

CHARTER

OF THE

City of Richmond, California

ASSEMBLY CONCURRENT RESOLUTION
NO. 11

Adopted in Assembly, February 17, 1909
Adopted in Senate, February 25, 1909

CHAPTER 18, STATUTES OF 1909

Assembly concurrent Resolution No. 11, approving the Charter of the City of Richmond, State of California, voted for and ratified by the qualified voters of said City at a special municipal election held therein for that purpose on the 9th day of February, 1909.

Whereas, the City of Richmond, a municipal corporation of the County of Contra Costa, State of California, now is and was at all times herein referred to a City containing a population of more than three thousand five hundred (3,500) but less than ten thousand (10,000) inhabitants; and

Whereas, at a special election duly held in said City on the 12th day of October, 1908, under and in accordance with law and the provisions of Section 8 of Article XI of the Constitution of the State of California, a board of fifteen freeholders, duly qualified, was elected in and by said City and by the qualified electors thereof to prepare and propose a charter for the government of said City; and

Whereas, said board of freeholders did, within ninety (90) days after said election, prepare and propose a charter for the government of said City of Richmond; and

Whereas, said charter was on the 23rd day of December, 1908, signed in duplicate by the members of said board of freeholders and was thereupon duly returned and filed, one copy with the president of the board of trustees of said City of Richmond, and the other copy with the county recorder of said County of Contra Costa and filed in the office of said county recorder; and

Whereas, said proposed charter was thereafter published in the "Richmond Record," being a daily newspaper of general circulation, printed and published in said City of Richmond, and the said charter being published as aforesaid for a period of more than twenty (20) days, the first publication thereof being made within twenty (20) days after the completion of said charter; and

Whereas, said proposed charter was within thirty (30) days after the completion of said publication submitted by the board of trustees of the City of Richmond to the qualified electors of said City of Richmond at a special election, previously duly called and therein held on the 9th day of February, 1909; and

Whereas, at said last mentioned special election a majority of said qualified electors of said City of Richmond voting at said special election, voted in favor of and duly ratified said charter as proposed as a whole; and

Whereas, said board of trustees after canvassing said returns, duly found and declared that the majority of said qualified electors voting at said special election had voted for and ratified said charter as above specified; and

Whereas, the same is now submitted to the legislature of the State of California for its approval or rejection as a whole without power of alteration or amendment, in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California; and

Whereas, said charter so ratified is in the words and figures following, to wit:

CHARTER
of the
CITY OF RICHMOND

Prepared and proposed by the board of freeholders, elected October 12, 1908, in pursuance of the provisions of Section 8, Article XI of the constitution of the State of California.

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ARTICLE I

Boundaries of the City of Richmond

Sec. 1. The municipal corporation now existing and organized under the general laws of the State of California as a municipal corporation of the sixth class and known as the City of Richmond, shall continue to be a body corporate and politic under the name of the City of Richmond, and shall be a continuation of said City of Richmond, and continue to hold and enjoy all the rights, privileges and property now vested in said City, and all ordinances of said City not in conflict with this charter shall be continued in force until amended or repealed; and all proceedings providing for any public improvement pending and incompleated shall be continued in accordance with the law under which such proceedings were commenced.

Sec. 2. The territory of the City of Richmond shall be all that which is embraced within the following boundaries, to wit:

Beginning at the point where the westerly boundary of said Contra Costa County intersects the line between Townships One (1) and Two (2) North, Mount Diablo Base; and thence running east to the southeast corner of Lot Twenty-eight (28) of Section Thirty-five (35) of Township Two (2) North, Range Five (5) West; M.D.B. & M.; thence south parallel with the west line of Section Two (2) of Township One (1) North of Range Five (5) West, M.D.B. & M. to a point due west of the southwest corner of Lot Eighty-five (85) of the San Pablo Rancho as shown on the map accompanying the final Decree of Partition of said Rancho; thence east to a point One Hundred and Seventy (170) feet east of the center line of Road Fourteen (14) as shown on said map; thence south to the southerly boundary of said Contra Costa County; thence following the boundary line of said Contra Costa County westerly and northerly to the place of beginning.

Sec. 3. The boundaries above described may be altered and the territory embraced therein may be added to or diminished in accordance with the laws of the State of California governing the annexation and exclusion of territory by municipalities.

ARTICLE II

Powers

Sec. 1. The City of Richmond shall have and exercise the following powers:

1. To have perpetual succession.
2. To have and use a corporate seal and alter it at pleasure.
3. To sue and be sued in all courts and places, and in all actions and proceedings whatsoever.
4. To purchase, receive, have, take, hold, lease, use and enjoy property of every kind and description, both within and without the limits of said City, proper for municipal purposes, and to control and dispose of the same for the public benefit.
5. To receive bequests, devises and donations of property of every kind, either absolutely or in trust for any purpose, and to acts necessary to carry out the purposes of such bequests, devises and donations, and to manage, control, sell or otherwise dispose of such property in accordance with the terms of such bequests, devises or donations.

6. To exercise police powers and make all necessary police and sanitary regulations, and to adopt ordinances and prescribe penalties for the violation thereof.
7. To levy and collect taxes and assessments, impose license fees for revenue or regulation, and provide all means for raising the revenue necessary for the City.
8. To borrow money, incur municipal indebtedness and provide for the issuance of bonds or other evidences of such indebtedness for any purpose authorized by the electors voting on the proposition to incur such indebtedness; to invest the proceeds arising from the sale of bonds in street improvement bonds issued under any act of the legislature.
9. To construct, maintain and operate all necessary works for the supplying of the City and its inhabitants with water, light, heat and power, and to dispose of commodities with such works outside of the boundaries of said City.
10. To control the bays, inlets and channels flowing through the City or adjoining the same, to widen, straighten and deepen the same where such work is necessary for the purposes of sanitation, drainage or removal of sewage; to fill the same when they are obstructions to proposed streets or roads; to control and improve the water front of the City and to maintain embankments and other works necessary to protect the City from overflow; to construct and maintain wharves, chutes, piers, and breakwaters within the limits of the City.
11. To establish and change the grade and lay out, open, extend, widen, change, vacate, pave, repave or otherwise improve all public streets and highways and public places, construct sewers, drains, bridges, conduits, culverts and subways thereon or thereunder, to plant trees, construct parking, and to remove weeds; to levy special assessments to defray the whole or any part of the cost of such works or improvements. Also to provide for the repair, cleaning and sprinkling of such streets and public places.
12. To construct and maintain all works necessary for the disposition of the sewage, garbage and waste within the City, and to define and abate nuisances.

13. To establish and maintain hospitals, indigent homes and all other charitable institutions.
14. To acquire and maintain parks, playgrounds and places for recreation.
15. To acquire and maintain markets, baths and public halls.
16. To establish and maintain schools, libraries, museums, gymnasiums, and to do all things to promote the education of the people.
17. To equip and maintain a fire department and to make all necessary regulations for the prevention of fires.
18. To acquire, construct and maintain all buildings necessary for the transaction of public business.
19. To exercise the right of eminent domain for the purpose of acquiring real and personal property of every kind for any public use.
20. To grant franchises to use the streets or public property, and impose conditions in connection therewith.
21. To exercise any power conferred upon municipalities by the constitution and laws of the state to fix and establish rates to be charged by any corporation for any public service and to regulate the quality of such service.
22. To exercise such other powers as may be hereafter granted by the legislature to municipalities within the state.
23. To exercise all other needful powers for the efficient administration of the municipal government, whether such powers are herein expressly enumerated or not.
24. Lastly, this grant of power is to be liberally construed for the purpose of securing the well being of the municipality and its inhabitants.

ARTICLE III

The Council

Sec. 1. All powers herein granted to and vested in the City of Richmond shall, except as herein otherwise provided, be exercised by a Council to be designated the Council of the City of Richmond; and said Council shall, except as herein otherwise provided, have the power to fix and establish the method and manner in which such powers shall be exercised.

Sec. 2. (Amended at election May 14, 1963 and November 2, 2004) Said Council shall be composed of nine members, each of whom shall have been an elector of the City of Richmond for at least one year preceding said member's election. Effective with the 2008 election, the Council shall be composed of seven members, each of whom shall have been an elector of the City of Richmond for at least one year preceding said member's election.

The members of said Council shall be known as Councilmembers, and their terms of office shall be four years commencing on the second Tuesday in January following their election.

(Added at election November 2, 2004) On the first Tuesday following the first Monday in November, 2004, an election shall be held to reduce the number of Councilmembers from nine to seven beginning with the election scheduled in November 2008. At the election held on the first Tuesday following the first Monday in November, 2008, the electorate shall vote for three Councilmembers.

Sec. 3. On the second Monday of May, 1909, an election shall be held within said City for the purpose of electing nine members of said Council. The nine members elected at such election, shall, at the first regular meeting in July, 1909, so classify themselves by lot that three of said members shall hold office for the term of two years, three for the term of four years, and three for a term of six years.

(As amended at election June 8, 1976) On the second Tuesday in May, 1977, an election shall be held for the election of three Councilmembers to succeed the three members of the City Council whose terms expire. The two Councilmembers elected at such election who received the highest and next to the highest number of votes shall serve for a term of six years and the other Councilmember elected at such election shall serve for a term of four years, commencing on the second Monday after their election. Thereafter, on the second Tuesday in May of each odd-numbered year, an election shall be held for the election of Councilmembers to succeed the members of the City Council whose terms expire and each Councilmember elected shall serve for a term of four years. Also, at each of the elections required by this paragraph, a Councilmember shall be elected for any unexpired term that may exist.

The electors, in form and manner prescribed in section two of Article VIII, may by ordinance provide for the division of the City into districts or wards and require that one Councilmember to be elected at each election shall be a resident of each ward at the time of his election; provided that all Councilmembers shall be voted for at large.

(Amended at election May 13, 1969 and November 4, 1986) The City Council may, by resolution, change the date of any general election for the Mayor and City Councilmembers to another date in order to consolidate said election with an election of any other public agency which is held within one month of the dates set forth in this Charter for municipal elections. A notice of the change in the date of a general election shall be published for five days not earlier than the 120th day nor later than the 100th day prior to the date fixed for the election.

(Added at election November 4, 1986) On the first Tuesday following the first Monday of November, 1987, an election shall be held for the election of Councilmembers to succeed the members of the City Council whose terms expire. Thereafter on the first Tuesday following the first Monday in November of each odd-numbered year, an election shall be held for the election of Councilmembers to succeed the members of the City Council whose terms expire. The terms of the office of City Councilmembers shall commence on the second Monday following his or her election. City Councilmembers whose terms expire in May, 1987, shall remain in office and their terms shall not expire until after the November 1987 election for Councilmembers and their successors have taken office. City Councilmembers whose terms expire in May 1989 shall remain in office and their terms shall not expire until after the November 1989 election for Councilmembers and their successors have taken office.

(Added at election November 5, 2002) On the first Tuesday following the first Monday in November, 2002, an election shall be held for the election of Councilmembers to succeed the members of the City Council whose terms expire. Thereafter, on the first Tuesday following the first Monday in November of each even-numbered year, an election shall be held for the election of Councilmembers to succeed the members of the City Council whose terms expire. The terms of office of City Councilmembers shall commence on the second Monday following his or her election. Councilmembers whose terms expire in November, 2003, shall remain in office and their terms shall not expire until after the November, 2004, election for Councilmembers. Councilmembers whose terms expire in November, 2005, shall remain in office and their terms shall not expire until after the November, 2006, election for Councilmembers.

(Added at election November 5, 2002) Notwithstanding any other provision contained herein, the terms of office of City Councilmembers shall commence on the second Tuesday in January following their election. City Councilmembers whose terms would expire on the second Monday following an election shall remain in

office and their terms shall not expire until the second Tuesday in January after the election.

(Added at election November 2, 2004) On the first Tuesday following the first Monday in November, 2004, an election shall be held to reduce the number of Councilmembers from nine to seven beginning with the election scheduled in November 2008. At the election held on the first Tuesday following the first Monday in November, 2008, the electorate shall vote for three Councilmembers.

Sec. 4. The Councilmembers shall each receive the sum of five dollars for each day while sitting as a Board of Equalization; but no other compensation shall be paid unless the electors by ordinance proposed and adopted in accordance with Section Two of Article VIII, shall otherwise provide.

Sec. 5. Said Council shall fix the time and place for its regular meetings and adopt rules to govern its proceedings.

Sec. 6. (Amended at election November 2, 2004) Five members of the Council shall be necessary to constitute a quorum for the transaction of business; but a less number may adjourn from time to time and compel the attendance of absent members, and impose such fines as it may deem proper upon members refusing or neglecting to attend such meetings.

(Added at election November 2, 2004) Effective with the November 2008 election, four members of the Council shall be necessary to constitute a quorum for the transaction of business; but a less number may adjourn from time to time and compel the attendance of absent members, and impose such fines as it may deem proper upon members refusing or neglecting to attend such meetings.

Sec. 7. (Amended at election May 11, 1965; November 6, 1984; and November 2, 2004) No ordinance shall be passed, no officer appointed or removed, no contract shall be awarded and no obligation incurred by the City in excess of one thousand dollars without the affirmative vote of at least five members of the Council provided that, the Council may by ordinance authorize the City Manager to enter into contracts and incur obligations on behalf of the City not in excess of ten thousand dollars.

(Added at the election November 2, 2004) Effective with the November 2008 election, no ordinance shall be passed, no officer appointed or removed, no contract shall be awarded and no obligation incurred by the City in excess of one thousand dollars without the affirmative vote of at least four members of the Council provided that, the Council may by ordinance authorize the City Manager to enter into contracts and incur obligations on behalf of the City not in excess of ten thousand dollars.

Sec. 8. (Repealed at election November 4, 1980)

Sec. 9. (Amended at election April 14, 1953 and November 2, 2004) The Council shall appoint or provide for the appointment of a Clerk, Attorney and City Manager.

(a) After obtaining and considering the recommendations of the City Manager, the Council shall provide by ordinance or resolution, not inconsistent with this Charter, for the powers and duties of all officers and employees of the City.

Where positions are not incompatible, the Council may separate or it may combine in one person the powers and duties of two (2) or more officers except the office of the Police Chief and the office of Fire Chief. No office provided herein to be filled by appointment by the City Manager may be combined with an office provided herein to be filled by appointment of the Council.

(b) The officers of the City of Richmond shall consist of a City Manager, City Attorney, Clerk and their deputies. The City Manager, Clerk and Attorney shall be appointed by and may be removed by the affirmative votes of five (5) members of the Council.

(Added at the election November 2, 2004) Effective with the November 2008 election, the officers of the City of Richmond shall consist of a City Manager, City Attorney, Clerk and their deputies. The City Manager, Clerk and Attorney shall be appointed by and may be removed by the affirmative votes of four (4) members of the Council.

(c) Subject to other provisions of this Charter amendment, all persons holding permanent appointments as department heads at the time of the enactment hereof are hereby appointed to fill such positions.

(d) The Council shall provide for an annual audit of all accounts and books of all the departments of the City by an independent certified public accountant who is in no way connected with the City by a contract for a period not to exceed three (3) years. Such contract shall be in accordance with specifications recommended and submitted to the Council by the City Manager.

Sec. 10. (Amended at election May 14, 1963, June 4, 1968, and November 3, 1981) A vacancy in the Council shall be filled by a majority of the remaining Councilmembers; provided, that if such vacancy is not filled by appointment within sixty (60) days after the vacancy occurs, then a special election shall immediately be called by the Council to elect a Councilmember to serve for the unexpired term of the former incumbent; provided further, that if a special election is required to be held, the Council may, by resolution, consolidate it with an election of the City or of any other public agency if the next election of this City or of any other public agency is to be held within 365 days from the date of the vacancy. Any person appointed to fill a vacancy shall hold

office until the next regular election in which Councilmembers are to be elected, at which time a person shall be selected to serve the remainder of the unexpired term. For purposes of this section a vacancy shall be deemed to exist if a Councilmember, without the permission of the Council, absents himself from all regular City Council meetings for 60 days consecutively from the last regular meeting he attended.

Sec. 11. (As amended at election April 8, 1918) the Council shall, by ordinance, provide for the assessment, levy and collection of taxes, and shall act as a Board of Equalization in equalizing the value of property listed under the assessment roll. During the month of September in each year, it shall levy such tax as may be necessary to raise revenue for the maintenance of the City and the several departments during the fiscal year.

ARTICLE III-A
(added at election November 4, 1980)

The Mayor

Sec. 1. Elected Mayor. There shall be a Mayor of the City of Richmond who shall have the powers and duties and shall be elected by the voters in the manner set forth herein.

Sec. 2. Powers and Duties of the Mayor. The Mayor shall be a member of the City Council and shall have all of the powers and duties of a member of the Council unless otherwise specified herein. In addition, the Mayor shall have the following powers and duties:

(a) Political Position. The Mayor shall be the chief elected officer and ceremonial head of the City, responsible for providing civic leadership and taking issues to the people, and marshalling public interest in and support for municipal activity. The Mayor shall be concerned with the general development of the community and the general level of City services and activity programs and may develop and inform City residents of policies and programs which he or she believes are necessary for the welfare of the City.

(b) Policy, Program and Budget. The Mayor may make recommendations to the City Council on matters of policy and program which require Council decision and may propose ordinances and resolutions for Council consideration. The Mayor shall work with the City Manager in preparing an annual budget for submission to the City Council. The Mayor shall make an annual report to the City Council as to the conditions and affairs of the City.

(c) **(As amended at election November 6, 1984 and November 2, 2004) Appointments and Removals. The Mayor shall have the authority at any regularly scheduled meeting of the City Council to make appointments to or removals from all City boards, commissions and committees with the concurrence of at least four (4) other members of the City Council.**

(Added at the election November 2, 2004) Effective with the November 2008 election, the Mayor shall have the authority at any regularly scheduled meeting of the City Council to make appointments to or removals from all City boards, commissions and committees with the concurrence of at least three (3) other members of the City Council.

(d) Relationship with City Council. The Mayor shall be a voting member of and preside over meetings of the City Council. The Mayor shall annually appoint standing committees of the City Council; provided that the Mayor shall not be a member of such committees. Reports of the standing committees shall be made at regular City Council meetings or whenever the Mayor shall so require.

(e) (As amended at election November 2, 2004) **Continuance Authority.** The Mayor shall have the authority to continue any item being considered by the City Council at a Council meeting for up to two weeks. The Council may override an action taken by the Mayor to continue an item by the affirmative vote of five (5) members of the Council.

(Added at the election November 2, 2004) Effective with the November 2008 election, the Mayor shall have the authority to continue any item being considered by the City Council at a Council meeting for up to two weeks. The Council may override an action taken by the Mayor to continue an item by the affirmative vote of four members of the Council.

(f) **Administrative Responsibility.** The Mayor shall sign all contracts on behalf of the City which are acted upon and approved by the City Council unless otherwise delegated by the City Council to a City official or employee, and shall exercise such other powers and duties as provided in this charter and ordinances and resolutions of the City.

Sec. 3. **Election of Mayor; Term of Office; Nomination.**

(a) At the election scheduled to be held in this City in 1981 for the election of persons to fill four offices of City Councilmember to succeed the four members of the City Council whose terms expire, one of those offices shall be designated as the office of Mayor to be filled at such election and to be so filled at future elections every 4 years thereafter. The term of office of the Mayor shall be 4 years and shall commence on the second Monday following his or election. No person may serve as Mayor for more than two full terms.

(b) The procedure for nomination of candidates for the office of Mayor shall be the same as for the nomination of candidates for the office of City Councilmember as set forth in the City Charter. A person shall be eligible to hold the office of Mayor if the person is an elector of this City and is a registered voter of this City at the time of the filing of the petition for nomination of the person as a candidate for the office of Mayor. If during a Mayor's term of office such person moves his or her of residence outside of the limits of this City or ceases to be an elector of this City, such person's office shall immediately become vacant.

(c) A person may not, in connection with the same election, be a candidate for both the office of City Councilmember and the office of Mayor, and in any instance where a person happens to be nominated as a candidate for both of such offices concerning the same election, each nominating petition shall be null and void unless the candidate shall designate on a form provided by the City Clerk which office he shall be a candidate for and, upon making such designation, his or her name shall appear on the ballot as a candidate for the designated office if such form is filed with the City Clerk

within the period set forth in this charter for the filing of a nominating petition for the office designated.

(d) The ballot at an election where the office of Mayor is to be filled shall designate the office, and the candidates therefore, separate and apart from the candidates for the office of City Councilmember.

(e) **(Added at election November 4, 1986 and amended at election November 5, 2002) On the first Tuesday following the first Monday of November, 2006, an election shall be held for the election of a Mayor to succeed the Mayor whose term expires. Thereafter, the election of a Mayor to succeed the Mayor whose term expires shall be held on the first Tuesday following the first Monday in November in every other even-numbered year. The Mayor whose term expires in November, 2005, shall remain in office and his term shall not expire until after the November, 2006, election for Mayor. The term of office of the Mayor shall commence on the second Tuesday in January following his or her election.**

Sec. 4. Vice Mayor. The City Council shall elect from among its members a Vice Mayor. In the absence or disability of the Mayor, the Vice Mayor shall serve as the Mayor. The Vice Mayor shall also represent the Mayor upon his or her request. The Vice Mayor shall serve for a term of one year.

Sec. 5. Filling Vacancy in the Office of Mayor. If there is a vacancy in the office of Mayor, the Vice Mayor shall serve as the Mayor until a new Mayor is elected and takes office. A special election shall be called by the City Council and held to elect a new Mayor, to serve for the unexpired term of the former Mayor, within a period of 180 days from the date of the vacancy unless a regular election is scheduled to be held to elect a Mayor with 365 days from the date of the vacancy. If such special election is required to be held, the City Council may, by resolution, consolidate it with an election of this City or of any other public agency if the next election of this City or of the other public agency is to be held with 365 days from the date of the vacancy. Such special election shall be held in accordance with applicable general laws of the State of California governing elections within municipalities unless otherwise provided by ordinance adopted by the City Council. For purposes of this section, a vacancy shall be deemed to exist if the Mayor, without the permission of the Council, absents himself from all regular City Council meetings for 30 days consecutively from the last regular meeting he attended.

Sec. 6 **(As amended at election November 2, 2004) Compensation. The Mayor shall be paid a salary of Three Thousand Dollars (\$3,000) per month. Said compensation may be increased by ordinance adopted by the affirmative vote of five (5) members of the City Council, not counting the Mayor. Such ordinance shall be subject to referendum. In addition, the Mayor shall be reimbursed for expenses necessarily incurred in the performance of his powers and duties. The Mayor shall not receive the salary payable to City Councilmembers.**

(Added at the election November 2, 2004) Effective with the November 2008 election, the Mayor shall be paid a salary of Three Thousand Dollars (\$3,000) per month. Said compensation may be increased by ordinance adopted by the affirmative vote of four (4) members of the City Council, not counting the Mayor. Such ordinance shall be subject to referendum. In addition, the Mayor shall be reimbursed for expenses necessarily incurred in the performance of his powers and duties. The Mayor shall not receive the salary payable to City Councilmembers.

Sec. 7. The provisions of this Article III-A shall prevail over any other provision or provisions of this Charter which may be inconsistent with the provisions of this Article III-A.

ARTICLE IV

Duties of Officers

Sec. 1. (Amended at election April 14, 1953) City Manager. (a) The City Manager shall be chosen by the Council solely on the basis of his executive and administrative qualifications with special reference to his actual experience in, or his knowledge of, accepted practice in respect to the duties of his office as hereinafter set forth. At the time of his appointment, he need not be a resident of the City or State, but during his tenure of office he shall reside within the City.

(b) The City Manager shall be the chief executive officer and the head of the administrative branch of the City Government. He shall be responsible to the Council for the proper administration of all affairs of the City and to that end, subject to the personnel provisions of this Charter, he shall have power and shall be required to:

(1) Appoint and, when necessary for the good of the service, remove all department heads and employees of the City except as otherwise provided by the provisions pertaining to Personnel Administration of this Charter and except as he may authorize the head of a department to appoint and remove subordinates in such department;

(2) Prepare the budget annually and submit it to the Council and be responsible for its administration after adoption;

(3) Prepare and submit to the Council as of the end of the fiscal year a complete report on the finances and administrative activities of the City for the preceding year;

(4) Keep the Council advised of the financial condition and future needs of the City and make such recommendations as may seem to him desirable;

(5) Perform such other duties as may be prescribed by this Charter or required of him by the Council, not inconsistent with this Charter.

(c) To perform his duties during his temporary absence or disability, subject to the approval of the Council, the Manager may designate, by letter filed with the City Clerk, a qualified administrative officer of the City. In the event of failure of the Manager to make such designations, the Council may, by resolution, appoint a department head of the City to perform the duties of the Manager until he shall return or his disability shall cease.

Sec. 2. Clerk. It shall be the duty of the Clerk to keep a true record of the proceedings of the Council and record the same in proper books kept for that purpose. He shall have power to administer oaths in connection with all matters relating to the municipality.

Sec. 3. Attorney. The Attorney shall act as the legal adviser of the Council and any officer of the City who requests his advice. He shall prepare all ordinances and contracts whenever required so to do by the Council. He shall prosecute all violators of the City ordinances and shall represent the City in all actions.

Sec. 4. The Council may require any or all of the above officers to give official bonds in such sums as it may deem proper, and the City shall pay all premiums upon surety bonds when such bonds are given. It may provide for the appointment of such deputies and assistants as may be required, and shall fix the compensation of all officers and such deputies and assistants. All of the above officers shall perform such other services as the Council may require and serve during its pleasure.

ARTICLE V

Elections

Sec. 1. (Amended at election June 4, 1968) All elections for Councilmembers shall be held in accordance with the general laws of the state governing elections within municipalities unless otherwise provided by this Charter or by ordinance of the Council.

Sec. 2. (Amended at election June 3, 1980) Petitions shall be filed in the office of the City Clerk for the nominations of Councilmembers asking that the person named therein be a candidate for the office of Councilmember and giving the residence of said person within the City of Richmond. A filing fee in the amount of two percent (2%) of the annual salary of the office to which nomination is sought shall be paid to the Clerk at the time of filing the petition for nomination.

(Former Section 2, Sections 4, 5 and 6, repealed at election November 4, 1980.)

(Art. VI, School Department, Secs. 5, 6 and 7 repealed at election May 9, 1961, Secs. 1-4 repealed at election June 4, 1968).

(Art. VII, Police Court, repealed at election May 9, 1961).

ARTICLE VIII

The Recall, Initiative and Referendum

Sec. 1. (Amended at election June 4, 1968) The powers of recall, initiative and referendum shall be exercised in accordance with the constitution and general laws of the State of California.

(Secs. 2 and 3 repealed at election June 4, 1968.)

ARTICLE IX

Miscellaneous

Sec. 1. The ordaining clause of all ordinances adopted by the Council shall be: "The Council of the City of Richmond do ordain as follows:"

Sec. 2. The electors may, in form and manner prescribed in Section 2 of Article VIII, provide the manner in which any municipal power may be exercised and restrict the power of the Council in respect thereto.

Sec. 3. No officer of the City shall be interested in any contract entered into by the City, and the general laws of the State forbidding City officials to be so interested are hereby made a part of this Charter.

Sec. 4. No member of the Council shall hold any other municipal office, or hold any other office, or employment, the compensation of which is paid out of the municipal monies; or be elected or appointed to any office created or the compensation of which is increased by the Council while he was a member thereof, until one year after the expiration of the term for which he was elected.

Sec. 5. No person, firm or corporation shall ever exercise any franchise, license, permit, easement, privilege or other use, except insofar as he or it may be entitled to do so by direct authority of the Constitution of the State of California, or of the constitution or laws of the United States, in, upon, over, under or along any street, highway or public place in the City unless he or it shall have first obtained a grant therefore in accordance with the provisions of this Charter.

Sec. 6. (Amended at election May 11, 1965) The Council shall publish once annually a financial report of the City in a newspaper of general circulation in the City.

Sec. 7. Liens for taxes levied and to be levied shall attach to the property charged therewith on the first Monday in March at 12 o'clock Midnight.

Sec. 8. (Amended at election November 7, 1972, and November 3, 1981) No general obligation bonded indebtedness which is by its terms repayable from ad valorem taxes on all property in the City subject to taxation by the City shall be incurred unless the same shall be first authorized by a vote of two-thirds of the voters voting at an election held for the purpose of voting on the proposition to incur such indebtedness; and no such general obligation bonded indebtedness shall be incurred for the purpose of improving the waterfront the aggregate outstanding principal amount of which shall at any time exceed six percent of the assessed value of the property within the City subject to taxation for the payment of such indebtedness. Notwithstanding any other provision of this Charter, the Council may issue revenue bonds for any lawful purpose, in such manner and upon such terms and conditions as it may fix and establish by the provisions of a procedural ordinance. Such bonds shall be payable only out of revenues by the Council and shall not constitute an indebtedness of the City. This Section shall be deemed to provide a complete, additional and alternative method for doing the things authorized hereby, and shall be regarded as supplemental and additional to the powers conferred by other laws.

Sec. 9. (Amended at election April 14, 1953) If any article, section, subsection, paragraph, sentence, clause, phrase or description contained in this Charter and any amendments hereto shall for any reasons be held invalid or unconstitutional, such holding shall not affect the validity or constitutionality of the remaining portions of this Charter and amendments hereto.

Sec. 10. (Added at election May 14, 1963) The City of Richmond shall have the right and power to make and enforce all laws and regulations in respect to municipal affairs, subject only to the restrictions and limitations provided in this Charter; provided, however, that nothing herein shall be construed to prevent or restrict the City from exercising or consenting to, and the City is hereby authorized to exercise any and all rights, powers and privileges heretofore or hereafter granted or prescribed by general laws of the State.

ARTICLE X

This charter shall take effect at noon on July 1, 1909; provided that all provisions relative to elections, and the nomination of candidates for public office shall be operative upon the approval of this charter by the legislature, and the Board of Trustees of the City of Richmond is hereby directed to provide for all elections to be held prior to the first day of July, 1909, and to issue certificates of election to the persons elected the office of Councilmember.

All of the officials of the City of Richmond in office at the time this charter takes effect shall continue to perform the duties now required of them until their successors are appointed and qualified as in this Charter provided.

ARTICLE XI

(Added by election November 3, 1936)
Police and Firemen's Pension Fund

Sec 1. (Amended at election May 11, 1965; May 10, 1977; and November 2, 2004)

(a) There is hereby created a Pension Fund for the benefit of the officers and members of the police and fire departments of the City of Richmond, who were employed prior to October 16, 1964, to be established, maintained and administered as hereinafter provided.

(b) There is hereby created a Pension Board which shall consist of seven members, namely, the Mayor, City Manager, Director of Finance, two members appointed by the Mayor, with the concurrence of five (5) members of the City Council, each of whom shall be and remain a resident of this City in order to be a member of said Board and serve a term of five years, one representative of the Police Department and one representative of the Fire Department.

(Added at the election November 2, 2004) Effective with the November 2008 election, there is hereby created a Pension Board which shall consist of seven members, namely, the Mayor, City Manager, Director of Finance, two members appointed by the Mayor, with the concurrence of four (4) members of the City Council, each of whom shall be and remain a resident of this City in order to be a member of said Board and serve a term of five years, one representative of the Police Department and one representative of the Fire Department.

(c) Said Board shall be constituted as of the first of the month after the effective date of this amendment.

(d) The representative of the Police Department and of the Fire Department shall serve a term of five (5) years.

(e) Separation from employment with the City of Richmond on the part of either of such department representatives shall result in a vacancy on said Board, and any such vacancy so caused or arising in any other manner shall be filled for the unexpired term of the particular representative who leaves said Board through the following election procedure, except that retirement pursuant to this Article XI by a representative who is on said Board shall not result in a vacancy on said Board.

(f) A new representative for the particular department shall be elected by secret ballot vote of the active members in the Police and Firemen's Pension Fund System of the department and of the retired members of such department, who are receiving pensions pursuant to this Article XI. Such election procedure shall also apply to the election of a representative of the Police Department and a

representative of the Fire Department upon the expiration of the terms of such representative. A procedure for conducting such elections shall be established by the City Clerk. Either an active member of the Police and Firemen’s Pension Fund System in the department for whom a representative is to be elected or a retired member of such department who is receiving a pension under this Article XI may be elected to said Board to represent the particular department.

(g) Four (4) members of said Board shall constitute a quorum for the transaction of business. All action of the Board shall be concurred in by four (4) members.

(h) The City Attorney and the City Clerk shall be ex-officio members of the Board without vote in the proceedings. The City Clerk shall be ex-officio Clerk of said Board and shall keep a record of the proceedings of the Board in the manner provided for keeping a record of the proceedings of the City Council. Said Board shall meet at least once each month.

(i) Said Board shall have exclusive control of the administration and investment of said Pension Fund, except as herein provided for action by the City Council, and shall transmit to the Director of Finance monthly an itemized list of, and showing the authority for, all payments to be made from said Fund for pensions currently payable and all expenses of the Board, and the Director of Finance shall pay all warrants therefore against said fund only when so authorized, and when signed by the Director of Finance and countersigned by the Clerk of the Board.

(j) Said Board shall render annually, on or before the 5th day of July, a report to the City Council for the previous fiscal year, showing all receipts and disbursements, the names of all persons on the pension roll, the amount paid each, and the balance remaining in said fund.

(k) On or after the effective date of this amendment, the City, after hearing the recommendation of the Board, shall employ, on a permanent or retainer basis, an actuary who is a member of the American Society of Actuaries experienced in public employee pension plans or any other competent actuary who is experienced in public employees’ pension plans. It shall be the actuary’s duty to review at least once every three years, in January of that year, the status of the Fund and to make necessary recommendations to the City and the Board.

Sec. 2. (Amended at election May 11, 1965, and amended at election November 3, 1970)

(a) The term “salary,” for the purposes of this Article, shall be defined as the basic rate of pay as set forth in the salary ordinance adopted by the City and does not include overtime, acting or extra-hazardous duty pay, or other salary differential.

(b) Any member of the police or fire departments who shall have served in either such department for a minimum period of twenty-five (25) years in the aggregate in any capacity or rank whatsoever shall, on his petition as hereinafter prescribed, or by order of the Pension Board if it be deemed for the good of the department, be retired from further service in such department, and shall thereafter, during his lifetime, be paid in equal monthly installments from said fund, a yearly pension equal to one-half (1/2) of the annual salary attached to the rank or position held by him in such department one (1) year prior to the date of such petition, or such order of said Board; provided, that in case of any change in salary at any time after such retirement for such rank or position, the pension shall after each and every such change be one-half (1/2) of such salary as changed. No involuntary removal of a member from the department shall deprive him of the benefits of this section after said twenty-five (25) years' service except such removal be for habitual drunkenness, notorious insubordination, conviction of a felony, or crime involving moral turpitude, and then only if the Pension Board shall in its discretion order that such removal operate to deprive such member of said benefits.

(c) In addition to the full retirement allowance hereinabove provided, any member retiring for full service retirement as provided in Paragraph (b) hereof, after the effective date of this section, shall receive an additional bonus allowance at the rate of one and two-thirds percent (1-2/3%) of said compensation for each year of service rendered after the effective date of this section and qualifying for full service retirement as provided in Paragraph (b) hereof, such additional bonus allowance not to exceed ten (10) years' service, provided that if he, after 25 years of credited service is then under 52 years of age, he continued in service at least 5 more years; if between 52 and 54 he continued in service at least 4 more years; and between 54 and 56 he continued in service for at least 3 more years; if between 56 and 58 he continued in service for at least 2 more years; and if 58 or over he continued in service for at least 1 more year.

Should a member, after 25 years of service and after the effective date of this section, and after having earned a bonus allowance of 1 or more years, become incapacitated for the performance of duty, service or non-service connected, and is thereafter retired from service, he shall not in such event forfeit any bonus allowance that he may then have conditionally credited to him.

The bonus allowance provided for herein shall not be transferable to or utilized in the computation of the amount of pension benefit provided for dependents of eligible employees as provided in Section 9 of this Article. All bonus allowances granted herein shall be on a fixed and not on a fluctuating basis; said bonus allowance shall be based on one-half (1/2) of the annual salary attached to the rank or position held by him in such department (1) year prior to the date of his retirement.

(d) Notwithstanding any provision contained in this Article, retirement under subsection 2(b) shall be compulsory upon such member reaching age of sixty-six (66) years.

(e) Notwithstanding any other provision of this Section 2 to the contrary, at any time after a member of the Police or Fire Departments becomes eligible for a full service retirement as provided in Paragraph (b) hereof, he shall have the option to file with the Director of Finance of the City of Richmond a written affidavit, on a form provided by said Director, which declares that rather than receive any bonus allowance whatsoever to which he may be entitled otherwise under Paragraph (c) of this Section 2, he thereby chooses to have the City no longer deduct from his salary the amount which would otherwise be deducted therefrom for pension purposes pursuant to Article XI of this Charter as such Article XI is now or hereafter worded.

(Added at election May 13, 1975) (f) Notwithstanding any other provision of this Article XI to the contrary, if a member of the Police or Fire Department continues in service after having accumulated the maximum additional bonus allowance provided for in paragraph (c) of this Section 2, there shall no longer be any deduction made from such member's salary by the City for pension purposes under Article XI of this Charter nor any contribution by the City for pension purposes under said Article XI, as such article is now or hereafter worded, in relation to such member's salary during the remainder of such member's employment with the City of Richmond as a member of the Police or Fire Department.

Following the receipt of such affidavit by said Director of Finance, he shall stamp the date of its receipt thereon and such action shall be deemed to constitute the filing of such affidavit with said Director. After the filing of such affidavit, there shall no longer be any deduction made from such member's salary by the City for pension purposes under Article XI of this Charter nor any contribution by the City for pension purposes under said Article XI as such Article is now or hereafter worded, in relation to such member's salary during the remainder of such member's employment with the City of Richmond as a member of the Police or Fire Department. The exercise of such option through the filing of such affidavit with said Director of Finance shall be irrevocable, and such member shall be deemed to have thereby permanently waived each and every right to any bonus allowance to which he may have been entitled otherwise under Paragraph (c) of this Section 2.

Sec. 3. (Amended at election May 14, 1945 and June 4, 1968) In determining the period of service necessary to render any member eligible for a pension under the provisions hereof, aggregate service only shall be considered dating from the date when the member commenced employment as a member of either the Police or Fire Departments and including any time served by such member in a probationary status in either of said departments. Such service need not be continuous and may be as a member of either said departments, and any rights acquired by service shall not be lost by reason of resignation or withdrawal from either said departments, except as otherwise expressly provided.

All time served by any member of either said departments, who leaves the service of either department to enter the armed forces of the United States, while the United States is engaged in war, or immediately prior thereto, as well as after the termination of

hostilities of all wars in which the United States is engaged, shall be included in the aggregate service of such member; provided that such member must apply for employment in either said departments within ninety (90) days after discharge under honorable conditions. This shall apply to all wars involving the United States, past, present and future.

Sec. 4. The pension herein provided for shall be payable in equal monthly installments from the date of retirement during the life of the pensioner, unless such pension shall be terminated by the Pension Board as hereinafter provided.

Sec. 5. (a) (Amended at election May 11, 1965 and May 13, 1975) Should any member of the Police or Fire Departments, by reason of bodily injury received in, or sickness resulting from the discharge of his duties in his department, become so physically disabled as to render necessary his retirement from active service, the Pension Board shall order and direct that such person so retired be thereafter paid during his lifetime, unless cancelled and terminated by the Pension Board as hereinafter provided, a yearly pension equal to one-half (1/2) the amount of the salary attached to the rank or position held by him in such department at the date of such retirement; provided, that in case of any change of salary at any time after the date of such retirement for such rank or position, the pension shall after each and every such change be one-half (1/2) of such salary as changed.

In granting a disability pension, pursuant to the paragraph directly above, the Board shall require, as a condition to his receiving said pension, the pensioner to submit his claim to the Workmen's Compensation Appeals Board of the State of California, and in the event that said Workmen's Compensation Appeals Board makes a finding that the disability was non-service connected, then the Board shall review the matter to determine whether or not the said disability pension shall be revoked. The City Council, after the aforesaid finding and the review by the Board, shall also have the right to review the matter and may, on its own motion, grant or revoke said disability pension.

(Amended at election May 13, 1975) Should any such employee after twelve (12) years of service become totally permanently disabled by reason of injury or sickness not received in or resulting from the discharge of his duties as such employee, the Pension Board shall order and direct that such person so disabled be retired and thereafter paid during his lifetime, unless cancelled and terminated by the Pension Board, as hereinafter provided, a yearly pension equal to such proportionate share of one-half (1/2) of the amount of annual salary attached to the position held by him during the three (3) years prior to the date of such retirement as the number of years actually served bears to twenty-five (25) years.

(b) (Amended at election May 14, 1945) After twenty (20) years' service, any member of the Police or Fire Departments may apply to said Pension Board for retirement, or may, by the Pension Board on its own motion, be retired on a limited annual pension equal to such proportionate share of one-half (1/2) of the annual salary attached to the rank or position held by such applicant one (1) year prior to the filing of

such application, as the number of years actually served bears to twenty-five (25) years. For example, if said service has been for twenty-two (22) years, said pension shall be twenty-two twenty-fifths (22/25ths) of said one-half (1/2) of said annual salary; provided, that in the event of a subsequent change of the salary of such rank or position, said pension provided for in this Section 5(b), shall be said fractional portion of the salary as changed from time to time.

Upon the receipt of such application, it shall be the duty of the Pension Board to investigate the same and in its discretion to grant or deny such application; provided, that any denial of such application shall be without prejudice to the rights of such applicant. Provided further, that no removal of a member from the department after twenty (20) years' service shall operate to deprive him of the benefits of this section except when such removal be for habitual drunkenness, notorious insubordination, conviction of a felony, or crime involving moral turpitude, and then only in the event the Pension Board in its discretion orders that such removal operate to deprive such member of the benefits hereof.

(c) Any pension granted to any member of the Police or Fire Departments for disability as provided for in this section shall cease when the disability ceases and such person shall, subject to department rules and the provisions of the Charter governing the employment of City employees, be restored to active service in the department of which he was a member at the time of retirement, and the time he is not in active service shall be computed in calculating his aggregate service for all purposes under the provisions hereof.

Sec. 6. Any person retired for disability hereunder may be summoned before the Pension Board at any time and shall submit himself for examination as to fitness for duty, and shall abide by the decision and order of said Board with reference thereto. In case of great public emergency, any person retired hereunder may be assigned to and shall perform such duties as the Chief of his department shall direct. No pensioner shall be compelled to work in any department other than the one from which he has been retired.

All members of the Police and Fire Departments who shall be retired hereunder shall report to the chiefs of the respective departments in person, or in writing, at such time as may be fixed and designated by resolution of the Pension Board.

Sec. 7. (Amended at election May 11, 1965) Any member of either the Police or Fire departments who desires to be retired on a pension shall file with the Pension Board a verified petition which shall contain the name and age of the petitioner, the rank or position held by him on the date of filing the petition, the salary of said rank or position, the rank held and the salary received by said petitioner one (1) year prior to the date of filing said petition, the date of entry into the service, and the aggregate service of said petitioner. If said petitioner desires to be retired on a pension on account of disability, said petition shall also set forth the nature and extent of the disability, when and how received, and there shall be attached to said petition a report of the physical condition of said petitioner by a legally licensed physician, which report shall be subscribed and

sworn to by said physician. Such petition may be filed by the legally appointed guardian of any person entitled to a pension hereunder. Upon the filing of such petition, the Board shall fix a date for the hearing thereof and shall notify the petitioner of the date of such hearing.

Sec. 8. (Amended at election May 11, 1965 and November 6, 1984) No persons shall be retired from disability hereunder or receive any pension therefore unless there shall be filed with the Pension Board certificates of disability subscribed and sworn to by three (3) legally licensed practicing physicians, one to be selected by the petitioner whose certificate of disability shall be attached to the petition as herein above provided, one of whom shall be the City Physician, and one of whom shall be selected by the Pension Board; provided that, the Pension Board may grant a disability retirement where less than three (3) certificates of disability are submitted if there is sufficient medical evidence of disability. The Board may require other and additional evidence of disability before ordering such retirement, but only on satisfactory evidence of disability and of the right to be retired as provided herein, said Pension Board shall retire such person. The decision of the Pension Board shall be final and conclusive.

Sec. 9. Whenever any member of the Police or Fire Departments shall die, either:

(a) As a result of any injury received in the discharge of his duty as a member of such department;

(b) From sickness resulting from the discharge of his duty as a member of such department;

(c) After the retirement of such member on a pension; or

(d) While such member is eligible for retirement as a matter of right as herein provided, an annual pension in an amount equal to one-half (1/2) of the salary attached to the rank or position held by such deceased member at the time of his death or retirement in the cases provided for in subdivisions (a) to (d) of this Section 9, or in an amount equal to the pension provided for by Section 5 (b) hereof, or in case of any change of such salary at any time after the date of said death, then in an amount equal to either said one-half (1/2), or other fractional part of such salary, as provided in said Section 5 (b), and as changed from time to time, shall be paid as follows:

(1) If such member shall leave surviving him a widow, such pension shall be payable in equal monthly installments to her during her lifetime, or until she shall remarry. If such widow shall die or remarry and there shall be living a child or children of such deceased member under the age of eighteen years, such pension shall after her death or remarriage be payable to such child or children under the age of eighteen years for its or their exclusive use and benefit, in the manner and subject to the conditions contained in the next paragraph regarding pension payments to child or children.

(2) If there shall be no surviving widow but shall be a child or children of such deceased member under the age of eighteen years, such pension shall be payable to such child or children, or to their legal guardian, in the discretion of the Pension Board, for the sole use and benefit of such children, in equal shares; provided, that such pension shall terminate as to each child upon the death of such child, or when such child reaches the age of eighteen years, or upon the marriage of such child prior to the age of eighteen years, and the portion thereof payable to such child shall be payable, share and share alike, to the remaining unmarried children under the age of eighteen years.

(3) If such member shall leave surviving him no widow and no child or children under the age of eighteen years, but shall leave a dependent parent or parents, then the Pension Board shall have power upon ascertaining the fact of such dependency, to allow such pension or such part thereof as said Board may fix to be paid to such parent or parents while such dependency shall continue, or until the further order of said Board. any such order may be modified by said Board from time to time; provided that such pension so allowed shall not exceed the said one-half (1/2) of the salary as hereinbefore specified; and provided further, that any pension granted either before or after death, on the grounds provided in said Section 5 (b), shall not be a matter of right in any event but shall be at the discretion of said Board.

(4) In the event that a member of the police or fire departments who has been pensioned shall have married after being placed on the pension list, upon the death of such member his widow, or any child or children of the issue of said marriage, shall not be entitled to any pension under the terms hereof.

The term "widow" as used in this Section shall not mean or include the wife of any member who is, without cause, living separate or apart from her husband at the time of his death, or who, if divorced, has not by the terms of any interlocutory or final decree of divorce been allowed any amount for her support and maintenance. The Pension Board is empowered to hear and consider the application of such wife and determine in its judgment whether such separation was justifiable on the part of such wife, and said Board may in its discretion allow or disallow to such wife the pension herein provided for, and its decision shall be final and conclusive.

Sec. 10. Whenever any person who shall receive any pension hereunder shall fail to report himself as herein required, or shall willfully disobey the requirements and orders of the Pension Board, or shall be convicted of a felony or crime involving moral turpitude, become dissipated, or become a non-resident of this State, except by the permission of the Board, then said Board may, after notice to the pensioner, order that the pension payments to him shall immediately cease and terminate, and the Pension Board, in its discretion, may order the pension to be paid to the dependents of said pensioner, if there be any, in the order of succession set forth in Section 9. The mailing of said notice by registered mail to the last-known address of said pensioner, as shown on the book of said Board, shall constitute service of the notice herein required to be given.

Sec. 11. In the event of refusal by a widow receiving a pension hereunder to provide for a dependent child or children of a deceased member of the Police or Fire Department, the Pension Board upon satisfactory proof thereof shall have the power to divide the pension as it may deem proper.

Sec. 12. (Amended at election, May 11, 1965) The Pension Board shall in addition to other powers granted herein, have power:

(a) To compel witnesses to attend and testify before it upon all matters connected with its duties hereunder, in the same manner as is or may be provided by law for the taking of testimony before notaries public, and the president of (or) any member of said Board may administer oaths to such witnesses;

(b) To make all needful rules and regulations for its organization and functioning in conformity with the provisions hereof;

(c) To provide for the payment from said Fund of all its necessary expenses; provided, that no compensation or emolument shall be paid to any member of said Board for any duty required or performed hereunder.

Sec. 13. (Amended at election, May 11, 1965) There shall be paid into said fund all rewards or donations of money given to said departments or members thereof for meritorious work or accomplishments in the performance of duty, as well as all other gifts or donations to said Fund from any source.

Sec. 14. (Repealed at election May 11, 1965).

Sec. 15. (Amended at election May 11, 1965) Commencing on the effective date of this amendment, the City shall make contributions annually in the amount of ten percent (10%) of the total annual salary of the members of said departments, and said members of said departments shall make annual contributions in the amount of ten (10%) of the said total annual salary to the Fund herein created.

Whenever the actuary, as provided in Section 1, shall report that the Fund is fiscally sound, taking into account such factors as the interest which shall be earned on the contributions, the compensation experience of the members, the probabilities of separation from service for all causes, death after retirement, and any other pertinent factors, then the Pension Board shall decrease equally the percentages to be contributed by both the City and the members of said departments; provided, however, that whenever the annual report of said actuary reflects or anticipates a deficit, then the Pension Board shall recommend to the City Council that appropriate increases be made equally in the contributions of both the City and the members of said departments; and the City Council may make appropriate increases in the contributions of both the City and the members of said departments; provided, further, that in no event shall the said demands for contributions provided herein to be made by the members of said departments exceed ten percent (10%) of the total annual salary of the members of said departments.

Sec. 16. (Amended at election November 8, 1966) All moneys for said Fund shall be paid into the City treasury and kept by the Director of Finance in banks as are other public funds, in accordance with the laws of the State of California and the Charter of the City of Richmond. Said Fund shall be kept inviolate and no portion thereof shall ever be transferred to any other fund or used for any other purposes than those specified herein. Reserves in said Fund not needed in any fiscal year for current payments of pensions ordered by the Pension Board and expenses of the Board may, as directed by resolution of the Pension Board, be invested for the benefit of said Fund as hereinafter provided:

(a) In investments which are authorized by General law for savings banks.

(b) In investments other than those specified in subdivision (a) hereof, including, but not limited to, corporate bonds and securities, common stocks, preferred stocks, investments in real estate and investment trusts, provided that the total amount invested pursuant to this subdivision shall not exceed fifty percent (50%) of the total amount of funds invested pursuant to this section, and provided further that the following conditions are met:

(1) Any stocks or other corporate securities in which funds are invested, except stocks of banks, insurance companies or mutual funds, shall be registered on a national securities exchange as provided by the Federal Securities Exchange Act.

(2) The total amount invested in common and preferred stocks shall not exceed at cost at the time of purchase twenty-five percent of the total amount invested pursuant to this section.

(3) The total amount invested in the common and preferred stocks of any one company shall not exceed at cost of the time of purchase two percent of the total amount invested pursuant to this section and shall not exceed five percent of the outstanding preferred or common stock of that company.

(4) No funds shall be invested in the common stocks of any company unless it has paid cash dividends on such stocks in eight of the ten years immediately preceding its purchase by the Board.

(5) No funds shall be invested in the stocks or other securities of any company other than a bank or insurance company unless it has assets of at least one hundred million dollars (\$100,000,000), or in the stocks or other securities of a bank or insurance company unless it has assets of at least fifty million dollars (\$50,000,000).

(6) The total amount invested in real estate and other than real estate owned by or leased to the City of Richmond, which amount may include land, buildings, land and buildings or real estate loans, shall not exceed twenty-five percent of the total amount invested pursuant to this section and such investments shall be restricted to first trust deeds which are insured by the Federal Housing Administration or which are guaranteed by the Veterans Administration.

(c) The Board may, when making investments pursuant to subdivision (b) hereof, employ the services of competent investment counsel.

Sec. 17. Every person who is granted a pension hereunder for causes included within the purview of the Workmen's Compensation Insurance and Safety Act of 1917, of the State of California, and amendments thereto heretofore and hereafter adopted, and who shall receive compensation under and pursuant to the provisions of said Act, shall be entitled to only such monthly amount hereunder as will when added to the amount allowed and received and to be received monthly under said Act, equal the total monthly pension herein provided for.

Sec. 18. (Amended at election May 11, 1965) If any member of the Police or Fire Departments shall become separated from the service, either voluntarily or involuntarily, then and in that event one-half (1/2) of all moneys, exclusive of interest, paid into said Fund by such member shall be returned to him.

If any member of either said Police or Fire Departments shall die under circumstances not mentioned in Section 9, without having served in either said departments for a minimum period of twenty (20) years in the aggregate in any capacity or rank whatsoever, then and in that event all moneys, exclusive of interest, paid into said fund by such member, shall be returned to his estate; or, if he shall die under such circumstances after having served twenty (20) years, and shall leave surviving him a widow or other dependents mentioned in Section 9, the Pension Board shall grant a limited pension upon such deal equal to such proportionate share of one-half (1/2) of the annual salary attached to the rank or position held by the decedent one (1) year prior to his death, as the number of years actually served bear to twenty-five (25) years, to be paid to such dependents in order of succession set forth in Section 9; provided, that in the event of a subsequent change of the salary of such rank or position, said pension provided for in this Section 18 shall be said fractional portion of the salary as changed from time to time.

Sec. 19 (Repealed at election June 4, 1968).

Sec. 20. (Amended at election May 11, 1965) Said Fund shall not benefit any persons whose employment by the City of Richmond commenced on or after October 16, 1964, and none of the provisions of this Article shall apply to, obligate or benefit any such persons since all members of the Police and Fire Departments of the City of Richmond hired or to be hired, or reinstated or to be reinstated, on or after October 16, 1964, are or will be members of the State Employees' Retirement System.

Sec. 21. (added by election May 12, 1959) Wherever in this Article XI the words City Treasurer, Treasurer, City Auditor or Auditor appear, such words shall be stricken and there shall be substituted in lieu thereof the words Director of Finance.

Whenever in this Article XI the words widow or surviving widow appear there shall be substituted in lieu thereof the words spouse or surviving spouse, and wherever the words wife or husband appear the word spouse shall be substituted in lieu thereof, and wherever the masculine pronoun is used there shall be added thereto the appropriate feminine pronoun.

It is the purpose and intent of this section to make all of the provisions of this Article XI inure to the benefit of and apply to female members of the Police and Fire Departments.

Sec. 22. (added at election May 11, 1965) The City Council shall by ordinance adopted prior to December 31, 1965, authorize the Mayor and City Clerk to execute on behalf of the City, and the Mayor and City Clerk shall execute on behalf of the City pursuant to the provisions of the State Employees' Retirement Law of the State of California, an amendment to the contract between the City Council of the City of Richmond and the Board of Administration of the California State Employees' Retirement System whereby any person who was an employee prior to October 16, 1964, and is not eligible for retirement under this Article as of January 1, 1966, and who is a fireman or policeman within the meaning of said Law and elects to waive his rights under

this Article, shall become a local safety member of said System and be entitled to all benefits, rights and obligations thereof in accordance with said Retirement Law and said contract. The effective date of said amendment shall be January 1, 1966. The City Council shall by resolution designate the dates on or before which such election may be made by said persons. In addition to payments made by the City into said Fund pursuant to Section 15 of this Article, the Director of Finance, before January 1, 1966, shall pay out of the Treasury of the City into said fund amounts of money equal to all sums which have been paid into said Fund by all persons who become local members of said System, and which under appropriate provisions of said Retirement Law are required to be transferred to said System, and the City Council shall make provisions therefore in its budget. Amounts so paid into the Fund shall not be subject to Section 16 of this Article and shall be transferred by the Board to said System. The City council shall have the power to do all acts and things necessary and appropriate to perform such contract with said System and to comply with the provisions of said Retirement Law, and to execute such amendments to said contracts as may be permitted from time to time under said Retirement Law at the discretion of the City Council. None of the provisions of this Article other than this section shall apply to, obligate, or benefit any person who has elected to waive all his rights under this Article and has become a member of said System pursuant to the amendment to the contract, or who enters or, since October 15, 1964, has entered employment of the City and is or becomes a member of the State Employees' Retirement system pursuant to the amendment to said contract effective on October 16, 1964.

ARTICLE XII

(Added by election November 8, 1938)
General Pension Fund

Sec. 1. (Amended at election May 12, 1959, May 11, 1965, and May 10, 1977)
There is hereby created a General Pension Fund for the benefit of all regular employees of all departments of the City of Richmond not covered by Article XI, said fund to be established, maintained, and administered as hereinafter provided. The word "employee" and "employees" as used in this Article XII shall mean all the regular employees of the City including the regular employees of the public library not covered by Article X, but shall not mean seasonal employees, and such seasonal employees shall not be subject to the provisions hereof or entitled to any benefits hereunder.

There is here created a General Pension Board which shall consist of seven members, namely, the Mayor, City Manager, Director of Finance, two members appointed by the Mayor, with the concurrence of five members of the City Council, each of whom shall be and remain a resident of this City in order to be a member of said Board and serve a term of five years, and two members to be elected by secret ballot vote of the rank and file of such employees and of such employees who have retired and are receiving pensions pursuant to this Article XII every five (5) years under a procedure for conducting such elections established by the City Clerk provided that separation from the service on the

part of either of such elected members, except separation from the service by retirement pursuant to this Article XII, shall result in a vacancy on said Board, and such vacancy so caused or arising in any manner shall be filled by election as aforesaid for the unexpired term. Either an individual who is in the rank and file of such employees or any of such employees who have retired and are receiving pensions pursuant to this Article XII may be so elected to said Board. Four (4) members of said Board shall be concurred in by four (4) members. The City Attorney and City Clerk shall be ex-officio members of the Board without vote in the proceedings. The City Clerk shall be ex-officio Clerk of said Board and shall keep a record of the proceedings of the Board in the manner provided for keeping a record of the proceedings of the City Council. Said Board shall meet at least once each month after the effective date of this amendment. The amendment of this paragraph by virtue of the special Municipal Charter Amendment election held in this City on May 10, 1977, shall not preclude any members who have been previously appointed or elected to said Board from completing their terms of office.

Said Board shall have exclusive control of the administration and investment of said Pension Fund, and shall transmit to the Director of Finance monthly an itemized list of, and showing the authority for, all payments to be made from said Fund for pensions currently payable and all expenses of the Board, and the Director of Finance shall pay all warrants thereof against said Fund only when so authorized, and when signed by the Director of Finance and countersigned by the Clerk of the Board.

Said Board shall render annually, on or before the 5th day of July, a report to the City Council for the previous fiscal year, showing all receipts and disbursements, the names of all persons on the pension roll, the amounts paid each, and the balance remaining in said Fund.

Sec. 2. (Amended at election May 11, 1965) Any such employee who shall have served in the employ of the City of Richmond for thirty (30) years, or who is sixty (60) years of age with a minimum service of twenty-five (25) years in the aggregate in any capacity whatsoever shall, on his petition as hereinafter prescribed, or by order of the Pension Board if it be deemed for the good of the service, be retired from further service and shall thereafter, during his lifetime, be paid in equal monthly installments from said Fund, yearly pension equal to one-half (1/2) of the average annual salary attached to the position held by him during three (3) years prior to the date of such petition or such order of said Board. No involuntary removal of any such employee from the service shall deprive him of the benefits of this section after said thirty (30) years' service, or after said twenty-five (25) years' service, he having reached the age of sixty (60) years.

Notwithstanding any provision contained in this Article, retirement under this Section shall be compulsory upon such employee reaching the age of seventy (70) years, if such employee is eligible for retirement pursuant to this Article.

Sec. 3. (Amended at election June 4, 1968 and May 10, 1977) In determining the period of service necessary to render any such employee eligible for a pension under the provisions hereof, aggregate service only shall be considered, dating from the date which

such employee commenced employment with the City of Richmond, including time served by such employee in a probationary status, subject to the exception stated in the last sentence of this section. Such service need not be continuous and may be in any capacity or capacities, and any rights acquired by service shall not be lost by reasons of resignations or withdrawal from the service except as otherwise expressly provided. For the purpose of determining aggregate service in the employ of said City under Section 2 of this Article XII, where an employee served as an employee of the Housing Authority of the City of Richmond, California, prior to commencing employment with said City, the aggregate amount of time such employee served as an employee with said Housing Authority shall be deemed to be service in the employ of said City and, accordingly to be part of the employee's aggregate service in the employ of said City if such employee contributes to the General Pension Fund of the City such percentage of the total gross salary which the employee earned during the period of employment with said Housing Authority as the employee would have had to contribute had the employee earned such total gross salary as a City employee and been a member of the City's General Pension Fund System during said period, which contribution shall be as determined by the Finance Director of this City.

Sect. 4. The pension herein provided for shall be payable in equal monthly installments from the date of retirement during the life of the pensioner, unless such pension shall be terminated by the Pension Board as hereinafter in Section 10 provided.

Sect. 5. (As amended at election May 10, 1955)

(a) Should any such employee, by reason of bodily injury received in, or sickness resulting from, the discharge of his duties, become so physically disabled so as to render necessary his retirement from active service, the Pension Board shall order and direct that such person so retired be thereafter paid during his lifetime, unless cancelled and terminated by the Pension Board as hereinafter provided, a yearly pension equal to one-half (1/2) the amount of the average annual salary attached to the position held by him during three (3) years prior to the date of such retirement.

Should any such employee after fifteen (15) years of service become totally permanently disabled by reason of injury or sickness not received in or resulting from the discharge of his duties as such employee, the Pension Board shall order and direct that such person so disabled be retired and thereafter paid during his lifetime, unless cancelled and terminated by the Pension Board, as hereinafter provided, a yearly pension equal to such proportionate share of one-half (1/2) of the amount of annual salary attached to the position held by him during the three (3) years prior to date of such retirement as the number of years actually served bears to thirty (30) years.

(b) After twenty (20) years' service, any such employee may apply to said Pension Board for retirement, or may be the Pension Board on its own motion be retired on a limited annual pension equal to such proportionate share of one-half (1/2) of the average annual salary attached to the position held by such applicant during three (3) years prior to the filing of such application, as the number of years actually served bears

to thirty years. For example, if said service has been for twenty-two (22) years, said pension shall be twenty-two thirtieths (22/30ths) of said one-half (1/2) of said average annual salary.

Upon the receipt of such application, it shall be the duty of the Pension Board to investigate the same and in its discretion to grant or deny such application provided that any denial of such application shall be without prejudice to the rights of such applicant. Provided further that no removal of any such employee from the service after twenty (20) years' service shall operate to deprive him of the benefits of this section except when such removal be for habitual drunkenness, notorious insubordination, conviction of a felony, or crime involving moral turpitude, and then only in the event the Pension Board in its discretion orders that such removal operate to deprive such employee of the benefits hereof.

(c) Any pension granted to any such employee for disability as provided for in this section shall cease when the disability ceases, and such person shall, subject to then existing rules and the provisions of the governing the employment of city employees, be restored to active service in the position in which he was serving at the time of retirement, and the time he is not in active service, while receiving a pension hereunder, shall be computed in calculating his aggregate service for all purposes under the provisions hereof.

Sec. 6. Any person retired for disability hereunder may be summoned before the Pension Board at any time and shall submit himself for examination as to fitness for duty, and shall abide by the decision and order of said Board with reference thereto.

In case of great public emergency, any person retired hereunder may be assigned to and shall perform such duties as the head of his department shall direct. No pensioner shall be compelled to work in any department other than the one from which he has been retired.

All such employees who shall be retired hereunder shall report to the heads of their respective departments in person, or in writing, at such times as may be fixed and designated by resolution of the Pension Board.

Sect. 7. Any such employee who desires to be retired on a pension shall file with the Pension Board a verified petition which shall contain the name and age of the petitioner, the position held by him on the date of filing the petition, the salary of said position, the position held and the salary received by said petitioner during three (3) years prior the date of filing said petition, the date of entry into the service, and the aggregate service of said petitioner. If said petitioner desires to be retired on a pension on account of disability, said petition shall also set forth the nature and extent of the disability, when and how received, and there shall be attached to said petition a report of the physical condition of said petitioner by a legally licensed physician of the City of Richmond, which report shall be subscribed and sworn to by said physician. Such petition may be filed by the legally appointed guardian of any person entitled to a pension hereunder.

Upon the filing of such petition, the Board shall fix a date for the hearing thereof and shall notify the petitioner of the date of such hearing.

Sec. 8. (As amended at election November 6, 1984) No person shall be retired for disability hereunder or receive any pension therefore unless there shall be filed with the Pension Board certificates of disability subscribed and sworn to by three (3) legally licensed practicing physicians, one to be selected by the petitioner, whose certificate of disability shall be attached to the petition as hereinabove provided, one of whom shall be the City Physician, and one of whom shall be selected by the Pension Board; provided that the Pension Board may grant a disability pension where less than three (3) certificates of disability are submitted if there is sufficient medical evidence of disability. The board may require other and additional evidence of disability before ordering such retirement, but only on satisfactory evidence of disability and of the right to be retired as provided herein, said Pension board shall retire such person. The decision of the Pension Board shall be final and conclusive.

Sec. 9. (As amended at election May 10, 1955) Whenever any such employee shall die, either:

- (a) As a result of any injury received in the discharge of his duty as such employee;
- (b) From sickness resulting from the discharge of his duty as such employee;
- (c) After the retirement of such employee on a pension following not less than twenty (20) years of actual service; or
- (d) While such employee is eligible for retirement as a matter of right as herein provided, an annual pension in an amount equal to one-half (1/2) of the average annual salary attached to the position held by such deceased employee during three (3) years prior to the time of his death or retirement in the cases provided for in subdivisions (a) to (d) of this Section 9, or in an amount equal to the pension provide by Section 5 (b) hereof, shall be paid as follows:

(1) If such employee shall leave surviving him a widow, such pension shall be payable in equal monthly installments to her during her lifetime, or until she shall remarry. If such widow shall die or remarry and there shall be a living child or children of such deceased employee under the age of eighteen years, such pension shall after death or remarriage be payable to such child or children under the age of eighteen years for its or their exclusive use and benefit, in the manner and subject to the conditions contained in the next paragraph regarding pension payments to child or children.

(2) If there shall be no surviving widow but shall be a child or children of such deceased employee under the age of eighteen years, such pension shall be payable to such child or children, or to their legal guardian, in the discretion of the Pension Board, for the sole use and benefit of such children in equal shares; provided that

such pension shall terminate as to each child upon the death of such child, or when such child reaches the age of eighteen years or upon the marriage of such child prior to the age of eighteen years, and the portion thereof theretofore payable to such child shall be payable, share and share alike to the remaining unmarried children under the age of eighteen years.

(3) If such employee shall leave surviving him no widow and no child or children under the age of eighteen years, but shall leave a dependent parent or parents, then the Pension Board shall have power, upon ascertaining the fact of such dependency, to allow such pension or such part thereof as said board may fix to be paid to such parent or parents while such dependency shall continue or until further order of said Board. Any such order may be modified by said Board from time to time; provided that such pension so allowed shall not exceed the said one-half (1/2) or lesser fractional part of the salary as in the beginning of this Section 9 specified; and provided further than any pension granted either before or after death, on the grounds provided in Section 5 (b), shall not be a matter of right in that event but shall be at the discretion of said Board.

(4) In the event that any such employee who has been pensioned shall have married after being placed on the pension list, upon the death of such employee his widow, or any child or children of the issue of said marriage, shall not be entitled to any pension under the terms hereof.

The word "widow" as used in this section shall not mean or include the wife of any employee who is, without cause, living separate or apart from her husband at the time of his death, or who, if divorced, has not by the terms of any interlocutory or final decree of divorce been allowed any amount for her support and maintenance. The Pension Board is empowered to hear and consider the application of such wife and determine, in its judgment whether such separation was justifiable on the part of such wife, and said Board may in its discretion allow or disallow to such wife the pension here provided for, and its decision shall be final and conclusive.

If an employee or retired employee who has served more than fourteen (14) years but less than twenty (20) years shall die from sickness or injury not received in or resulting from the discharge of his duties as such employee, to the widow, child, children, dependent parent, or dependent parents, of such employee shall be paid a proportionate part of the pension benefits provided by this Section 9 as the number of years actually served by such employee bears to thirty (30) years.

Sec. 10. Whenever any person who shall receive any pension hereunder shall fail to report himself as herein required, or shall willfully disobey the requirements and orders of the Pension Board, or shall be convicted of a felony or crime involving moral turpitude, become dissipated, or become a non-resident of this State except by permission of the Board, then said Board may, after notice to the pensioner, order that the pension payments to him shall immediately cease and terminate, and the Pension Board, in its discretion, may order the pension to be paid to the dependents of said pensioner, if there be any, in the order of succession set forth in Section 9. The mailing of said notice by

registered mail to the last-known address of said pensioner, as shown on the books of said Board, shall constitute service of the notice herein required to be given.

Sec. 11. In the event of refusal by a widow receiving a pension hereunder to provide for a dependent child or children of a deceased employee, the Pension Board upon satisfactory proof thereof shall have the power to divide the pension as it may deem proper.

Sect. 12. The Pension Board shall in addition to other powers granted here, have power:

(a) To compel witnesses to attend and testify before it upon all matters connected with its duties hereunder, in the same manner as is or may be provided by law for the taking of testimony before notaries public, and the president of (or) any member of said Board may administer oaths to such witnesses;

(b) To make all needful rules and regulations for its organization and functioning in conformity with the provisions hereof;

(c) To provide for the payment from said Fund of all its necessary expenses; provided, that no compensation or emolument shall be paid to any member of said Board for any duty required or performed hereunder;

(d) To employ an actuary who shall render a report of the cost of maintaining upon a reserve basis the pension system as herein provided, for the information of said board.

Sec. 13. For the purpose of establishing and maintaining said Pension Fund on a reserve basis, the City Council shall make provisions in its budget each fiscal year, beginning with the fiscal year 1939-40, and continuing throughout the future, for the payment by the Finance Director semi-monthly into said fund for an amount equal to the semi-monthly contributions of all such employees, as the City's contribution; and the Finance Director shall deduct three (3) percent from the semi-monthly salary of each such employees beginning July 15, 1939, and continuing throughout the future, and pay the amounts thereof into said Fund, as such employees contribution; provided that for the period of ten (10) years ending June 30, 1949, said contributions by the City and by such employees shall remain intact in said Fund, or be invested for the benefit of said Fund during said period as hereinafter provided. There shall also be paid into said Fund all gifts or donations to said Fund from any source.

Sec. 14. For the purpose of meeting all current demands during said ten (10) year period, for the payment of pensions ordered by the Pension Board and the necessary expenses of the Board, the City Council shall make further special provisions in its budget each fiscal year during said ten (10) year period, for payment by the Finance Director into said Fund, as required, such amounts as shall be sufficient to meet all said current demands.

Sec. 15. (a) After the completion of said ten (10) year period, and until June 30, 1953, the City Council shall not further make the special provisions in its annual budgets, as prescribed in the preceding section to bear solely the cost of pension payments ordered by the Pension Board and the expenses of the Board, but the same shall thereafter be paid out of said Fund as herein otherwise provided to be established and maintained; provided that after the completion of said ten (10) year period, and until June 30, 1953, whenever said Fund shall be insufficient to meet said costs, the Pension Board shall have the power to make demands upon the City Council, and equally upon all such employees for additional payments into said fund of amounts sufficient to meet the same, and the City Council shall accordingly make provision in its budget each fiscal year for its half of the amount of such demands which shall be paid into said Fund by the Finance Director, and the Finance Director shall deduct and pay into said fund from the salary of each of such employees his pro rata part of the other half of the amount of such demands, but in no event shall said demands for additional payments to be made by the City exceed ten (10) percent of the total annual payroll of such employees of said departments, and in no event shall said demands for additional payments to be made by such employees exceed ten (10) percent of the total annual payroll of such employees.

(b) (Amended at election May 11, 1965) Commencing on the effective date of this amendment, the Director of Finance, the Pension Board and the City Council shall be empowered and required to do the following:

(1) (Amended at election May 11, 1965) The Director of Finance shall deduct from the salary of each such employees benefited by the Fund ten percent (10%) of his total annual salary and the Director of Finance shall pay the same into said Fund.

(2) The City Council shall make provision in its budget for each fiscal year for an amount equal to the payments made into said fund pursuant to subdivision (1) above, and the Director of Finance shall pay said equal amount of the Treasury of the City into said Fund.

(3) The City Council shall make provisions in its budgets for each fiscal year commencing in fiscal year 1953-54 for such amount which, in addition to the payments made into said Fund pursuant to subdivisions (1) and (2) of this section and the money on hand in said Fund pursuant to subdivisions (1) and (2) of this section and the money on hand in said fund shall be sufficient to amortize over such period of years as is from time to time determined by the City Council but not extending beyond 1993, the actuarial value of all of the benefits provided by this Article to be paid out of said Fund to the persons entitled thereto. The Director of Finance shall pay such additional amounts annually out of the Treasury of the City into said Fund. the amounts so to be paid pursuant to this subsection shall be computed on the basis of reports to be obtained by the City Council at intervals of not longer than five years from competent actuaries to be selected by the City Council.

(As added at election May 11, 1965) Whenever the actuary shall report that the Fund is fiscally sound, taking into account such factors as the interest which shall be earned on the contributions, the compensation experience of the employees, the probabilities of separation from service for all causes, death after retirement, and any other pertinent factors, then the Pension Board shall decrease equally the percentages to be contributed by both the City and the employees; provided, however, that whenever the report of said actuary reflects or anticipates a deficit, then the Pension Board shall recommend to the City Council that appropriate increases be made equally in the contributions of both the City and the employees; and the City Council may make appropriate increases in the contributions of both the City and the employees; provided, further, that in no event shall the said demands for contributions provided herein to be made by said employees exceed ten percent (10%) of the total annual salary of the said employees.

Sec. 16. (Amended at election November 8, 1966) All moneys for said Fund shall be paid into the City treasury and kept by the Director of Finance in banks as are other public funds, in accordance with the laws of the State of California and the Charter of the City of Richmond. Said Fund shall be kept inviolate and no portion thereof shall ever be transferred to any other fund or used for any other purposes than those specified herein. Reserves in said Fund not needed in any fiscal year for current payments of pensions ordered by the Pension Board and expenses of the Board may, as directed by resolution of the Pension Board, be invested for the benefit of said fund as hereinafter provided:

(a) In investments which are authorized by General Law for savings banks.

(b) In investments other than those specified in subdivision (a) hereof, including, but not limited to, corporate bonds and securities, common stocks, preferred stocks, investments in real estate and investment trusts, provided that the total amount invested pursuant to this subdivision shall not exceed fifty percent (50%) of the total amount of funds invested pursuant to this section, and provided further that the following conditions are met:

(1) Any stocks or other corporate securities in which funds are invested, except stocks or banks, insurance companies or mutual funds, shall be registered on a national securities exchange as provided by the Federal Securities Exchange Act.

(2) The total amount invested in common and preferred stocks shall not exceed at cost at the time of purchase twenty-five percent of the total amount invested pursuant to this section.

(3) The total amount invested in the common and preferred stocks of any one company shall not exceed at cost of the time of purchased two percent of the total amount invested pursuant to this section and shall not exceed five percent of the outstanding preferred or common stock of that company.

(4) No funds shall be invested in the common stocks of any company unless it has paid cash dividends on such stocks in eight of the ten years immediately preceding its purchase by the Board.

(5) No funds shall be invested in the stocks or other securities of any company other than a bank of insurance company unless it has assets of at least one hundred million dollars (\$100,000,000), or in the stocks or other securities of a bank or insurance company unless it has assets of at least fifty million dollars (\$50,000,000).

(6) The total amount invested in real estate other than real estate owned by or leased to the City of Richmond, which amount may include land, buildings, land and buildings or real estate loans, shall not exceed twenty-five percent of the total amount invested pursuant to this section and such investments shall be restricted to first trust deeds which are insured by the Federal Housing Administration or which are guaranteed by the Veterans Administration.

(c) The Board may, when making investments pursuant to subdivision (b) hereof, employ the services of competent investment counsel.

Sec. 17. Every person who is granted a pension hereunder for causes included within the purview of the Workmen's Compensation Insurance and Safety Act of 1917, of the State of California, and amendments thereto heretofore and hereafter adopted, and who shall receive compensation under and pursuant to the provisions of said Act, shall be entitled to only such monthly amount hereunder as will when added to the amount allowed and received and to be received monthly under said Act, equal the total monthly pension herein provided for.

Sec. 18. If any employee shall become separated from the service, either voluntarily or involuntarily, then and in that event all moneys, exclusive of interest, paid into said fund by such employee shall be returned to him; and in the event that he shall thereafter re-enter the service as such employee in any capacity, he shall repay into said fund, upon such re-entry, an amount equal to the sum returned to him at the time of his separation from the service, and neither he nor members of his family shall be entitled to any benefits hereunder until said amount has been repaid into said fund.

If any such employee shall die under circumstances not mentioned in Section 9, then and in that event all moneys, exclusive of interest, paid into said Fund by such employee shall be returned to his estate; or, if he shall die under circumstances after having served twenty (20) years and without having made application for a pension under Section 5 (b), and shall leave surviving him a widow or other dependents mentioned in Section 9, the Pension board on its own motion may, in its discretion, grant a limited pension after death on the grounds provided in Section 5 (b) to be paid to such dependents in the order of succession set forth in Section 9.

Sec. 19. (Repealed at election June 4, 1968)

Sec. 20. (Added at election May 12, 1953) Said fund shall not benefit any person whose employment by the City of Richmond commenced on or after July 1, 1953, and none of the provisions of Sections 1 through 11, or Section 13 through 19 of this Article shall apply to, obligate or benefit any such person.

Sect 21. (Added at election May 12, 1953) The City Council shall by resolution adopted prior to December 31, 1953, authorize the Mayor and the City Clerk to execute on behalf of the City and the Mayor and the City Clerk shall execute on behalf of the City, a contract pursuant to the provisions of the State Employees' Retirement Law of the State of California with the Board of Administration of the State Employees' Retirement system whereby any person who was an employee prior to July 1, 1953, and who elects to waive all his rights under the said fund, and all employees whose employment commences on or after July 1, 1953, shall become local members of said System and be entitled to all benefits, rights and obligations thereof, in accordance with said Retirement Law. The City Council shall resolution designates the dates on or before which such election may be made by persons who were employees prior to July 1, 1953. Any such person shall not be required to make any contributions to said system except the normal contributions provided by said Retirement Law. In addition to the payments made by the City into said fund pursuant to subdivision (b) of Section 15 of this Article, the Director of Finance shall pay out of the Treasury of the City into said fund amounts of money equal to all sums which pursuant to Sections 20522 and 20525 of said Retirement law are required to be transferred to said System by reason of such election by any person who was an employee prior to July 1, 1953, and the City Council shall make provisions therefore in its budgets. The City Council shall have the power to do all acts and things necessary and appropriate to perform such contract with the System and to comply with the provisions of said Retirement Law.

Sec. 22. (Added by election of May 12, 1959) Wherever in this Article XII the words City Treasurer, Treasurer, City Auditor or Auditor appear such words shall be stricken and there shall be substituted in lieu thereof the words Director of Finance.

Wherever in this Article XII the words widow or surviving widow appear there shall be substituted in lieu thereof the words spouse or surviving spouse, and wherever the words wife or husband appear the work spouse shall be substituted in lieu thereof, and whenever the masculine pronoun is used there shall be added thereto the appropriate feminine pronoun.

It is the purpose and intent of this section to make all of the provisions of this Article XII inure to the benefit of and apply to female members of the General Pension Fund.

Sec.23. (Amended at election May 13, 1975, May 10, 1977, and November 6, 1984) Notwithstanding any other provision of this Article to the contrary, the minimum pension for employees or their dependents presently retired on the date of the adoption of this section, or placed on retirement after the date of the adoption of this section, shall, commencing January 1, 1985, be Five Hundred Dollars (\$500.00) per month.

Sec. 24. (Added at election May 12, 1981; deleted at election November 6, 1984)

Sec. 25. (Added at election November 6, 1984) Notwithstanding any other provision of this Article, the pensions of retired employees or their eligible dependents shall be increased annually by two percent (2%) on January of each year commencing January 1, 1985. In addition to said automatic two percent (2%) increase, the City Council may increase annually said pensions by an additional amount of up to three percent (3%) on January 1 of each year commencing January 1, 1985. In no event shall the total increases in said pensions exceed five percent (5%) in any year.

ARTICLE XIII

Personnel Administration

(Added by election November 7, 1950)

Sec. 1. Purpose and basic requirements of this Article: it is the purpose of this Article to provide a modern system of personnel administration for the City of Richmond, whereby effectiveness in the personal services rendered to the City, and fairness and equity to the employees and the taxpayer, alike, may be promoted. To accomplish this end, the provisions of this Article shall be liberally construed. The following principles and policies shall be adhered to.

(Amended at election April 17, 1973) All appointment to and promotions within the classified service of the City of Richmond shall be based upon efficiency and fitness which shall be ascertained by means of recognized personnel selection techniques such as written tests, aptitude tests, personal interview, performance tests, records of daily work performances, work samples, professional achievement, or any combination of these.

Fair and equitable rates of pay shall be provided with due consideration both of the employees and the taxpayer, and with due observance of the principles of like pay for like work, and suitable differences in pay for differences in kind of work.

Full consideration shall be given to the interests and desires of the employees insofar as it is consistent with the interests of the City and of the public they serve. The establishment and maintenance of working conditions and morale shall be such that the City service is attractive as a career, and that each employee is encouraged to render his best service in compliance with the provisions of this Article.

Sec. 2. Personnel Rules to Provide for Giving Effect to the Purposes and Requirements of this Article:

To give effect to the purposes and requirements in the preceding section, the personnel rules hereinafter required to be adopted, shall provide, among others, for the following things with reference to the classified services as defined in this Article.

(a) For a systematic classification plan providing for the classification of all positions on the basis of their duties and responsibilities, the qualifications required and the salary to be paid; for definitions of the classes in the classification plan; for the allocation and reallocation of the classes in the classification plan; and for amendment and continuous administration of the classification plan.

(b) (Repealed at election April 17, 1973)

(c) For determining efficiency and fitness for original appointment to and promotion within the classified service by means of competitive examinations held after adequate public notice. The selection techniques used in such examinations shall be practical in character, and designed fairly to measure the ability or potentiality of the candidates for positions in the various classes. The rules shall provide for allowance of veterans' preference to any person honorably discharged from the Armed Forces by the United States Government.

(d) For certification of eligibles and appointment and promotion to positions in the classified service on the basis of such tests.

(e) For filling vacancies in higher competitive positions through promotional examinations, except when vacancies are filled, in the interests of the City service, by transfer, reinstatement, re-employment or demotion. the Personnel Director, subject to review by the Personnel Board, shall have the authority, except with respect to the Police and Fire Services, to determine whether or not it is practicable to fill a given vacancy by promotional examination.

(f) For tenure of employment in positions in the classified service during efficient and fit service, except in cases of temporary appointment. Provision shall be made for a systematic and equitable plan for layoff in the event of lack of funds by the City or the cessation of need for a given class or classes of work, or other valid reasons; provided, further, however, in the event the Council shall determine it is necessary to bring about a reduction of personnel of all employees in the classified service, the Council for such purposes shall adhere to the seniority list maintained by the Personnel Director for the employees of such department in effecting reduction of personnel. The names of employees so laid off shall be placed on an appropriate list or lists. Persons on these lists shall be re-employed at the earliest opportunity. Reinstatement, transfer, and resignation shall be provided for.

(g) For emergency, temporary, or provisional appointments without examination, to positions in the classified service for a period not to exceed 180 days. All intermittent employees and those seasonal employees who are employed for a period less than 120 days in any one calendar year shall not be required to qualify through examination.

(h) For the optional use of service ratings in each of the various City departments, and for the administration of such service ratings plans, subject to the approval of the City Manager.

(i) (Repealed at election April 17, 1973)

(j) For the development of an employee training program to the end that the general level of efficiency of the classified service shall be high and that the employees shall be encouraged and aided in improving their status.

(k) (Repealed at election April 17, 1973)

(l) (Repealed at election April 17, 1973)

(m) (Amended at election May 13, 1969) For removals, demotions, decreases in pay, suspensions without pay and other forms of discipline of employees whose services are not satisfactory or who violate the provisions of this Article or the rules adopted to carry out the intent of this Article. Employees so discharged or disciplined shall have the right of appeal as outlined in this Article, and under the procedure outlined in the Personnel Rules.

(n) (Repealed at election April 17, 1973)

(o) (Amended at election April 17, 1973) For prompt reports by department heads of changes in positions authorized and of the incumbents therein, and of new positions and of attendance and absence which upon the approval of the City Manager shall form basis for audit and approval of payrolls by the Director of Finance or to compliance with this Article and the ordinances and rules thereunder.

(p) For the implementation, administration, enforcement, and disciplinary actions for the violation of this Article and ordinances and rules established thereunder.

Sec. 3 (Amended at election April 14, 1953) Definition of Classified Service:

The service of the City shall be divided into the Classified and Exempt Service.

(a) The Exempt Service shall comprise the following officers and positions:

1. All officers elected by the people.
2. All members of the several boards.

3. The City Manager and one position in the office of the City Manager whose salary and qualifications shall be set in the same manner as classified positions.
4. The Clerk.
5. The City Attorney and his legal assistants.
6. All Municipal Judges.
7. Persons employed to render professional, scientific, technical or expert service of an occasional and exceptional character.

(b) The Classified Service shall comprise all positions not specifically included in the Exempt Service.

(c) (Amended at election April 17, 1973) The employees of independent agencies, authorities, boards and commissions set up by the City Council may participate in the municipal personnel system upon application in writing of the government board. Upon receipt of written application to be admitted to the system, the Personnel Board shall direct the Personnel Director to draw up an appropriate personnel classification plan according to the terms of this Article and the rules of the Personnel Board. Upon adoption of the personnel classification plan by the applying Board, such employees shall become City employees and be subject to the same rules, regulations and privileges as the other municipal employees subject to the approval of the City Council.

Sec. 4. (Amended at election November 6, 1984) Additions to or Revisions in the Classified and Exempt Services:

All new positions which hereafter are created and which are not specifically included in the Exempt Service shall be part of the Classified Service unless the City Manager and the Personnel Board recommend, and the Council approves by resolution, that the new position be made a part of the Exempt Service.

The Council may, upon the recommendation of the City Manager and the Personnel Board, approve by resolution the changing of a position from the Exempt Service to the Classified Service or from the Classified Service to the Exempt Service.

Any officer in the Exempt Service who is removed by the appointing authority shall be restored to the grade in the Classified Service which he held previously unless removal is for fraud, criminal behavior, etc., in which case charges shall be filed before the Personnel Board according to the normal procedure therefore.

Sec. 5. (Amended at election April 17, 1973) The Council shall by ordinance provide:

(a) For the adoption of a comprehensive compensation plan, for the financing of rates of pay of all employees in the classified service, and amendments thereto. In the adoption of such a compensation plan, the Council may consider the recommendation of the City Manager. In arriving at recommendations relating to salaries and wages within the compensation plan, consideration shall be given to salaries and wages paid in comparable types of work in both public service and private industry within the area, the movement in recognized cost of living indices, the financial condition of the City and conditions of the labor market.

(b) For appropriations for personnel and facilities adequate to provide for the effective administration and enforcement of the provisions of this Article and the ordinances and rules adopted thereunder.

(Amended at election May 12, 1959 and June 4, 1968)

Sec. 6. Creation of a Personnel Board:

The Personnel Board shall consist of five members who shall be appointed by the Council in the following manner: one of the board members shall be appointed from a panel of three persons designated by a committee from the Police and Fire Department. One of the board members shall be appointed from a panel of three persons designated by a committee representing the general employees, and the remaining three board members shall be appointed by the City Council as hereinafter provided. Designation of said panels shall be in writing and signed by duly authorized committee members.

The first Board to be appointed shall at its first meeting choose one of its members as Chairman, who shall serve for one year and until a successor is elected. The Secretary to the Board shall be the Personnel Director. The members shall so classify themselves by lot that one of them shall serve for a term that shall expire July 1, 1952, one shall serve for a term that shall expire July 1, 1954, one shall serve for a term that shall expire July 1, 1955, and one shall serve for a term that shall expire July 1, 1956. Effective July 1, 1959, the member whose term expires on July 1, 1959, shall remain in office and his term shall expire on December 31, 1959; the member whose term expires on July 1, 1960, shall remain in office and his term shall expire on December 31, 1960; the member whose term expires on July 1, 1961, shall remain in office and his term shall expire on December 31, 1961; the member whose term expires on July 1, 1962, shall remain in office and his term shall expire on December 31, 1962; the member whose term expires on July 1, 1963, shall remain in office and his term shall expire on December 31, 1963. Thereafter, the term of office of each member shall be five years. All members shall serve after the expiration of their term until their successor has been appointed and qualified.

Every other (alternate) appointment shall be made from a panel of three names submitted by city employees. Said panel shall be selected through an election to be conducted by the City Clerk in accordance with rules established by the Personnel Board. Members appointed to this Board shall be subject to removal from said Board for a just cause by a six-ninths vote of the Council prior to the expiration of the term of which they were appointed.

Vacancies on the Personnel Board, caused by a member not completing his term, shall be filled by the Council. If the member vacating his office was appointed from a panel submitted by a committee representing all city employees, then said vacancy shall be filled from such a panel; if the member vacating his office was appointed directly by the Council, then said vacancy shall be filled by direct appointment by the Council.

Members of the Board shall have been qualified electors of the City of Richmond for at least three years and shall be persons sympathetic to the principles of modern personnel administration. No person shall be appointed to said Board who holds any salaried public office or employment in the service of the City of Richmond, nor is a retired city employee, nor shall any member, while a member of the board or for a period of one year after he has ceased to be a member of the board, for any reason, be eligible for appointment to any salaried office or employment in the service of the city, or for appointment to any elective office in the City.

The members of this board shall serve without pay, and shall hold regular meetings monthly at such time and place as designated by the chairman of the Board. The Board, in addition, may hold such special meetings as the affairs of the Board may require. Such special meetings shall be held upon the call of the chairman or any two members of the Board. Three members shall constitute a quorum for the transaction of business, provided that all members of the Board shall have been officially notified under the rules established by said Board for such notification.

(Added at election May 13, 1975, and amended at election November 6, 1984)
The unexcused absence of any member of the Personnel Board from more than three regularly scheduled meetings of the Board within any twelve-consecutive-months period shall constitute an automatic resignation from the Board. Such a resignation shall not, however, disqualify an individual from subsequently being appointed to the same or any other City board or commission. The provisions of this paragraph shall operate prospectively so as to apply only to absences which occur after the effective date of this paragraph. Any and all absences of any member occurring prior to that date which did not result in removal of the member from the Board by the City Council are hereby excused. A member may request the Board to excuse an absence. Such request must be in writing and be submitted to the Board within thirty (30) days from the date of such absence. The granting of such a request shall require an affirmative vote from at least three (3) of the members of the Board. In the event of any such automatic resignation, the vacancy shall be filled for the unexpired portion of the term of the resigned member through the same procedure that was used for the appointment of the resigned member to the Board.

Sec. 7. The Personnel Board shall have power, and it shall be its duty:

(a) (Amended at election May 13, 1969) To hear any employee in the Classified Service, upon his request, who has been demoted, suspended, dismissed, or reduced in pay as follows: No person placed under the Personnel System established by this Article shall be demoted, suspended if for more than thirty days in any one calendar year, dismissed, or reduced in pay except by order of the Personnel Director made upon written charges by the Council, the City Manager or the head of the department in which such person is employed, and served upon such person. Whereupon the person so charged shall have an opportunity of filing a written answer or explanation of the charges. Any person demoted, dismissed, suspended, or reduced in pay may within ten days from the date of his notification of the same file with the board a written demand for an investigation and public hearing within a period not to exceed thirty (30) days in accordance with the rules and procedures established by the Board. After such investigation, the Board may recommend to the City Manager, suspension, modification or revocation of any order previously made by its suspending, demoting, or reducing in pay such person. The City Manager must act on the recommendation with fifteen (15) days. In cases of contrary action by the City Manager, the Board may submit its recommendation to the Council. Recommendations of the Board submitted to the Council may be overridden only a 2/3 vote of the Council. (This is not to contravene the employee's right, if dissatisfied with any order or ruling of the Board, and/or Council, to appeal to the Superior Court.)

(b) To make such inquiries and investigations as it may deem to be warranted regarding the administration and effect of the provisions of this Article and rules adopted in accordance therewith, and to make such recommendations to the City Manager or to the Council as in its judgment may be indicated by the circumstances.

(c) To advise the City Manager on all matters of policy regarding the administration of the personnel system which the City Manager may present to it, or which, in its judgment, may be indicated by the circumstances.

(d) To review, together with duly authorized employee representation and in a public hearing, all changes, additions or eliminations in the personnel rules, which are proposed for presentation to the Council for approval, and to recommend for or against their adoption.

(e) To transmit to the Council with such additions and comments as it may desire to make, annual and special reports.

(f) (Amended at election April 17, 1973, and November 6, 1984) To entertain appeals on any matter arising under this Article by any aggrieved employee, or by the City, and make appropriate recommendations to the City Manager. Neither the Personnel Board nor any of its members shall have power to take any action in these appeals except by majority vote of the entire Board.

(g) Such rules and ordinances, or changes thereto, which are submitted by the City Manager to the Personnel Board for review and recommendations, and which are approved by the Personnel Board, together with duly authorized employee representation, shall require only a simple majority vote of the Council for adoption. These proposed rules or ordinances or changes thereto, which do not carry the recommendation of the Personnel Board, shall require an affirmative vote of six (6) Councilmembers in order to be adopted.

(h) (Added at election November 6, 1984) To subpoena witnesses to testify concerning any matter before the Board.

Sec. 8. (Amended at election November 6, 1984) The City Manager shall appoint a qualified Director of Personnel. The Director of Personnel shall be responsible for the proper administration of the personnel system and its operation. He shall have the power, and it shall be his duty:

(a) To serve as a Secretary to the Personnel Board, to see to the keeping of its minutes and records, to conduct investigations and prepare reports for the Personnel Board in matters under its consideration, and in all other proper ways to facilitate its actions and proceedings.

(b) To appoint his assistants in the operation of the personnel system, and to direct and control their work, and under the customary financial procedures of the City, to control the expenditures from appropriations for the administration of the personnel system.

(c) To establish and maintain a roster of all city employees.

(d) To prepare, together with duly authorized employee representation, and to recommend for consideration by the Personnel Board, and the Council, personnel rules including a classification plan, and drafts of ordinances for recommendation to the Personnel Board and Council, including such changes as are deemed desirable from time to time in such rules and ordinances.

(e) To allocate each position in the Classified Service to its proper class in the Classification Plan adopted under the provisions of this Article, and reallocate positions as the facts warrant.

(f) To develop and maintain class specifications, and to amend them from time to time as changing conditions warrant.

(g) (Amended at election April 17, 1973) To recruit candidates for employment, to pass upon qualifications of applicants, to conduct promotional and entrance examinations, to establish eligible lists which are to be in effect for such time as is prescribed in the City Personnel Rules but for not more than two years for certification

of eligibles and for appointments to positions in the classified service on the basis of such tests, subject to a work test period of probation of not more than six months or longer if prescribed by rule in initial appointments; eligibility lists are to be made a matter of public record at all times.

(h) To receive, record, transmit and to discuss with the employee concerned, written reasons for rejection during probation.

(i) To make such investigations as he may deem desirable with respect to the enforcement and effect of the provisions of this Article, and the personnel rules and related ordinances.

(j) To pass upon, for compliance with the provisions of this Article, the personnel rules and related ordinances, and to approve or disapprove as to compliance therewith, all appointments, demotions, transfers, promotions, service ratings, rejections, leaves of absence, changes in rates of pay, suspensions, separations and other employment transactions affecting the status of employees.

(k) To make annual reports to the Personnel Board for its approval and transmission to the Council on the administration and effect of this Article, with such recommendations as he may deem desirable, and to render such special reports as the Personnel Board may request. Such reports shall be public record.

(l) (Repealed at election April 17, 1973)

(m) To do all other things necessary or proper for making effective the provisions of this Article, the personnel rules and ordinances adopted in pursuant thereof.

(n) (Repealed at election April 17, 1973)

Sec. 9. Every person who, when this Article take effect, is legally occupying, by proper appointment thereto, a position placed in the Classified Service by this Article, shall continue to occupy such position without examination, and shall become subject to the provisions of this Article, as though he had been appointed to the position occupied, under the provisions of this Article. The provisions of this section shall also apply to all persons who, on the date of acquisition of any public utility, hereafter acquired by the City, are regularly employed by such utility.

Sec. 10. No person occupying a position in the Classified Service or seeking admission thereto, shall be employed, discharged or in any way favored or discriminated against because of race, or religious belief or political opinions or affiliations, or because of membership in or affiliation with a labor organization. For the purpose of collective bargaining and employee-management cooperation, employees shall have the right to organize and designate representatives of their own choosing.

No employee and no one seeking employment shall require as a condition of employment, transfer, promotion, or retention in service to join or to refrain from joining any organization or association of employees.

There shall be no discrimination against representatives of employees nor shall employees suffer discrimination because of membership or nonmembership in any organization or association of employees. The majority of the employees as a whole, may determine the organization, person or persons, who shall represent the employees as a whole. However, any professional group or craft or other appropriate unit shall have the right to authorize the organization, person or persons who shall represent them.

Sec. 11. There shall be no improper political activity as defined in the personnel rules to be hereinafter adopted, on the part of any employee in the Classified Service. City employees may not engage in political activities or services of any nature during the hours in which they are employed by the city; nor shall City funds, supplies, property, or equipment be utilized in performing any services of a political nature.

No officer or employee under the government of the City and no candidate for any City office, shall directly or indirectly solicit or receive, or be in any manner concerned in soliciting or receiving any assessment, subscription or contribution, whether voluntary or involuntary, for any political purpose whatever, from anyone on any eligible list or holding any position under the provisions of this Article.

Sec. 12. (Repealed at election April 17, 1973)

Sec. 13. Any person who violates willfully or through culpable negligence violates or conspires to violate any provision of this Article shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than five hundred dollars (\$500.00) or by imprisonment for not more than six months, or by both such fine and imprisonment. The conviction of any employee or officer of such offense shall operate automatically to terminate his service and to vacate his position.

Sec. 14. If any part of this Article is held by competent authority to be invalid, such decision shall not affect the remaining portions of this Article, or if any provision herein held to be in excess of that permitted by the constitution of the laws of the State, then such provision shall be construed to operate only to the extent permitted.

Sec. 15. All present and future ranks required for the best interests of the City in each of the City departments, shall be recognized in the rules, classifications, and compensation plans.

(Art. 14, Off-Street Vehicular Parking, repealed at election June 4, 1968)

CERTIFICATE

Whereas, the City of Richmond a city containing a population of more than three thousand five hundred and less than ten thousand inhabitants on the twelfth day of October, 1908, at a special election held under and in accordance with the provisions of Section 8 of Article XI of the constitution of the State of California, did elect F.E. Adams, C.L. Abbot, C.R. Blake, L. Boswell, L.D. Dimm, E.A. Gowe, E.J. Garrard, G.A. Follett, L.S. Higgins, I.E. Marshall, I.M. Perrin, E.M. Tilden, H.H. Turley, H.E. Wyatt, and John Roth a Board of Freeholders to prepare and propose a charter for said city;

Be It Known, That pursuant to the provisions of the Constitution and within a period of ninety days aftersaid election, said Board of Freeholders has prepared and does propose the foregoing as and for the charter for the City of Richmond.

In Witness Whereof, We have hereunto set our hands this 23rd day of December 1908.

H.E. WYATT
President of the Board of Freeholders

C.L. ABBOTT,
F.E. ADAMS,
L. BOSWELL,
L.D. DIMM,
G.A. FOLLETT,
E.J. GARRARAD,

E.A. GOWE,
I.E. MARSHALL,
JOHN ROTH,
H.H. TURLEY
E.M. TILDEN
CHAS. R. BLAKE,
L.S. HIGGINS

Attest:

J.S. CHANDLER
Secretary Board of Freeholders

Filed this 28th day of December, 1908, at 12:30 p.m.

J.B. WILLIS
President of the
Board of Trustees of the
City of Richmond, California

STATE OF CALIFORNIA

County of Contra Costa, ss.

City of Richmond

I, H.H. Turley, City Clerk in and for the City of Richmond, hereby certify that the Board of Trustees of said City, did by Resolution No. 158, order the foregoing charter published in the manner and form required by law.

In witness whereof, I have hereunto set my hand and affixed the corporate seal of the City of Richmond, this 29th day of December, 1908.

(SEAL)

H.H. TURLEY
City Clerk

MEMORANDUM

The first publication of the foregoing charter was made on Tuesday, December 29, 1908, in accordance with a resolution adopted by the Board of Trustees of the City of Richmond, in the "Richmond Record," a daily newspaper of general circulation, printed, published and circulated in said city.

STATE OF CALIFORNIA
County of Contra Costa, ss.
City of Richmond

I, J.B. Willis, President of the Board of Trustees of the City of Richmond, State of California, and I, H.H. Turley, Clerk of said Board, do hereby certify that the Board of Freeholders, whose names appear signed to the foregoing proposed charter, were on the 12th day of October, 1908, at a special municipal election held in said City of Richmond on said day duly elected by the qualified electors of said city to prepare and propose a charter for said city; that each of said freeholders had been a qualified elector in said city for more than five (5) years previous to said election; that the foregoing is a true copy of said charter prepared and returned to the president of said Board of Trustees within ninety (90) days after said election, as required by Section 8 of Article XI of the constitution of this State; that said proposed charter was then published in the "Richmond Record," which then was a daily newspaper of general circulation, printed and published in said city, and that publication was made for more than twenty (20) days, and that the first publication of said proposed charter was made within twenty (20) days after the completion of said charter; that within thirty (30) days after the publication of said charter, as required in said section 8, to wit, on the 9th day of February, 1909, said charter was submitted at a special election duly called and held therein for the purpose of ratifying or rejecting said proposed charter; that by a majority of the votes of the qualified electors voting at said election said proposed charter was ratified as a whole; that the returns of said election were duly canvassed by the Board of Trustees of said City of Richmond on the 9th day of February 1909, and the result thereof declared as above set forth; and that in all matters and things pertaining to said proposed charter, all provisions of said section of the Constitution and the laws of the State of California pertaining to the adoption of the charter have been fully complied with in every particular.

In Witness Whereof, We have hereunto set our hands and caused the corporate seal of said City of Richmond to be affixed this 9th day of February, 1909.

(SEAL)

J.B. WILLIS,
President of the Board of Trustees
of the City of Richmond

H.H. TURLEY,
Clerk of said Board of Trustees and
said City of Richmond

And, Whereas, said proposed charter, so ratified, 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 8 of the Article 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 the members elected to each house voting for the adoption of this resolution and concurring therein) that said charter of the City of Richmond, as presented to, adopted and ratified by the qualified electors of said city, be, and the same is hereby approved as a whole as and for the charter of said City of Richmond.

P.A. STANTON,
Speaker of the Assembly.

W.R. PORTER,
President of the Senate.

Attest:

C.F. CURRY,
Secretary of State.

Filed in the office of the Secretary of State the 4th day of March, A.D. 1909, at 10:50 o'clock A.M.

C.F. CURRY, Secretary of State
By J. HOSCH, Deputy

STATE OF CALIFORNIA
County of Contra Costa, ss.
City of Richmond

I, J.B. Willis, President of the Board of Trustees of the City of Richmond and chief executive officer of said city, do hereby certify that the foregoing charter was submitted to the qualified electors of said city at a special election duly called and held therein for the purpose of ratifying or rejecting same on the 9th day of February, 1909, and that by a majority of votes of qualified electors, voting at said election, said charter was ratified as a whole; that the returns of said election were duly canvassed by the Board of Trustees of the City of Richmond on the 9th day of February 1909, and the results thereof declared as above set forth; that in all matters and things pertaining to said proposed charter, all provisions of section 8 of Article XI of the Constitution of the State of California, pertaining to the adoption of the charter, have been fully complied with in every particular.

In Witness Whereof, I have hereunto set my hand and caused the corporate seal of the City of Richmond to be affixed this 24th day of March, 1909.

(SEAL)

J.B. WILLIS,
President of the Board of Trustees
and Chief Executive Officer of the
City of Richmond.

Attest:

H.H. TURLEY
City Clerk of said City of Richmond