shall perform such other duties as are generally required of a presiding officer. S/he shall have a voice and vote in all its proceedings but shall have no veto power, and shall be recognized as the official head of the City.

(b) The Mayor shall sign all conveyances made by Salinas and all contracts to which it is a party and shall acknowledge the execution of all instruments executed by the City that require acknowledgment.

Section 5.2. Absence of Mayor

The Council shall elect one of its members to perform the duties of the Mayor during any temporary absence or disability of the Mayor.

Section 5.3. Compensation

The monthly salary of the Mayor and the members of the City Council shall be set by ordinance. The monthly salary shall not exceed the amount authorized by State law for cities of a similar size; provided however, that the salary of the Mayor may be set at a higher amount than the salary of the members of the City Council.

ARTICLE 6 COUNCIL MEETINGS

Section 6.1. Time of Regular Council Meetings

Regular meetings of the Council shall be held, called and noticed in such manner and at such times and places as may be prescribed by ordinance or resolution, except that the Council shall meet regularly once each month.

Section 6.2. Penalty for Absence from Regular Council Meetings

A member of the Council who is absent from three consecutive regular meetings shall forfeit that member's seat unless excused by the Council on account of absence from the City on City business or illness. The reasons for such absence shall be entered upon the minutes.

Section 6.3. Special Meetings

Special meetings of the Council shall be held, called and noticed in such manner and at such times and places as the Council may determine in accordance with applicable law.

Section 6.4. Meetings and Records to be Public

All meetings of the Council and all records thereof shall be open to the public in conformity with applicable law.

Section 6.5. Quorum

A majority of the membership of the Council shall be necessary for the transaction of business, but a smaller number may adjourn or compel the attendance of absent members.

ARTICLE 7 COUNCIL POWER OF APPOINTMENT

Section 7.1. City Manager and City Attorney

The City Council may appoint a City Manager and City Attorney on terms that it specifies to serve at the pleasure of the City Council.

Section 7.2. City Attorney Qualifications

The City Attorney shall be a lawyer admitted to practice in all courts of California and shall be chosen preferably from the members of the local bar.

Section 7.3. City Attorney Duties

(a) The City Attorney shall prosecute on behalf of the people, all criminal cases arising upon violations of this Charter and of the City ordinances, and shall attend to all suits, matters, and things in which the City may be legally interested; provided, the Council shall have control of all litigation and legal matters in which the City may be interested, and may employ other attorneys to take the entire charge thereof, or to assist the City Attorney therein, or to advise the Council upon any legal matter.

(b) The City Attorney shall be the legal advisor of all City officers, and shall give advice or opinion in writing whenever requested by any City officer on City business. S/he shall approve the form of all bonds, contracts, or other instruments in

writing in which the City is concerned and either draft or approve the draft of all proposed ordinances for the City, except those proposed by initiative.

Section 7.4. Other Appointive Officers

All other appointive officers and members of boards whose terms of service are not specified, shall serve at the pleasure of the appointing power.

Section 7.5. Council Manager Form of Government -Subordinate Departments and Employees

(a) The City shall follow the Council-Manager form of government.

(b) The City Council may establish, change or consolidate other subordinate City employee positions in the City, establish the terms of their employment and compensation, including the position of City Clerk, and create and change departments within which such employees are to perform their duties.

(c) The City Manager shall have the power to appoint, all such subordinate City employees, except lawyers and paralegals in the City Attorney's department, who shall be appointed by the City Attorney.

Section 7.6. Bonds

The Council may require any officer or employee to give a bond for the faithful performance of his duty in such an amount as it may determine, and it may provide that the premium thereof shall be paid by the City.

ARTICLE 8 CONFLICTS OF INTEREST

Section 8.1. Prohibited Interests

(a) No officer or employee of the City shall be directly or indirectly interested in any contract, work or business, the consideration, price or profits of which are payable in whole or in part from the City Treasury and are affected by any official act of said officer or employee; or in the sale of any article, the price or purchase of which by or for the City depends directly or indirectly upon the official act of such officer or employee.

(b) No officer or employee of the City shall be financially interested, directly or indirectly, in the granting of any City franchise, right, or privilege.

(c) Any officer or employee of the City violating the provisions of this section, shall forfeit his office or employment; and all contracts made, or rights, franchises or privileges granted, in violation of this section shall be void.

ARTICLE 9 FISCAL MATTERS

Section 9.1. Fiscal Year

The fiscal year of the City shall commence on the first day of July of each year, or at such other time as may be fixed by ordinance.

Section 9.2. Funds; general fund.

All monies paid into the City Treasury shall be credited to and kept in separate funds in accordance with the provisions of this Charter, and otherwise applicable law. For the purpose of this Charter, the "General Fund" is established as a medium of control and accounting for city activities other than activities authorized funds. All revenues and receipts which are not by this Charter, or otherwise applicable law pledged for special purposes, shall be credited to the General Fund.

Section 9.3. Collection of Public Moneys

All public money collected or received by any officer or employee of the City shall be paid into the City Treasury without any deduction on account of any claim for fees, commissions, or any other cause or pretense.

ARTICLE 10 VIOLATION OF CHARTER OR ORDINANCES

Section 10.1. Violations

(a) The violation of any provision of this charter shall be deemed a misdemeanor.

(b) The violation of any provision of any ordinance of the city shall be deemed a misdemeanor, unless specifically declared by ordinance to be an infraction.

(c) Any person sentenced to imprisonment for a violation of a provision of this Charter, or of any ordinance, may be imprisoned in the City Jail, or in the Monterey County Jail, in which case the expense of such imprisonment shall be a charge in favor of Monterey County against the City of Salinas.

ARTICLE 11 ORDINANCES

Section 11.1. Ordinances - Enacting Clause.

The enacting clause of every ordinance passed by the Council shall be in these words: "Be it ordained by the Council of Salinas." The enacting clause of every ordinance passed by the people shall be as follows: "Be it ordained by the people of Salinas."

Section 11.2. Amendments Germane to Original Purpose

No ordinance shall be so amended as not to be germane to its original purpose.

Section 11.3. Adoption Requirements

(a) No ordinance except upon the unanimous consent of all members of the Council shall be passed by the Council on the day of its introduction or within five days thereafter, or at any time other than at a regular meeting or an adjourned regular meeting.

(b) No ordinance or resolution shall be adopted except upon the affirmative vote of at least a majority of the members of the Council.

Section 11.4. Signature and Publication

Every ordinance shall be signed by the officer presiding at the time of its adoption, attested by the City Clerk, and published at least once in a newspaper, as hereafter provided.

Section 11.5. Time of Taking Effect

Except as otherwise provided in this Article, all ordinances shall take effect thirty days after the date of adoption.

Section 11.6. Exception to Effective Date - ordinance proposed by initiative petition.

An ordinance proposed by an initiative petition filed with the City Clerk containing the signatures of sufficient voters to qualify it for placement on the ballot shall take effect upon adoption if the Council adopts it as an alternative to placing such ordinance on the election ballot for the voters' approval or rejection.

Section 11.7. Exception to Effective Date - ordinance stayed by referendum petition.

An ordinance as to which enforcement has been stayed by the filing of a qualifying referendum petition containing the signatures of sufficient voters may be repealed by the Council with immediate effect if the Council adopts such repeal as an alternative to placing such ordinance on the election ballot for the voters' approval or rejection.

Section 11.8. Exception to Effective Date - emergency measures.

(a) An emergency measure is an ordinance for the immediate preservation of the public peace, health or safety, or for appropriating money for some special need, and which contains a declaration of, and the facts constituting, the urgency, and is passed by six votes of the City Council.

(b) Such an emergency ordinance shall take effect at the time indicated therein.

Section 11.9. Recording and Publication

All ordinances and resolutions shall be deposited with the City Clerk, who shall keep and maintain them. A summary of each ordinance, prepared by the City Attorney and approved by the City Council, shall be published once in some newspaper, published and circulated in Salinas, selected and designated by the Council for that purpose, within fifteen days after adoption. The publication of all ordinances granting any franchise or privilege shall be at the expense of the applicant therefor.

ARTICLE 12 ADMINISTERING OATHS

Section 12.1. Administration of Oaths

The Council, City Manager and City Clerk shall have the power to administer oaths whenever necessary in carrying out their official duties.

ARTICLE 13 PUBLIC WORKS

Section 13.1. Rejection of California Public Contracts Code - Exception.

(a) The City expressly rejects and disavows application of the California Public Contracts Code except to the extent its provisions are expressly adopted by the City Council with respect to a particular works contract or category of such contracts.

(b) Nothing in this section shall be read to repudiate the application of Labor Code section 1772 or any successor state statute concerning the payment of prevailing wage on public works contracts.

ARTICLE 14 FRANCHISES

Section 14.1. Franchises

In granting franchises the Council shall be governed by the general laws of the State in force at the time; but in each instance it may impose such additional lawful conditions, limitations and restrictions as, in its opinion, subserve the public interest and welfare.

ARTICLE 15 [RESERVED]

ARTICLE 16 CLAIMS AND DEMANDS

Section 16.1. Claims and Demands - Presentation of claims for damages.

The Council may, by ordinance or resolution, prescribe the procedure for filing, handling, disposing and dealing with any other aspect of claims for damages against the City.

Section 16.2. Same - Presentation of other claims

All other claims or demands against the City, except salaries, interest coupons on bonds, and bonds of the funded debt, must be in writing and may be in the form of a bill, invoice, payroll or formal demand. Each such claim or demand shall be filed with the City Finance Director for examination. If the City Finance Director finds the amount thereof is legally due, s/he shall recommend approval thereof, or otherwise shall disapprove it. The City Finance Director shall thereupon present said claim or demand, with a recommended approval thereof, to the City Council, which shall examine and allow, in whole or in part, or reject, all such claims or demands. The City Council may allow, in whole or in part, any such claims or demand previously disapproved by the City Finance Director. The action of the Council respecting all claims or demands shall be recorded in the minutes of the Council.

ARTICLE 17 [RESERVED]

ARTICLE 18 CONTINUITY, SAVINGS, MISCELLANEOUS

Section 18.1. Existing Ordinances - continued.

All City ordinances, resolutions or regulations in force at the time this Charter takes effect, and not inconsistent with the provisions thereof, are hereby continued in force until the same shall be duly amended or repealed.

Section 18.2. Present Contracts - continued.

All rights, actions, proceedings, prosecutions and contracts of the City, or any of its departments or officers, pending or unexecuted when this Charter goes into effect, and not inconsistent therewith, shall be enforced, continued, or completed, in all respects, as though begun or executed hereunder.

Section 18.3. Savings Clause

Nothing in this Charter shall be construed as limiting the power of the Council to enact any ordinance or resolution relating to municipal affairs, not in conflict with the Constitution of the State, or with the express provisions of this Charter; and if any section or part of a section of this Charter proves to be invalid or unconstitutional, the same shall not be held to invalidate or impair the validity, force, or effect of any other section or part of a section of this Charter, unless it clearly appears that such other section or part of a section is wholly or necessarily dependent for its operation upon the section or part of a section so held unconstitutional or invalid.

Section 18.4. Impartial arbitration for fire department employee disputes.

(a) IMPARTIAL ARBITRATION—DECLARATION OF POLICY. It is hereby declared to be the policy of the City of Salinas that strikes by firefighters are not in the public interest and should be prohibited, and that a method should be adopted for peacefully and equitably resolving disputes that might otherwise lead to such strikes.

(b) PROHIBITION AGAINST STRIKES. No City of Salinas firefighter shall wilfully engage in a strike against the City. Any such employee against whom the City brings charges of failing to report for work as part of a strike shall be subject to dismissal from his or her employment in the event the charges are sustained upon conclusion of the proceedings that are required by law for the imposition of disciplinary action upon said employee.

(c) OBLIGATION TO NEGOTIATE IN GOOD FAITH. The City, through its duly authorized representatives, shall negotiate in good faith with a recognized employee organization which represents members of the City of Salinas Fire Department on all matters relating to the wages, hours, and other terms and conditions of City employment, including the establishment of procedures for the resolution of grievances concerning the interpretation or application of any negotiated agreement. Unless and until agreement is reached through negotiations between the City and a recognized employee organization for a fire department bargaining unit, or a determination is made through the arbitration procedure hereinafter provided, no existing benefit or condition of employment for said fire department employees shall be eliminated or changed.

(d) IMPASSE RESOLUTION PROCEDURES. All disputes or controversies pertaining to wages, hours, or terms and conditions of employment which remain unresolved after good faith negotiations between the City and the recognized employee organization involved in the dispute shall be submitted to a three-member Board of Arbitrators upon the declaration of an impasse by the City or by the recognized employee organization.

Representatives designated by the City and representatives of the recognized employee organization involved in the dispute shall each appoint one arbitrator to the Board of Arbitrators within three (3) days after either party has notified the other, in writing, that it desires to proceed to arbitration. The third member of the Arbitration Board shall be selected by agreement between the two arbitrators selected by the City and the employee organization, and shall serve as the neutral arbitrator and Chairperson of the Board. In the event that the arbitrators selected by the City and the employee organization cannot agree upon the selection of the third arbitrator within ten (10) days from the date that either party has notified the other that it has declared an impasse, then either party may request the State of California Mediation and

Conciliation Service to provide a list of seven (7) persons who are qualified and experienced as labor arbitrators. If the arbitrators selected by the City and the employee organization cannot agree within three (3) days after receipt of such list on one of the seven (7) to act as the third arbitrator, they shall alternately strike names from the list of nominees until one name remains and that person shall then become the third arbitrator and chairperson of the Arbitration Board.

Any arbitration convened pursuant to this article shall be conducted in conformance with, subject to, and governed by Title 9 of Part 3 of the California Code of Civil Procedure. The Arbitration Board shall hold public hearings, receive evidence from the parties and cause a transcript of the proceedings to be prepared. The Arbitration Board, in the exercise of its discretion, may meet privately with the parties and mediate or mede-arb issues in dispute. The Arbitration Board may also adopt such other procedures that are designed to encourage an agreement between the parties, expedite the arbitration hearing process, or reduce the costs of the arbitration process.

At the conclusion of the arbitration hearings, the Arbitration Board shall direct each of the parties to submit, within such time limit as the Board may establish, a last offer of settlement on each of the issues in dispute. The Arbitration Board shall decide each issue by majority vote by selecting whichever last offer of settlement on that issue it finds most nearly conforms with those factors traditionally taken into consideration in the determination of wages, hours, and other terms and conditions of public and private employment, including, but not limited to, changes in the average consumer price index for goods and services, the wages, hours, and other terms and conditions of employment of other employees performing similar services, and the financial condition of the City and its ability to meet the cost of the award.

After reaching a decision, the Arbitration Board shall mail or otherwise deliver a true copy of its decision to the parties. The decision of the Arbitration Board shall not be publicly disclosed and shall not be binding until ten (10) days after it is delivered to the parties. During that ten day period the parties may meet privately, attempt to resolve their differences, and by mutual agreement amend or modify any of the decisions of the Arbitration Board. At the conclusion of the ten (10) day period, which may be extended by mutual agreement between the parties, the decision of the Arbitration Board, incorporating any amendments or modifications agreed to by the parties, shall be publicly disclosed and shall be binding upon the parties. The City and the recognized employee organization shall take whatever action is necessary to carry out and effectuate the final Arbitration Board award (incorporating any amendments or modifications agreed to by the parties as provided above).

The expenses of any arbitration convened pursuant to this article, including the fee for the services of the Chairperson of the Arbitration Board, shall be borne equally by the parties. All other expenses which the parties may incur individually are to be

borne by the party incurring such expenses.