

**OFFICIAL CHARTER
for the Government of the
CITY OF REDONDO BEACH**

Introduction to Charter.

Adopted at a Special Municipal Election
January 4, 1949 and approved by the State
Legislature January 21, 1949

**STATE OF CALIFORNIA
OFFICE OF THE
SECRETARY OF STATE**

I, FRANK M. JORDAN, Secretary of State of the State of California, hereby
certify

That I have compared the annexed transcript with the RECORD on file in
my office, of which it purports to be a copy, and that the same is a full, true
and correct copy thereof.

IN WITNESS WHEREOF, I hereunto set my hand and affix the Great Seal
of the State of California this 21st day of January, 1949.

(SEAL)

FRANK M. JORDAN
Secretary of State

By Chas. J. Hagerty
Deputy

**ASSEMBLY CONCURRENT
RESOLUTION NO. 36**

Adopted in Assembly January 19, 1949.

ARTHUR A. OHNIMUS
Chief Clerk of the Assembly

Adopted in Senate January 20, 1949.

J. A. BEEK
Secretary of the Senate

This resolution was received by the Secretary of State this 21st day of January, 1949, at 11 o'clock a.m.

CHAS. J. HAGERTY
Deputy Secretary of State

CHAPTER 34

Assembly Concurrent Resolution No. 36—Approving the Charter of the City of Redondo Beach, State of California, ratified by the qualified electors of said city at a special municipal election held therein on the fourth day of January, 1949.

Whereas, Proceedings have been taken and had for the proposal, adoption and ratification of a certain charter, hereinafter set forth in the certificate of the Mayor and the City Clerk of said city, as follows:

**CERTIFICATE OF PROCEEDINGS HAD AND
TAKEN BY THE CITY OF REDONDO BEACH IN
FRAMING A CHARTER FOR ITS OWN
GOVERNMENT**

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss
CITY OF REDONDO BEACH)

We, the undersigned, Charles H. Wortham, Mayor of the City of Redondo Beach, County of Los Angeles, State of California, and C. C. Mangold, City Clerk and Ex Offi-

cio Clerk of the City Council of said City, do hereby certify and declare as follows:

That the undersigned, said C. C. Mangold, was at all times herein mentioned, the Clerk of the Legislative Body of said City and City Clerk of said City of Redondo Beach;

That at a regular meeting of the City Council of said city held on the 15th day of November, 1948 submitted a proposed charter; and thereafter such proposed charter was submitted to the electors of said city at the Special Municipal Election held therein on January 4, 1949; that said Special Municipal Election, at which said proposed charter was submitted, was regularly and duly called and held;

That the Legislative Body of said City, to wit: the City Council thereof, by action duly and regularly taken at a regular meeting thereof held on the 15th day of November, 1948 ordered said charter to be published by one insertion in the official newspaper of said City, to wit: the South Bay Daily Breeze, a daily newspaper of general circulation printed, published and circulated in said City and that said Charter was published pursuant to said order in said newspaper and in each edition thereof during the publication on the 16th day of November, 1948 and within the fifteen (15) days after the date of the filing of such proposed Charter with the Clerk of the Legislative Body of said City;

That the population of said City of Redondo Beach is more than Thirty-five Hundred (3500) inhabitants as ascertained by the last preceding census taken under the authority of the Congress of the United States and of less than Fifty Thousand (50,000) population; to wit, 21,288;

That at said Special Municipal Election so held on the 4th day of January, 1949, at which said proposed charter was submitted as aforesaid, a majority of the qualified voters of said city voting at said election and voting on said proposed charter voted in favor of the adoption of said proposed charter and therefore ratified the same; to wit, in favor of said charter 1413 votes: against said charter 620 votes;

That the election at which said proposed charter was submitted to the voters of said city was not less than forty and not more than sixty days after the completion of the advertisement of said charter in the official newspaper of said city;

That the said City Council of said City of Redondo Beach, at an adjourned regular meeting thereof held in the time and form and manner required by law, and in accordance with the law in such cases made and provided, duly canvassed the returns of said election and duly found, determined and declared that a majority of said electors voting thereon had voted in favor of said proposed charter and

for the ratification and adoption thereof, and that the same was adopted and ratified by more than a majority of the qualified voters of the City of Redondo Beach voting thereon;

That the election above mentioned, to wit, the Special Municipal Election held on the 4th day of January, 1949, was held in accordance with the election laws of the State of California, relating to and governing elections in cities of the Sixth Class within said State, so far as applicable, and in other respects in strict accordance with the General Laws of the State of California and of the charter of said city; that said City of Redondo Beach was at all the times herein mentioned acting under a charter duly approved by the Legislature of the State of California; said charter being set forth in full in the Statutes of 1935 of California at page 2454 thereof;

That said proposed charter, if approved by the Legislature, shall replace the present charter of said city;

That said charter so proposed, filed, adopted and ratified as herein set forth, is in the words and figures following, to wit:

**OFFICIAL CHARTER
FOR THE GOVERNMENT OF THE
CITY OF REDONDO BEACH**
Adopted at a Special Municipal Election
January 4, 1949 and approved by the State
Legislature January 21, 1949

Ordaining Clause.

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

Article I. Name of City

Sec. 1. Name.

The chartered municipal corporation now existing and known as the City of Redondo Beach shall remain and continue to exist as a body politic and corporate, as at present, in name, in fact and in law.

Article II. Boundaries

Sec. 2. Boundaries.

The territory of the City shall be that contained within its present boundaries as now established, with the power and authority to change the same in the manner provided by the statutes of the State of California existing at the time of any proposed change.

Article III. Succession

Sec. 3. Rights and liabilities.

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

Sec. 3.1. Ordinances continued in effect.

All lawful ordinances, resolutions, or portions thereof, in force at the time this Charter takes effect, and not in conflict, or inconsistent herewith, are hereby continued in full force and effect until the same have been duly repealed, amended, changed or superseded by proper authority.

Sec. 3.2. Rights of officers and employees reserved.

Nothing in this Charter contained, except as specifically provided herein, shall affect or impair the civil service rights or privileges of officers or employees of the City, or of any office, department or agency thereof, existing at the time this Charter takes effect.

Sec. 3.3. Continuance of present officers and employees.

The present officers and employees shall, without interruption, continue to perform the duties of their respective offices and employments for the compensation provided by the preceding Charter, existing ordinances, resolutions, rules or laws, until the appointment and/or election and qualification of their successors under this Charter, subject to such removal and control as is herein provided.

Sec. 3.4. Contracts and public improvements.

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

Sec. 3.5. Pending actions and proceedings.

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

Sec. 3.6. Elected officers.

The elected officers of this City, in office at the time this Charter takes effect, shall continue in office until the expiration of their respective terms and until their successors are elected and qualified.

Sec. 3.7. Effective date of charter.

This Charter shall take effect upon its approval by the Legislature of the State of California.

Article IV. Powers of City

Sec. 4. Powers, enumeration of, not to be limitation.

The City shall have the power to make and enforce all rules and regulations in respect to municipal affairs, subject only to such restrictions and limitations contained in this Charter and in the Constitution of the State of California. It shall also have the power to exercise any and all rights, powers and privileges heretofore or hereafter established, granted or prescribed by any law of the State, by this Charter, or by other lawful authority, or which a municipal corporation might or could exercise under the Constitution of the State of California. The specific enumeration in this Charter of any particular power shall not be held to be exclusive of, or any limitation upon, this general grant of power.

Sec. 4.1. Procedure.

The City shall have the power and may act pursuant to procedure established by any law of this State, unless a different procedure is established by ordinance.

Article V. Form of Government

Sec. 5. Form of government.*

The municipal government provided by this Charter shall be known as the Council-Manager form of government.

*5—as amended by election 3-5-85.

Sec. 5.1. Purpose.

The purpose of this form of government shall be:

- (a) To provide for the formation of municipal policy by elected representatives; and
- (b) To provide for the exercise of administrative powers by competent, experienced personnel trained in municipal affairs.

Article VI. City Council

Sec. 6. Number and term.*

The City Council shall consist of five (5) members elected from the City by districts, at the times and in the manner in this Charter provided, and who shall serve for a term of four (4) years. All members shall take office on the first day of the month following the general municipal election; except that a person elected at a run-off election shall take office after the canvass of votes and upon installation pursuant to law. Each member shall serve until his successor is elected and qualified.

*6—as amended by election 3-5-85.

Sec. 6.1. Eligibility.*

No person shall be eligible to file as a candidate for or hold office as a member of the City Council unless such person shall be registered to vote at an address within the district he/she seeks to represent at the time of filing his/her nomination papers, and shall have been a resident of the City for at least thirty (30) days immediately preceding the date of such filing. In addition, the candidate for City Council either by election or appointment, shall have been a resident of the district which such person seeks to represent for at least thirty (30) days immediately prior to filing his/her nomination papers or the date of his/her appointment.

*6.1—as amended by election 6-6-78 and 3-7-95.

Sec. 6.2. Compensation.*

The members of the City Council shall be entitled to reimbursement for actual and necessary expenses incurred

in the performance of official duties and shall receive a salary which shall be set by ordinance in accordance with the provisions of Government Code Section 36516 as it now exists or as it may be hereafter amended by the State Legislature.

*6.2—as amended by election 4-13-65 and 4-11-67.

Sec. 6.3. Expense vouchers.

Any member of the City Council making demand for reimbursement for traveling or other expense shall provide the City Clerk with vouchers covering such expenses together with a sworn statement to the effect that such expenses were actually incurred in good faith by said party while on official City business.

Sec. 6.4. Vacancies; special election.*

Any vacancy in the City Council, or any elective office, shall be filled as follows:

(a) If less than two (2) years remain in the unexpired term of the vacant office, such vacancy shall be filled by appointment by the majority of the remaining members of the City Council within thirty (30) days following the vacancy. The Mayor shall not have the right to veto any Council appointment made pursuant to this section, but may vote to break a tie. If the Council fails to fill the vacancy as provided herein, the Mayor shall make such appointment within fifteen (15) days following the Council's failure to fill the vacancy. Any appointee shall hold office until the first day of the month following the next General Municipal Election and until his successor is elected and qualified.

(b) If two (2) years or more remain in the unexpired term of the vacant office, the City Council shall forthwith order a special election to be held to fill the vacancy for the remainder of the unexpired term.

*6.4—as amended by election 4-12-55 and 11-2-82.

Sec. 6.5. Vacancy, declared by Council.

If a member of the City Council is absent from all regular meetings of the City Council for four (4) consecutive regular meetings from and after the last regular City Council meeting, attended by such Councilman unless by permission of the City Council as evidenced by its official minutes, or is convicted of a crime involving moral turpitude, or ceases to be a resident of the district from which he was elected, his office shall become vacant and shall be so declared by the City Council.

Sec. 6.6. Vacancy, special election. (Repealed by election 11-2-82).

Article VII. Districts

Sec. 7. City Council districts.*

The City shall be divided into five (5) districts, within its corporate limits, for all elections of Councilmen. Council districts shall be as nearly equal in population as practicable and in compliance with State and Federal law. Council districts in existence upon the effective date of the Charter Amendment shall continue to exist until altered as provided in Section 7.1.

*7, 7.1—as amended by election 4-12-55 and 11-2-82.

Sec. 7.1. Redistricting.*

The City Council shall, within nine (9) months after receipt of the decennial United States census data, examine the boundaries of each council district for compliance with the population standard set forth in Section 7, and by ordinance shall modify the boundaries of districts, if necessary, to bring all district boundaries into compliance with said standard.

*7, 7.1—as amended by election 4-12-55 and 11-2-82.

Sec. 7.2. Redistricting ordinance, effective date.

No redistricting ordinance shall be effective at the municipal election following its adoption, unless it shall have been published and adopted at least one hundred twenty (120) days prior to the general municipal election.

Article VIII. The Mayor

Sec. 8. Mayor, election, term and compensation.*

The Mayor shall be elected from the City at large and shall serve for a term of four (4) years and until his successor is elected and qualified. He shall be entitled to reimbursement for actual and necessary expenses incurred in the performance of his official duties and shall receive a salary which shall be set by ordinance in the same manner and subject to the same conditions as the salaries of councilmen pursuant to the provisions of Government Code Section 36516 as it now exists or as it may be hereafter amended by the State Legislature.

*8—as amended by election 4-13-65 and 4-11-67.

Sec. 8.1. Mayor, eligibility.*

No person shall be eligible to file as a candidate or hold office as Mayor unless such person shall be a registered voter of the City of Redondo Beach at the time of filing his(her) nomination papers and shall have been a resident of the City for at least thirty (30) days immediately preceding the date of such filing or appointment.

*8.1—as amended by election 6-6-78 and 3-7-95.

Sec. 8.2. Mayor, voting, tie only.

The Mayor shall not have a vote on any matter brought before the City Council unless such vote is necessary to decide a tie.

Sec. 8.3. Mayor, presiding officer.

He shall be the executive head of the City of Redondo Beach for the purposes hereinafter set forth:

(a) He shall preside over the meetings of the City Council.

(b) He shall be the representative of the City for all ceremonial purposes.

(c) He shall sign, on behalf of the City, all contracts, ordinances, resolutions and warrants except as hereinafter set forth.

(d) He shall approve all bonds as to amounts.

(e) He shall perform such other duties as may be prescribed by this Charter or as may be assigned to him by the City Council.

Sec. 8.4. Mayor, veto power.

The Mayor shall have the right to veto any action of the City Council, provided, however, that in the case of a resolution or ordinance the Mayor shall exercise the veto power in writing, expressing his reasons therefor, and he shall have five (5) days, after the delivery to the office of the Mayor of such resolution or ordinance, in which to exercise the veto. The City Council may override the action of the Mayor by four (4) affirmative votes.

Sec. 8.5. Mayor Pro Tem.*

Prior to June 30 of each year, the City Council shall appoint one of its members as Mayor Pro Tempore. The Mayor Pro Tempore shall serve if the Mayor is absent or unable to act, and shall serve until the Mayor returns or is able to act. The Mayor Pro Tempore has all of the powers and duties of the Mayor, except the power of veto and the power to appoint members of Boards or Commissions. At any meeting where both the Mayor and the Mayor Pro Tempore are absent or unable to act, the City Council shall appoint one of its members to serve as acting Mayor Pro

Tempore for the duration of that meeting. The Acting Mayor Pro Tempore shall have all of the powers and duties of the Mayor, except the power of veto and the power to appoint members of Boards and Commissions.

*8.5—as added by election 4-12-55; as amended by election 4-15-75, 6-3-86 and 3-7-89.

Article IX. Legislative Department

Sec. 9. Powers vested in City Council.

All powers of the City shall be vested in the City Council, subject to the provisions of this Charter and to the Constitution of the State of California. It shall be the duty of the City Council to enact all necessary legislation to govern the City, consistent with the provisions of this Charter, and to enact all ordinances to enforce the provisions of this Charter.

Sec. 9.1. Departmental interference.*

Neither the City Council, nor any of its members, nor the Mayor of the City shall order or request, directly or indirectly, the appointment of any person to an office or employment, or his removal therefrom by the City Manager, or by any of the elective officers or other department heads in the administrative service of the City. The City Council and the Mayor shall conduct all business with the administrative branch of the municipal government solely through the City Manager. Neither the City Council, nor any members thereof, nor the Mayor shall give orders to any subordinates of the City Manager, either publicly or privately; provided that the foregoing shall not prevent the City Council, and the members thereof, or the Mayor from:

(a) Contacting officers and employees of the City for the purpose of inquiry or obtaining information, or

(b) Contacting officers and employees for the purpose of advising said officers and employees of citizen complaints relating to the operation of City government.

*9.1, 9.3—as amended by election 3-8-83.

Sec. 9.2. Regular meetings.*

The City Council shall hold regular meetings at least twice a month at times fixed by ordinance or resolution, and may adjourn or readjourn any regular meeting to a date and time certain, which shall be specified in the order of adjournment and when so adjourned, each adjourned meeting shall be a regular meeting for all purposes.

*9.2—as amended by election 3-8-83 and 6-3-86.

Sec. 9.3. Special meetings; Emergency meetings.*

Special meetings or emergency meetings may be called, and notice given, as provided in Title 5, Division 2, Part 1, Chapter 9, of the Government Code as it now exists or may hereafter be amended.

*9.1, 9.3—as amended by election 3-8-83.

Sec. 9.4. Place of meetings.*

All meetings shall be convened in the Council Chambers of the City Hall, but may be thereafter adjourned when necessary or convenient to such other location as may be selected by the City Council. Except as provided by law, all meetings of the City Council shall be open to the public. If by reason of any public emergency in the City it becomes unsafe or impractical to hold the City Council meetings in the City Hall, then and in that event, the City Council may hold its meetings at such place as is designated by the Mayor or by a majority of the City Council until such condition is alleviated.

*9.4, 9.5—as amended by election 3-8-83.

Sec. 9.5. Citizen participation.*

No citizen shall be denied the right, personally or through counsel, to present grievances or offer suggestions for the betterment of municipal affairs, provided however, that the City Council shall have the right and privilege to hold and conduct its meetings in accordance with an agenda and may specify the matters which shall be considered at each meeting and shall have the right to establish a time at which all communications shall be on file in the office of the City Clerk in order that such communications may be considered at the next regular meeting of the City Council.

*9.4, 9.5—as amended by election 3-8-83.

Sec. 9.6. Quorum.

Three (3) members of the City Council shall constitute a quorum to do business. A lesser number may adjourn from time to time. In the absence of all of the City Council from any regular meeting or adjourned regular meeting, the City Clerk may declare the same adjourned to a stated day and hour. Notice of an adjourned meeting called by the City Clerk shall be given in the same manner as specified in this Charter for the giving of notice of special meetings of the City Council. Notice of such adjourned meeting may be waived in the same manner as a call for special meetings.

Sec. 9.7. Council, qualification of members, election returns.

The City Council shall be the judge of the qualifications of its members and of the Mayor as set forth by the Charter and shall judge all election returns.

Sec. 9.8. Meetings, rules of conduct.

The City Council may establish rules for the conduct of its proceedings and punish any member or any other person in attendance for disorderly conduct at any of its meetings. The Mayor or presiding officer shall have the power to administer oaths and affirmations in any investigation, hearing or proceeding pending before the City Council. The City Council shall have the power to compel the attendance of witnesses, to examine them under oath and to compel the production of evidence before it. Subpoenas may be issued in the name of the City and be attested by the City Clerk. Disobedience to such subpoenas, or the refusal to testify, unless such refusal is based upon constitutional grounds, shall constitute a misdemeanor, and shall be punishable in the same manner as violations of this Charter are punishable.

Sec. 9.9. Minutes.

The City Council shall cause the City Clerk to keep a true and correct record of all of its proceedings and at the demand of any member or upon the adoption of any ordinance, resolution, or order for the payment of money, the City Clerk shall call the roll and shall cause the ayes and noes to be taken on any question to be entered in the minutes of the meeting. All other matters coming before the City Council may be ordered approved or rejected by the Mayor without the necessity of a formal vote by members of the City Council.

Sec. 9.10. Ordinances and resolutions.*

Except as hereinafter specified, no ordinance shall be adopted by the City Council on the day of its introduction, nor within five (5) days thereafter, nor at any time other than at a regular or adjourned regular meeting. At the time of introduction of an ordinance or resolution, it shall be read in full unless, after the reading of the title thereof, the further reading thereof is waived by motion of the City Council regularly made and approved by a majority consent of the councilmen present. After the introduction of an ordinance and for a period of not less than five (5) days prior to the adoption of such ordinance, a copy of the ordinance shall be posted at the City Hall. At the time of adoption of an ordinance it shall be read in full unless, after the reading of the title thereof, the further reading thereof is waived by motion of the City Council regularly made and

approved by majority consent of the councilmen present. In the event that any ordinance is materially altered after its introduction, the same shall not be finally adopted except at a regular or adjourned regular meeting, held not less than five (5) days after the date upon which such ordinance was so altered. The correction of typographical or clerical errors shall not constitute the making of an alteration within the meaning of the foregoing.

Unless a greater number of votes is required by other provisions of this Charter or by the laws of this State under which any action is taken by the City Council, the affirmative votes of at least three (3) members of the City Council shall be required for the enactment of any ordinance or resolution, or for the making or approving of any order for the payment of money.

*9.10—ORDINANCES AND RESOLUTIONS—as amended by election 4-11-67.

Sec. 9.11. Emergency ordinances.

Any ordinance declared by the City Council to be necessary as an emergency measure for preserving the public peace, health or safety, and containing a statement of the reasons for its urgency, may be introduced and adopted at one and the same meeting if passed by at least four (4) affirmative votes.

Sec. 9.12. Orders for payment of money.

No order for the payment of money shall be adopted or made at any other than a regular or adjourned regular meeting. Provided, however, that this provision shall not be construed to prevent the filling of any vacancies, the creation of any job, or the award of any contract, or order of any materials or supplies, wherein such appointment and/or award require the City Council to set the salaries or amounts of the contract, when the same are made at special meetings of the City Council.

Sec. 9.13. Ordinances, when required.

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

Sec. 9.14. Ordinances, enacting clause.

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

Sec. 9.15. Ordinances, publication.

The City Clerk shall cause each ordinance to be published at least once in the official newspaper of said City within fifteen (15) days from and after the date of adoption of said ordinances.

Sec. 9.16. Ordinances, when effective.

No ordinance shall become effective until thirty (30) days from and after the date of its adoption, with the exceptions hereinafter specified. In the event of the adoption of the following ordinances, such ordinances shall become effective immediately upon adoption:

- (a) An ordinance calling or otherwise relating to an election;
- (b) Any improvement or assessment proceeding ordinance adopted under some law or procedural ordinance;
- (c) An ordinance declaring the amount of money necessary to be raised by taxation, or fixing the rate of taxation or adopting the budget; or
- (d) An emergency ordinance adopted in the manner herein provided in Section 9.11.

Sec. 9.17. Ordinances, repeal.

An ordinance may be repealed by action of the City Council in the same manner as said ordinance was adopted. In the event the City Council desires to repeal an ordinance prior to publication thereof said City Council shall order the City Clerk to withhold publication of said ordinance and thereafter said ordinance shall be null and void without the necessity of the City Council adopting an ordinance repealing the same, provided, however, that such order withholding publication shall be adopted by the same number of votes required for the adoption of the ordinance itself.

Sec. 9.18. Ordinances, violation, penalty.*

A violation of any ordinance of the City shall constitute a misdemeanor, unless it is made an infraction. The maximum fine or penalty for the violation of any ordinance which is a misdemeanor shall be the sum of One Thousand Dollars (\$1,000) or a term of imprisonment for a period not exceeding six (6) months, or by both fine and imprisonment. The maximum fine or penalty for the violation of any ordinance which is an infraction shall be as provided for in Government Code Sec. 36900 or any amendments thereto. A violation of any ordinance may be prosecuted in the name of the People of the State of California or may be redressed by civil action.

*9.18—as amended by election 11-6-84.

Sec. 9.19. Ordinances, amendment.

The amendment of any section or sections of an ordinance may be accomplished solely by the reenactment of such section or sections at length, as amended.

Sec. 9.20. Codification of ordinances.

Any or all ordinances of the City which have been enacted and published in the manner required at the time of their adoption, and which have not been repealed, may be compiled, consolidated, revised, indexed and arranged as a comprehensive ordinance code and such code may be adopted by reference by the passage of an ordinance for such purpose. Such code need not be published in the manner required for other ordinances, but not less than three (3) copies thereof shall be filed for use and examination by the public in the office of the City Clerk prior to the adoption thereof. Ordinances codified shall be repealed as of the effective date of the code. Subsequent amendments to sections of the code shall be enacted in the same manner as herein required for the amendment of ordinances generally. Detailed regulations pertaining to the subject, such as the construction of buildings, plumbing, wiring, or other subjects which require extensive regulations, after having been arranged as a comprehensive code, may likewise be adopted by reference in the manner hereinabove provided.

Article X. Elective Officers

Sec. 10. Enumeration and term.*

The elective officers of the City, other than the Mayor and Council, shall consist of:

- (a) A City Clerk.
- (b) A City Treasurer.
- (c) A City Attorney.

All of the elective officers shall serve for a term of four (4) years.

*10—as amended by election 4-15-75.

Sec. 10.1. Compensation of elective officers, other than Mayor and City Council.

The elective officers of said City shall receive at stated times a compensation for their services in their respective capacities, to be fixed by ordinance adopted by the City Council. The compensation for such services shall not be increased or diminished as to any such officer after his election and during his term of office, nor within thirty (30) days prior to the date when nomination papers for the position may be filed, provided, however, that in the event of an emergency and in the event any law is adopted by

the Legislature of the State of California permitting an increase during the period of any emergency of the salaries of elective officers, then and in that event the City Council may by ordinance increase the salaries of such elective officers in accordance with the provisions of the general law then in effect. In the event of an appointment to fill the vacancy in the unexpired term of any elective official, the City Council may, prior to the time of such appointment, adopt an ordinance, as an emergency ordinance, providing for the compensation of such appointee during the balance of the unexpired term and thereafter the salary or compensation of such appointee shall not be increased or decreased except in the manner hereinabove provided for elective officials.

Sec. 10.2. Elective offices, vacancies, leaves of absence, temporary appointments.*

In the event any elective official described in Article X, Section 10, is unable by reason of illness to perform the duties of his office, the City Council shall grant, without the necessity of any written request for such leave by the official, to such official a leave of absence with pay, for a period of not to exceed six (6) months. Upon the granting of such leave of absence the City Council shall make a temporary appointment for the duration of the leave of absence. In the event any elective official of the City of Redondo Beach absents himself from said City for thirty (30) consecutive days or in the event that such elective official does not perform his duties for thirty (30) consecutive days, unless such elective official has the permission of the City Council to absent himself from the City for thirty (30) consecutive days or to refrain from performing his duties for longer than such period, such permission being expressed in the official minutes of the City Council, or in the event such official is convicted of a crime involving moral turpitude, or otherwise ceases for any reason to be eligible to hold his office, his office shall become vacant and shall be so declared to the City Council.

*10.2—as amended by election 6-3-86.

Sec. 10.3. Eligibility.*

No person shall be eligible to file as a candidate or hold office as City Clerk, City Treasurer, or City Attorney under Article X unless such person shall be a registered voter of the City of Redondo Beach at the time of filing his(her) nomination papers and shall have been a resident of the City for at least thirty (30) days immediately preceding the date of such filing or appointment.

*10.3—as added by election 4-13-65; as amended by election 6-6-78, 3-5-85 and 3-7-95.

Sec. 10.4. (Repealed by election 3-5-85).*

*10.4—as added by election 4-13-65; as amended by election 6-6-78.

Article XI. Elective Officers, Powers and Duties

Sec. 11. City Clerk.*

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

(a) Be represented at all meetings of the City Council by himself or his deputy. Record and maintain a true and correct record of all of the proceedings of the City Council in books devoted solely to such purposes. Such books shall have a comprehensive index to enable persons readily to ascertain matters contained therein;

(b) Compile and maintain ordinance and resolution books, in which shall be recorded all City Ordinances and Resolutions with the certificate of the Clerk annexed thereto to each said resolution or ordinance, together with a statement that the same is a true and correct copy, giving the numbers of said ordinance or resolutions and, as to an ordinance, a statement that the same has been published according to the requirements of this Charter;

(c) Be the custodian of the seal of the City of Redondo Beach;

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

(e) Provide all elective officials with certificates of election properly authenticated to by himself and appointive officers with certificates of appointment;

(f) Have charge of the administration of the financial affairs of the City under the direction of the City Manager and in connection therewith shall have the power and be required to:

(1) Prepare and assemble the budget expense and capital estimates for the City Manager;

(2) Supervise all expenditures and disbursements to insure that budget appropriations are not exceeded;

(3) Provide and maintain a general accounting system for the City government and each of its offices, departments and agencies; keep books for and prescribe the financial forms to be used by each office, department and agency;

(4) Supervise the maintenance of current inventories of all property, real and personal, by the respective officers in charge thereof and periodically to audit the same;

(5) Submit to the City Council, through the City Manager, a monthly statement of all receipts and disbursements in sufficient detail to show the exact financial condition of the City; and, as of the end of each fiscal year, submit a financial statement and report; and

(6) To approve, except as to correctness, together with the City Manager, before payment, all bills, invoices, payrolls, demands or charges against the City government.

No person shall be eligible for office of City Clerk unless he shall have successfully completed, with a passing grade, at least 15 units consisting of the following courses: elementary accounting; intermediate accounting; advanced accounting; auditing; cost accounting; and municipal and

governmental accounting. Said courses shall have been completed at a collegiate institution, either in residence or in extension, or in a recognized private school of equal educational standards. Five years experience in municipal accounting, in a responsible position, may be substituted for the educational requirements.

*11—as amended by election 4-13-65.

Sec. 11.1. City Treasurer.*

The City Treasurer shall be the custodian of all public funds belonging to or under the control of the City, or of any office, department or agency thereof, and shall have the power and be required to:

(a) Receive and have custody of all moneys collected by the City from any source;

(b) Deposit all moneys received in such depositories as may be designated by resolution of the City Council;

(c) Disburse moneys on demands properly audited and approved in the manner provided for in this Charter or by ordinance of the City of Redondo Beach;

(d) Prepare and submit to the City Clerk monthly written reports of all receipts, disbursements and funds balances, copies of which reports shall be filed with the City Manager;

(e) Prepare and submit to the City Manager monthly reports as to the failure of any department heads, officers and/or employees within the City failing to promptly turn over moneys to the Treasurer as required by this Charter or by ordinances of said city and have the authority to audit all moneys collected by the City from any source in order to prepare these monthly reports;

(f) Collect City taxes and license fees;

(g) Invest and reinvest funds according to State law; provided, however, that the City Council may adopt investment guidelines by resolution.

The City Treasurer may appoint deputies for whose acts he and his bondsmen are responsible. The deputies shall hold office at the pleasure of the City Treasurer. The effective date of this Charter Amendment shall be April 1, 1983.

*11.1—as amended by election 11-2-82 and 11-4-14.

Sec. 11.2. City Attorney.*

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

The City Attorney shall devote his full time to the duties of office and shall not engage in private legal practice during his term of office, except to carry to conclusion any matters for which he has been retained prior to taking office.

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

(a) Represent and advise the City Council and all city officers in all matters of law pertaining to the respective offices/duties.

(b) Represent and appear for the city and any city officer, employee or former city officer or employee, in any and all actions or proceedings in which the city or such officer or employee, in or by reason of his official capacity is concerned or is a party. The City Council, at the request of the City Attorney, may employ other attorneys to assist in any litigation or other matter of interest to the city.

(c) Prosecute on behalf of the People any and all criminal cases arising from violations of this Charter or city ordinances; he shall prosecute violations of State misdemeanors, unless otherwise directed by the City Council.

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

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

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

(g) On vacating office, surrender to his successor all books, papers, files, and documents pertaining to the city's affairs.

The City Attorney may appoint such assistant city attorneys or deputy city attorneys who shall serve him. Such assistant city attorneys or deputy city attorneys shall not be included in the classified service and shall be subject to removal by the city attorney.

The City Attorney shall perform such other duties of a legal nature as the Council may by ordinance require or as provided by the Constitution and general laws of the State.

*11.2—as amended by election 4-15-75 and 6-5-84.

**Sec. 11.3. City Judge.
(Repealed by election 4-15-75).**

Article XII. City Manager

Sec. 12. Creation of office.

There is hereby created the office of City Manager of the City of Redondo Beach.

Sec. 12.1. Method of appointment.

The City Manager shall be chosen on the basis of his executive and administrative qualifications and experience in the field of city management. He shall be paid a salary commensurate with his responsibilities as the chief administrative officer of the City. The first City Council elected after the effective date of this Charter shall, within ninety (90) days after taking office, appoint a City Manager. Any City Manager appointed shall be employed by contract for a period of not less than one (1) year and not more than three (3) years, provided that such contract may be renewed from time to time for similar periods.

Sec. 12.2. Eligibility for appointment.

No elected official of the City of Redondo Beach at the time this Charter goes into effect shall be eligible for the position of City Manager nor shall any official elected at the first election held under the provisions of this Charter be eligible for the position of City Manager within two (2) years from and after the effective date of this Charter.

Sec. 12.3. Powers and duties.*

The City Manager shall be the chief administrative officer and the head of the administrative branch of the City government. He shall be responsible directly to the City Council for the proper administration of all affairs of the City, and he shall have power and be required to:

(a) Appoint, remove and assign, and supervise and direct the activities of all non-elected department heads and employees of the City, subject to the provisions of this Charter and the ordinances, Civil Service Rules and Regulations of the City and directives of the City Council; provided, however, that the City Manager shall not have any such or other authority over the City Attorney, City Treasurer or City Clerk, except as specifically provided in section 11(f) of this Charter, or over their Assistants and Deputies appointed in accordance with the provisions of this Charter and provided, further, that the City Attorney, City Treasurer and City Clerk shall supervise and direct the day-to-day work assignments of the employees assigned to their respective departments.

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

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

(d) Keep the City Council advised of the financial condition and future needs of the City and make such recommendations as may seem to him to be desirable and to the best interests of said City.

(e) Appoint and remove, subject to the provisions of this Charter and the Civil Service ordinances, rules and regulations of the City of Redondo Beach, all department heads of the City except as herein otherwise provided, and pass upon and approve all proposed appointments and removals of subordinate employees by department heads.

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

(g) Attend all of the meetings of the City Council and have the right to participate in the deliberations of the City Council, but shall not have a vote at such meetings.

(h) He shall appoint, subject to the approval of the City Council, one of the other city officers as Manager pro tempore during any temporary absence or disability of the City Manager.

*12.3—as amended by election 3-4-97.

Sec. 12.4. Assistant City Manager.

In the event the City Council provides for the appointment of an Assistant City Manager he shall be appointed by and be under the supervision and direction of the City Manager and may be removed at any time by the City Manager. In the event an Assistant City Manager is appointed, the provisions of Subdivision (h) of Section 12.3 shall be inoperative.

Sec. 12.5. City Manager, civil service.

Neither the City Manager nor any Assistant City Manager shall be placed under the civil service system of said City.

**Article XIII. The City Court
(Repealed by election 4-15-75)**

Article XIV. Appointive Officers*

* Certain provisions of Article XIV, including Sections 14, and 14.2 through 14.8 were deleted as a result of the passage of Proposition D, passed 3-7-95.

Sec. 14.1. Creation, consolidation and abolition of City departments and appointive officers.*

The City Council may provide by ordinance for the creation, consolidation, alteration or abolition of departments, divisions and appointive officers, after consideration of the City Manager's recommendation(s) thereon.

*14.1—as amended by election 3-8-83.

Article XV. Appointive Boards and Commissions

Sec. 15. Creation of Boards and Commissions.*

The City Council may create by ordinance such boards and commissions as in its judgment may be required to promote the interests of the City of Redondo Beach and may grant to them such powers and duties as are consistent with the provisions of this Charter and other paramount law.

*15—as amended by election 4-10-51 and 3-4-97.

**Sec. 15.1. Commissions, budget requirements.
(Repealed by election 3-4-97).**

**Sec. 15.2. Membership, appointments, terms.*
(Repealed by election 3-4-97).**

*15.2—as amended by election 4-15-75, 6-5-84, 6-3-86, and 3-7-89.

**Sec. 15.3. Newly created boards and commissions.*
(Repealed by election 3-4-97).**

*15.3—as amended by election 6-5-84.

**Sec. 15.4. Organization meetings, chairmen.
(Repealed by election 3-4-97).***

*15.4—as amended by election 3-7-95.

**Sec. 15.5. Proceedings.
(Repealed by election 3-4-97).**

**Sec. 15.6. Members' compensation.
(Repealed by election 3-4-97).**

**Sec. 15.7. Membership eligibility.*
(Repealed by election 3-4-97).**

*15.7—as amended by election 4-10-51, 6-5-84, and 3-7-95.

Sec. 15.8. Vacancies.*
(Repealed by election 3-4-97).

*15.8—as amended by election 6-3-86 and 3-7-95.

Sec. 15.9. Oaths and affirmations.
(Repealed by election 3-4-97).

Sec. 15.10. Planning Commission.*
(Repealed by election 3-4-97).

*15.10—amended by election 6-5-84 and 3-7-95.

Sec. 15.11. Planning Commission, powers and duties.
(Repealed by election 3-4-97).

Sec. 15.12. Recreation and Parks Commission.*
(Repealed by election 3-4-97).

*15.12, 15.13—amended by election 4-10-51.

Sec. 15.13. Recreation and Parks Commission, powers and duties.*
(Repealed by election 3-4-97).

*15.12, 15.13—amended by election 4-10-51.

Sec. 15.14. Library Commission.*
(Repealed by election 3-4-97).

*15.14—as amended by election 3-5-91.

Sec. 15.15. Library Commission, powers and duties.
(Repealed by election 3-4-97).

Sec. 15.16. Taxation and Budget Commission.
(Repealed by election 3-4-97).

Sec. 15.17. Taxation and Budget Commission, powers and duties.
(Repealed by election 3-4-97).

Sec. 15.18. Public Improvement Commission.
(Repealed by election 3-4-97).

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That said City Charter be amended by repealing Sections 15.19 and 15.20 fixing the number of members of the Parks Commission and the duties of the Parks Commission. (Last 3 lines constitute repeal amendment of 4/10/51.)

Article XVI. Redondo Beach Unified School District

Sec. 16. Jurisdiction over Public Schools.*

The Redondo Beach Unified School District shall have jurisdiction over the public schools, kindergarten through twelfth grade, within the said City of Redondo Beach, as the same now exists, or may hereafter be changed and exist, as provided by law.

*16—as amended by election 3-2-93 and 3-7-95.

Sec. 16.1. Board members.*

The government and control of the public schools shall be vested in the Board of Education, consisting of five (5) members. No person shall be eligible to hold the office of member of the Board of Education unless he/she shall have been a resident of the territory included in the Redondo Beach Unified School District for at least thirty (30) days immediately preceding the date of filing his/her declaration of candidacy. They shall be elected at large by the registered voters of the district and shall serve for a four (4) year term, without compensation, except necessary expenses when acting as a designated representative of the Board of Education as provided in the Education Code of the State of California.

*16.1—as amended by election 4-10-73, 4-19-77, 6-6-78, 3-2-93, and 3-7-95.

Sec. 16.2. Board, powers and duties.

The powers and duties of the Board of Education of the public school system of said City shall continue as at present under the Constitution and laws of the State of California relating thereto, as said Constitution and laws now exist, or may hereafter be amended, and said public school system shall be supported, maintained, improved, extended, conducted, operated and carried on under said Constitution and laws, as they now exist or may hereafter be amended, in all particulars in all respects, and in the same manner as heretofore.

Sec. 16.3. Elections.*

The election of members of the Board of Education shall be held in the Redondo Beach School District on the

first Tuesday after the first Monday in March of each succeeding odd-numbered year to fill the offices of members whose terms expire on March 31st next succeeding the election. Each person elected at a regular biennial governing board member election shall hold office for a term of four years from April 1st next succeeding his election. Board of Education elections shall be consolidated with General Municipal Elections.

*16.3—as amended by election 4-10-73, 6-6-78, and 3-2-93.

Sec. 16.4. Absentee voters.*

*16.4—as amended by election 4-19-77; deleted by election 3-2-93.

Sec. 16.5. Vacancies.*

In the event any vacancy or vacancies exist in the membership of the said Board of Education, the same shall be filled as provided in the Education Code of the State of California as it now exists or as it shall be hereafter amended.

*16.5—as amended by election 4-15-75.

Sec. 16.6. Adjustment: Initial term.*

The members of the Board of Education of the Redondo Beach Unified School District elected at the election held on November 3, 1992 shall serve the following initial terms of office: The three members receiving the highest votes at said election shall serve through March 31, 1997, and the remaining members shall serve through March 31, 1995. Thereafter, all members shall serve four year terms as provided in this Charter.

*16.6—as amended by election 3-2-93.

Sec. 16.7. Term limits.*

No person shall serve more than two full terms as a member of the Board of Education or any predecessor or successor entity covered by this Charter, whether elected at-large or by district or by a combination thereof. If a person serves a partial term in excess of two years, it shall be considered a full term for the purpose of applying this provision. Previous terms and current uncompleted terms of office of persons who were members of the Board on March 3, 1997, shall not be counted for the purpose of applying this provision.

*16.7—as added by election 3-4-97.

Article XVII. Taxation and Budget

Sec. 17. Tax system.

The City Council may by ordinance provide for assessments and tax collection by the City. Until such time as a different method is established, the City shall continue to use, for the purpose of ad valorem municipal taxation, the Los Angeles County system of assessment and tax collection as now in effect or may hereafter be amended in so far as such provisions are not in conflict with this Charter.

Sec. 17.1. Tax levy, failure to fix.

Should the City Council fail, for any reason, to properly fix the rate and levy taxes on or before August 31st, in any year, after the adoption of this Charter, the rates for the next preceding year shall thereupon be automatically adopted and a tax at such rate shall be deemed to have been levied on all taxable property in the City for the current fiscal year.

Sec. 17.2. Fiscal year.

The fiscal year of the municipal government shall begin on the first day of July of each year and end on the thirtieth day of June the following year.

Sec. 17.3. Tax levy limits.

In addition to the special levies hereinafter provided, the City Council shall not levy a property tax in excess of One Dollar (\$1.00) on each One Hundred Dollars (\$100.00) of the assessed valuation of taxable property in the City for municipal purposes.

Sec. 17.4. Tax levies, special purposes.

At the same time and in the same manner as other property taxes for municipal purposes are levied and collected, and where no other provisions for payments are made, there shall be levied and collected the following:

(a) A tax sufficient to meet all liabilities of the City for principal and interest of all bonds or judgments due and unpaid, or to become due during the ensuing fiscal year.

(b) A tax not to exceed fifteen cents (15¢) on each One Hundred Dollars (\$100.00) of the assessed value of taxable property in the City for advertising, music and park purposes.

(c) A tax not to exceed fifteen cents (15¢) on each One Hundred Dollars (\$100.00) of the assessed value of taxable property in the City for library purposes, provided, however, any surplus from such levy remaining at the end of any fiscal year shall be transferred to the Library Im-

provement Fund and may be used for Library capital outlays, extensions and maintenance.

(d) A tax not to exceed fifteen cents (15¢) on each One Hundred Dollars (\$100.00) of the assessed value of taxable property in the City for recreation.

The proceeds of any special levy shall be used for the purposes specified and no others.

Sec. 17.5. Special levy, employees retirement system, tax levy.

The City Council may make a special levy to raise sufficient funds to meet all obligations of the City to the State Employees Retirement System, in the event such a system is placed in effect for the employees of this City.

Sec. 17.6. General funds, transfer of surplus.

Prior to the adoption of any ordinance fixing the annual tax levy, the City Council may transfer any surplus sums remaining in the General Fund of said City to the Municipal Building and Capital Outlays Fund.

Sec. 17.7. Budget preparation.

Annually, the City Manager shall require the heads of each department to submit to him not later than April 1st, detailed estimates of the estimated revenues and expenditures of their departments for the ensuing fiscal year. The City Manager shall hold such conferences with the department heads as may be necessary to permit him to accurately determine department needs in the light of anticipated municipal revenues and efficient operation of the departments.

Sec. 17.8. Budget, submission by City Manager.

Not later than May 16th of each year the City Manager shall submit a proposed budget for the ensuing fiscal year to the City Council.

Sec. 17.9. Budget hearing and adoption.

Upon receipt of the proposed budget, the City Council shall set a time and place for a public hearing on the budget. Said hearing shall be held not more than thirty days after receipt of the proposed budget and the City Council shall cause notice of such hearing to be given by publishing a notice in the official paper of said City at least ten (10) days prior to the hearing.

If the City Council is unable to complete the hearing at one session, it may adjourn from time to time until completed.

After the hearing, the City Council shall review the budget, considering matters brought forth at the hearing,

make any revisions and adopt the same. The City Council shall adopt the budget on or before June 30th of each year.

Sec. 17.10. Budget adherence.

After the adoption of the budget, the amounts allocated therein to the various departments shall be appropriated to the various departments and no department shall exceed the appropriations made to it.

At any meeting, after the adoption of the budget, any appropriations may be modified and/or transferred by the adoption of a resolution by at least four affirmative votes.

All appropriations remaining unexpended or not allocated for payment of existing contracts shall lapse at the end of each current fiscal year.

Sec. 17.11. Bonded debt limit.

The bonded indebtedness of the City shall not exceed fifteen percent of the total assessed valuation of property within the City.

Article XVIII. Elections

Sec. 18. General municipal elections.*

General Municipal Elections to fill elective offices shall be held in said City on the first Tuesday after the first Monday in March of each succeeding odd-numbered year to fill the offices of persons whose terms expire on March 31st next succeeding the election. Each person elected at a General Municipal Election shall hold office for a term of four years from April 1st next succeeding his election. General Municipal Elections shall be consolidated with Board of Education elections.

*18—as amended by election 4-10-73 and 6-6-78.

Sec. 18.1. Special municipal elections.

Special municipal elections may be held by authority of this Charter or by authority of any law of the State of California during the period this Charter shall be in effect.

Sec. 18.2. Procedure, elections code.*

All elections held under this Charter shall be held and conducted in accordance with the provisions of the Elections Code of the State of California as the same now exists or may hereafter be amended, for the holding of elections in general law cities unless such provisions are in conflict with the provisions of this Charter or unless an ordinance providing for the manner of holding and conducting elections is adopted by the City Council.

*18.2—as amended by election 3-5-85.

Sec. 18.3. Initiative, referendum, recall.

The provisions of the elections code of the State of California, as the same now exists or may hereafter be amended, governing the initiative, referendum and recall of municipal officers, shall apply to the use thereof in this City in so far as the provisions of the elections code are not in conflict with this Charter.

Sec. 18.4. Majority vote: Runoff elections.*

A. Except as provided in this Section with regard to runoff elections, a majority (more than half), of the votes cast for all candidates for each City elective office is required for the election of the candidate to such office. In the event no candidate for an elective office receives a majority of the votes cast for all candidates for such office, the two (2) candidates receiving the highest numbers of votes cast for any such office shall thereby qualify as candidates for such office at a runoff election to be held not later than seventy (70) days after such election. In the event that any person qualifies pursuant to law to become a write-in candidate for such office at the runoff election, the candidate who receives a plurality of all the votes cast for such office in the runoff election shall be elected.

B. Notwithstanding the foregoing, members of the Board of Education shall continue to be elected by a plurality of votes cast.

*18.4—as added by election 11-4-80; as amended by election 11-6-84 and 3-7-95.

Article XIX. General Provisions**Sec. 19. Public works, contracts.***

Every contract involving an expenditure of more than fifty thousand dollars (\$50,000.00) for public works projects, including the construction of improvements of public buildings, streets, drains, sewers, utilities, parks and playgrounds shall be let either to: (1) the lowest responsible bidder, after notice by publication in the official newspaper by one or more insertions, the first of which shall be published at least ten (10) days before the time for opening bids; or (2) the best value design-builds entity or best value design-build-operate entity responding to a request for proposals.

Public works projects of fifty thousand dollars (\$50,000.00) or less may be let to contract by informal bid procedures as shall be set by the City Council by ordinance.

Public works projects of fifteen thousand dollars (\$15,000.00) or less may be performed by employees of

the City by force account, by negotiated contract or by purchase order.

The Council may reject any and all bids received whenever in the opinion of the City Council:

(a) The bid or bids do not strictly comply with the notice and specifications.

(b) The Council finds and determines that the proposed project or purchase should be abandoned.

(c) The Council finds and determines that the materials may be purchased more reasonably on the open market and the work done cheaper by day or City labor.

(d) The Council determines that the bids are higher than anticipated and a new call for bids would result in savings to the City.

(e) The Council determines that it would be in the best interest of the City to delay the work or purchase for an indefinite period of time.

(f) The best interests of the City would be served by a rejection of all bids.

(g) The proposal is not suitable for the project.

*19—as amended by election 4-11-67, 3-7-89 and 3-6-01.

Sec. 19.1. Competitive bidding, when not required.*

It shall not be necessary for the City Council to publish notice calling for bids or to receive bids as required in Article XIX, Section 19, in the following cases:

(a) Where the proposed work consists of maintenance or repair.

(b) When the City Council, upon recommendation of the City Manager, finds and determines that the work may be done more reasonably either on a daily basis or by the use of City labor, and/or materials may be purchased as cheaply on the open market.

(c) When the City Council by four-fifths (4/5) vote expressed in its official minutes finds and determines that an emergency exists and it is necessary to immediately contract for such work and/or materials in order to protect and preserve life or property.

(d) When the proposed services are not competitive or are to be furnished by a public utility.

(e) On all purchases of supplies or materials under \$5,000.00, providing such purchases are approved by the City Manager.

*19.1—COMPETITIVE BIDDING, WHEN NOT REQUIRED—as amended by election 4-13-65.

Sec. 19.2. Officers, interest in public contracts or sales.

City officers shall not be interested in any contract made by them in their official capacity, or by any body or board of which they are members. Any willful violation of the provisions of this section shall be a ground for removal from office and shall be deemed a misdemeanor and punished as such. City officers shall not be purchasers at any sale nor vendors at any purchase made by them in their official capacity. Any contract made in violation of any of the provisions of this section may be voided at the instance of any party except the officer interested therein.

Sec. 19.3. Actions against City.*

No suit shall be brought for money or damages against the City or any board, commission or officer thereof until a claim or demand for the same has been presented in the manner prescribed by Government Code sections 900 et seq., as they currently exist and may hereafter be amended. The City Council may prescribe additional claims procedures by appropriate ordinance.

*19.3—as amended by election 3-5-85.

Sec. 19.4. Audits.

The City Council shall employ a qualified public accountant for the purpose of examining the books, records, inventories and reports of all officers and employees receiving, handling or disbursing public funds and of any officers, employees or departments designated by the City Council. Such auditor shall be employed, by contract, on an annual basis at the beginning of each fiscal year. Any contract of employment shall specify the number of reports, the departments to be audited and generally describe the work to be done together with the number of copies of the annual report and quarterly reports, if any, required by the City Council.

The award of auditing contracts may be made upon the basis of competitive bidding upon the recommendation of the City Manager.

Sec. 19.5. Legal notices, contract for publication.*

The City Council annually, prior to the beginning of the fiscal year, shall publish a notice inviting bids and shall award to the lowest responsible bidder a contract for publication of all legal notices or other matter required to be published in a newspaper of general circulation circulated in said City during the ensuing fiscal year. The newspaper with which any such contract is made shall be designated as the official newspaper for the publication of such notices or other matter for the period of such contract. In no

event shall the contract price for such publications exceed the newspaper's customary rates for private legal publications.

*19.5—as amended by election 3-4-03.

Sec. 19.6. Salaries and wages payment.*

The salaries or wages of all officers or employees of the City shall be paid on the basis and at the times as the Council shall by resolution prescribe.

*19.6—as amended by election 4-11-67.

Sec. 19.7. Contracts, progress payments.

All contracts entered into by or on behalf of the City of Redondo Beach may provide for percentage payments at various stages of the work contracted for provided, however, that at least ten (10) per cent of the total sums payable by the City of Redondo Beach under any contract shall be withheld until the work is approved by the department head and accepted by the City Council. The City Council shall not accept complete performance under any contract until satisfactory evidence is furnished that all labor and material liens have been completely satisfied by the contractor.

Sec. 19.8. Borrowing funds, method repayment.

The City Council shall have the right at any time during a fiscal year to borrow funds for budgeted operating expenses providing there are sufficient anticipated revenues for said fiscal year to permit repayment of the sums prior to the end of the fiscal year during which said funds are borrowed. The City Council prior to entering into any agreement to borrow funds shall adopt a resolution by at least four (4) affirmative votes and said resolution shall set forth the sums required by the City, the reasons for such requirements, the amount of interest to be paid on the obligation to be incurred and the ability of the City to repay said sums prior to the end of the current fiscal year, and in addition thereto the date of repayment, a provision that said funds shall be repayable from any source of City revenue and if not paid prior to the payment of the second installment of taxes, it shall be a charge against such taxes and payable from the first moneys received.

Sec. 19.9. Municipal purchases.

The City Council by ordinance, upon recommendation of the City Manager, shall provide for the purchase of all materials by the City through the City Manager or through some official, employee or department recommended by him, subject to other provisions of this Charter, and in ac-

cordance with such regulations as may be deemed advisable by the City Manager and the City Council.

Sec. 19.10. Residence, officers and employees.*

For the protection of the public's health, safety, and welfare and to assure the availability of the services of City employees, the City Council may by ordinance require officers and employees of the City to reside within a prescribed distance from their place of employment in the City. Different distances may be established for different classes of officers and employees.

*19.10—RESIDENCE, OFFICERS AND EMPLOYEES—as amended by election 12-3-70.

Sec. 19.11. Limitations on incurrence of indebtedness or liability.*

The City Council, except as hereinafter set forth, shall not incur any indebtedness or liability in any manner or for any purpose exceeding in any year the income and revenue provided for such year without the assent of two-thirds (2/3) of the registered voters of said City voting at an election held for that purpose, nor unless prior to or at the time of incurring such indebtedness provision shall be made for the collection of an annual tax sufficient to pay the interest and principal on such indebtedness in yearly installments and further providing that no such indebtedness shall be extended over a period of more than twenty (20) years.

*19.11—as amended by election 3-7-95.

Article XX. Funds, Disbursements and Liabilities

Sec. 20. Payments from City Treasury.

No payments shall be made from the City Treasury or out of the funds of the City unless the same shall be authorized by law or this Charter and until the demand is approved as in this Charter provided.

Sec. 20.1. Approval of demands.

All demands shall, prior to payment, be approved by the City Manager and the City Clerk. Prior to the approval of any demands by them, they shall satisfy themselves that the supplies, materials, property or services for which payment is claimed, have been actually delivered or rendered, that the payment, authorized by law, is just and fair, and that appropriation for the same has been made. All payrolls shall be certified by the respective department heads and approved by the City Manager.

Sec. 20.2. Special funds.*

The City Council shall by ordinance establish the special funds referred to in this Charter and all other funds required by law and, in addition thereto, the City Council shall establish the following funds:

(a) Treasurer's Departmental Trust Fund. All funds collected by the Police Department, License Collector, Building Inspector, and other departments may be deposited by the respective officer thereof at frequent intervals during each month. The officers or employees depositing such funds with the Treasurer shall advise the Treasurer concerning the funds deposited. Withdrawals from such fund shall be made by the City Treasurer only on order signed by the proper department head and for the following purposes only:

(1) The making of a refund of bail which has been exonerated or of other refundable deposits involving fund advances authorized by the City Council, or for the correction of clerical or ministerial errors in the receipt of payments to the city.

(2) The making of settlements with city funds at the end of each calendar month for collections accumulated during the month.

(b) Petty cash funds for use by the City Manager and department heads to purchase items which cannot conveniently be handled otherwise than by the payment of cash.

(c) The City Council may by ordinance provide for the establishment and maintenance of such other special funds as it deems necessary for the proper administration of the fiscal affairs of the city.

*20.2—as amended by election 6-5-84.

Article XXI. Miscellaneous Provisions

Sec. 21. Licensing, revenue and regulatory purposes.

The City Council may adopt any and all ordinances deemed necessary or advisable to license, for the purpose of revenue and regulation, all and every kind or kinds of business authorized by law and transacted and carried on in such City, and all shows, exhibitions, and lawful games carried on therein; to fix the rates of license tax upon the same and to provide for the collection of the same by suit or otherwise.

Sec. 21.1. Official bonds, City Clerk and Treasurer, officers and employees.*

The City Clerk and the City Treasurer shall before entering upon the duties of their respective offices, each execute a bond to the City which shall conform to the re-

quirements of the provisions of the Government Code relating to bonds of public officials. The penal sum of such bonds shall be fixed by the City Council by ordinance adopted not less than thirty (30) days prior to the election of such officials. The City Council shall require bonds of all other officers and employees handling moneys of the City of Redondo Beach when deemed necessary by the City Council. All bonds shall be approved by the City Attorney as to form and by the Mayor as to amount and filed with the City Clerk except the bond of the Clerk which shall be filed with the City Treasurer. The premiums of all officials' bonds shall be paid from the General Fund of the City. All provisions of any law of the State of California relating to the official bonds of officers shall apply to any bonds herein required or authorized except as herein otherwise set forth.

*21.1—as amended by election 3-5-85.

Sec. 21.2. Oaths of office.

All officials, officers, members of boards or commissions and employees shall take and file with the City Clerk the oath of office required by the Constitution and the laws of the State. In addition to the oath of office and as a part thereof, the City Council shall by ordinance require all of the persons herein mentioned, including members of the City Council, to affirm their loyalty to the United States of America and its principles of government. The oath of office of the City Clerk shall be taken by and filed with the Mayor.

Sec. 21.3. Adult entertainment and sex-oriented businesses.*

The People of the City of Redondo Beach state that they are opposed to the establishment and operation of adult entertainment and other sex-oriented businesses and uses in the City, including but not restricted to so-called topless and nude bars, adult movie theaters and adult book stores. The People believe the presence of such businesses and uses has a harmful effect on the quality of life of persons living and working in the community and contributes to urban blight by leading to the moral, social and economic deterioration of our neighborhoods. Therefore the People direct the City Council to effectively restrict the establishment and operation of adult entertainment and sex-oriented businesses and uses to those limited and appropriate areas and otherwise in a manner consistent with the constraints of the Federal and State Constitutions and other applicable law in order to maintain the quality of life and viability of neighborhoods in our City.

*21.3—as added by election 4-11-67 and 3-4-97.

Article XXII. Franchises

Sec. 22. Granting of franchises.

The City Council shall have the power to grant by ordinance to any person, firm or corporation, whether presently operating under a franchise or not, to furnish the City or its inhabitants any public utility or service, and to use the public streets, ways, alleys and places, as the same now or may hereafter exist, for the construction and operation of all facilities or works necessary or convenient for the furnishing thereof, or necessary or convenient for crossing the City for the transmitting or conveying of any service elsewhere.

Sec. 22.1. Procedural ordinance.

The City Council shall within ninety (90) days after the effective date of this Charter adopt a procedural ordinance, setting forth the method of procedure and terms and conditions for granting franchises; such ordinance shall provide for the adoption of Resolutions of Intention, public hearings and publication of notices of such intention prior to the granting of any franchise. The procedural ordinance shall also contain a provision that all such grants shall be either indeterminate franchises or for terms not to exceed twenty-five (25) years.

Sec. 22.2. Eminent domain, unimpaired by grant of franchise.

No grant of any franchise shall in any way limit or impair the exercise by the City of the right to eminent domain. In the event of the exercise of such right by the City nothing shall be paid to any public utility for franchise value, except the amount paid to the City by such utility for the franchise, good will, or any other asset other than the physical improvements, land and equipment of such utility.

Sec. 22.3. Usurpation of franchise rights.

It shall be a misdemeanor for any person, firm or corporation to exercise any privilege for which a franchise is required without first obtaining such franchise. Each day such privilege is exercised shall constitute a separate violation.

Article XXIII. Amendments to Charter**Sec. 23. Amendments.**

This Charter may be amended in the manner provided by the Constitution of the State of California, existing at the time of any proposed amendments.

Article XXIV. Violations, Validity and Construction**Sec. 24. Violations.***

The violation of any provision of this Charter shall be a misdemeanor and shall be punishable upon conviction by a fine of not exceeding Five Hundred Dollars (\$500) or by imprisonment for a term not exceeding six (6) months, or by both such fine and imprisonment.

*24—as amended by election 3-5-85.

Sec. 24.1. Validity.

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

Sec. 24.2. Construction.

Wherever the word "shall" is used in this Charter it means mandatory and wherever the word "may" is used it means permissive unless the use of the words in the particular paragraph requires a different construction.

**Article XXV. Harbor Construction and Improvement
(Added by election 4-9-57)****Sec. 25. Harbor Improvement Fund.**

There shall be in the treasury of the City a separate fund to be designated as the Harbor Improvement Fund and there shall be within said fund two (2) accounts, one designated as the Harbor Revenue Account and the other designated as the Oil Revenue Account, and under said accounts there may be such sub-accounts as may be necessary or convenient. From time to time as the same are received by the City the following moneys shall be placed in said fund and credited to the following accounts, to wit:

(a) To the Harbor Revenue Account, all gross receipts, including fees, tolls, rentals, charges and other revenues, received by the City from or in connection with the operation of any harbor facilities owned, controlled or operated by the City.

(b) To the Oil Revenue Account, all net revenues received by the City from or in connection with the production or sale of oil, gas and other hydrocarbon substances derived from tide or submerged lands owned or controlled by the City. As used in this subparagraph, net revenues means gross revenues less the necessary and reasonable costs to the City of such production and sale.

Sec. 25.1. Fund uses.

Moneys in the Harbor Improvement Fund shall be used only for the following purposes in the following order of priority, to wit:

(a) For the current, necessary and reasonable costs and expenses to the City of operating and maintaining harbor facilities owned, controlled or operated by the City, but without allowance for depreciation or obsolescence or additions, extensions or other capital improvements. Such costs and expenses shall be paid, first from the Harbor Revenue Account to the extent there are at that time avail-

able moneys therein, and any remainder from the Oil Revenue Account.

(b) For the payment as the same fall due of the principal of and interest on any bonds of the City, including general obligation bonds, issued for the acquisition, construction, extension or improvement of harbor facilities. Such payments shall be made, first from the Oil Revenue Account to the extent there are at that time available moneys therein, and any remainder from the Harbor Revenue Account.

(c) Any balance which remains from time to time in the Harbor Improvement Fund and the several accounts therein after paying or providing for all then incurred costs and expenses under (a) above, and after paying or providing for all payments under (b) above which are due or which will become due during the next ensuing twelve (12) month period, may be used for the purpose of acquiring, constructing, extending or improving harbor facilities (including deposits into reserve or depreciation funds or accounts established for that purpose) and any part of such balance not then needed for such purposes may be used for any lawful purpose.

Sec. 25.2. Definition of harbor facilities.

As used in this article the term harbor facilities includes harbors, bulkheads, breakwaters, wharves, docks, piers, quays, and other utilities, structures and appliances necessary or convenient for the promotion or accommodation of commerce and navigation and for the protection of lands within the City, and also includes vehicle parking facilities serving harbor facilities or any portion thereof.

Sec. 25.3. Provisions not a covenant.

Nothing in this article shall be deemed to be a covenant in favor of any holder of any general obligation bond of the City. (End of amendment of April 9, 1957)

**Article XXVI.
(Added by election 4-15-75)****Sec. 26. Mayor and City Council.**

No person shall serve more than two full terms as Councilman from any combination of districts, or Mayor. If a person serves a partial term in excess of two years, it shall be considered a full term for the purpose of this provision. Previous and current terms of office shall be counted for the purpose of applying this provision to future elections although all persons presently in office shall be permitted to complete their present terms.

**Article XXVII. Major Changes in Allowable
Land Use
(Added by election 11-4-08)**

Sec. 27. Findings.

The People of Redondo Beach find that:

(a) Environmental quality in Redondo Beach, which directly affects quality of life for its residents, workers and visitors, is significantly impacted by excess development which causes severe traffic congestion and gridlock, as well as air, noise and water pollution;

(b) The City's traffic circulation system is already oversaturated, and at or near gridlock during rush hours, and, as such, is inadequate to support the City's existing level of development;

(c) These existing traffic and traffic circulation system conditions, and their adverse public safety, public health and quality of life consequences, bear testimony to the fact that the City's existing land use and development review and approval procedures do not carefully or accurately consider, nor adequately weigh, the adverse impacts to the local environment and quality of life caused by increased density and congestion resulting from major changes in allowable land use;

(d) The standards by which the City evaluates major changes in allowable land use are ill-defined and inadequate to avoid or effectively minimize the adverse effects of those changes; and

(e) The People of Redondo Beach, whose quality of life and property rights are at stake, should have the power to decide, after careful, independent evaluation by the City of the adverse environmental effects of major changes in allowable land use, based on clear and consistently applied standards, whether a proposed major change in allowable land use is worth the added congestion and density it will cause.

Sec. 27.1. Purpose.

It is the purpose of this article to:

(a) Give the voters of Redondo Beach the power to determine whether the City should allow major changes in allowable land use, as defined below, by requiring voter approval of any such proposed change, and, thereby ensure maximum public participation in major land use and zoning changes proposed in the City;

(b) Ensure that the voters of Redondo Beach receive all necessary and accurate environmental information on proposals for major changes in allowable land use, so that they may intelligently vote on any such proposal;

(c) Ensure that City officials provide timely, accurate and unbiased environmental review of all proposals for

major changes in allowable land use, so that they may minimize their adverse traffic and land use impacts and maximize neighborhood compatibility before the voters decide on any such change;

(d) Ensure that all elements of the land use change approved by the voters are implemented; and

(e) Protect the public health, safety and welfare, and the quality of life, for all citizens living or working in the City, and for all visitors to the City.

Sec. 27.2. Definitions.

The definitions set forth in this section apply to the provisions of this article only and do not affect any other provision of law.

(a) "Aggrieved Person" means the proponent of a major change in allowable land use, any property owner or City resident, and any other person entitled to CEQA notice pursuant to Public Resources Code Section 21092.2.

(b) "As Built Condition" means the dwelling units, office and other nonresidential units, buildings and baseline traffic conditions existing at the time the City issues the notice of preparation of an environmental impact report for the major change in allowable land use, or, where no such notice is issued, when the City commences environmental analysis for the major change. Illegal dwellings and other conditions that exist in violation of the City's zoning ordinance or its local coastal program and are subject to the City's power of abatement, may not be accounted for in the as built condition for the purpose of determining a "significant increase," as defined in subdivision (c) below.

(c) "Significantly Increase" or "Significant Increase" means any one or more of the following increases over or changes compared to the as built condition of a neighborhood:

(1) The traffic generated by the project produces: (i) more than 150 additional morning or evening peak hour trips; or (ii) an increase in intersection capacity utilization (ICU) of 0.01 or more at any critical intersection operating at a level of service (LOS) of "E" or worse or having an ICU of 0.9 or higher; or (iii) any increase in ICU at any City intersection from less than 0.9 to 0.9 or higher; or (iv) any change in LOS at any critical intersection or on any critical corridor from better than "E" to "E" or worse. For purposes of determining traffic increases attributable to a major change in allowable land use, baseline and projected ICU and LOS conditions shall be determined considering weekday peak hour conditions at such time of the year when local public schools are in session.

(2) The density increase generated by the project produces more than twenty-five (25) additional residential dwelling units.

(3) The intensity of use generated by the project produces more than 40,000 additional square feet of residential, office or other nonresidential floor area.

The voters declare that dividing a major change in allowable land use that would otherwise require their approval into partial changes that would not by themselves require their approval, frustrates their intent to have control over major changes in allowable land use and is contrary to the purposes of this article. For the purposes of this article, a “significant increase” occurs if the combination of a proposed minor change in allowable land use with one or more other minor or major changes in allowable land use in the same neighborhood approved within eight (8) years preceding issuance of the notice of preparation of an environmental impact report for the proposed minor change, or, where no such notice is issued, within eight (8) years preceding commencement of the City’s environmental analysis for the proposed minor change, meets any increase or change threshold for traffic, density or intensity of use defined in this subdivision.

(d) “Critical Corridors” and “Critical Intersections,” as used herein, refer to:

(1) Pacific Coast Highway corridor from Prospect Avenue to Artesia Boulevard;

(2) Aviation Boulevard within or bordering Redondo Beach;

(3) Prospect Avenue within or bordering Redondo Beach;

(4) Hawthorne Boulevard where it borders Redondo Beach;

(5) Herondo/Anita/190th Streets within or bordering Redondo Beach;

(6) Artesia Boulevard within or bordering Redondo Beach;

(7) Torrance Boulevard within Redondo Beach;

(8) Catalina Avenue within Redondo Beach;

(9) Intersection of Aviation Boulevard and Artesia Boulevard;

(10) Intersection of Herondo/Anita Streets and Pacific Coast Highway;

(11) Intersection of Torrance Boulevard and Pacific Coast Highway;

(12) Intersection of Palos Verdes Boulevard and Pacific Coast Highway;

(13) Intersection of Artesia Boulevard and Inglewood Avenue;

(14) Intersection of 190th Street and Inglewood Avenue;

(15) Intersection of Torrance Boulevard and Prospect Avenue;

(16) Intersection of Catalina Avenue and Torrance Boulevard;

(17) Intersection of Catalina Avenue and Beryl Street;

(18) Intersection of Catalina Avenue and Esplanade;

(19) Intersection of Catalina Avenue and Pacific Coast Highway;

(20) Any other corridor operating at ninety (90%) percent of capacity or worse; and

(21) Any other intersection operating a LOS “E” or worse.

(e) “General Plan” means the General Plan of the City of Redondo Beach.

(f) “Major Change in Allowable Land Use” means any proposed amendment proposed amendment, change, or replacement of the General Plan (including its local coastal element, as defined in Public Resources Code Section 30108.55), of the City’s zoning ordinance (as defined and contained in Title 10, Chapter 2 of the Redondo Beach Municipal Code) or of the zoning ordinance for the coastal zone (as defined and contained in Title 10, Chapter 5 of the Redondo Beach Municipal Code) meeting any one or more of the following conditions:

(g) “Peak Hour Trips” means the number of peak hour vehicle trips a major change in allowable land use would generate on a daily basis. Peak hour trips generated shall be calculated by using the most recent version of the Trip Generation Manual of the Institute of Transportation Engineers (ITE) in effect on the date the City issued the notice of preparation of an environmental impact report for a major change in allowable land use, or, where no such notice is issued, when the City commences environmental analysis for the major change.

(1) The proposed change in allowable land use would significantly increase traffic, density or intensity of use above the as built condition in the neighborhood where the major change is proposed.

(2) The proposed change in allowable land use would change a public use to a private use. A major change in allowable land use in this category shall include a change of use on (i) land designated for a public use or a public right-of-way; (ii) land designated as utility right-of-way; (iii) land donated, bequeathed or otherwise granted to the City; (iv) land used or designated for Redondo Beach school property; (v) land allocated to the Beach Cities Health District; (vi) land owned, controlled or managed by the City, including all land and water within the City’s Harbor Enterprise; (vii) the beaches, as defined in subdivision (a)(4) of Section 10-5.2204 of the Redondo Beach Municipal Code; and (viii) the tidelands and all other pub-

lic trust lands, as defined in subdivision (a)(139) of Section 10-5.402 of the Redondo Beach Municipal Code.

(3) The proposed change in allowable land use would change a nonresidential use to residential or a mixed use resulting in a density of a greater than 8.8 dwelling units per acre whether or not any such unit is used exclusively for residential purposes.

(h) “Minor Change in Allowable Land Use” means any proposed amendment to the General Plan (including its local coastal element, as defined in Public Resources Code Section 30108.55), the City’s zoning ordinance (as defined and contained in Title 10, Chapter 2 of the Redondo Beach Municipal Code), the zoning ordinance for the coastal zone (as defined and contained in Title 10, Chapter 5 of the Redondo Beach Municipal Code) that does not fall within the definition of a major change in allowable land use.

(i) “Neighborhood” means all properties located either entirely or partially within 1,000 feet of any parcel or lot that is subject to a proposed change in allowable land use.

(j) “Proponent” means any individual, firm, association, syndicate, partnership, corporation, trust or any other legal entity applying with the City for a change in allowable land use. If the City itself initiates the change, it shall be deemed the proponent for the purposes of this article.

27.2

Sec. 27.3. Effective date; applicability.

(a) This article shall be binding and effective as of the earliest date allowed by law. At its first public meeting following completion of the canvass of votes, the City Council shall pass the resolution required by Elections Code Section 9266. The following day, the elections official of the City shall cause a copy of the complete text of the adopted measure to be filed with the Secretary of State pursuant to Government Code Sections 34459 and 34460.

(b) All major changes in allowable land use approved by the City Council on or after the date of publication, pursuant to Elections Code Section 9205, of the notice of intention to circulate the initiative petition adding Article XXVII to this City Charter, shall be subject to the provisions of this article.

Sec. 27.4. Vote of the People on major change in allowable land use.

(a) Each major change in allowable land use shall be put to a vote of the People; provided, however, that no such change shall be submitted to the voters unless the City Council has first approved it. A major change in allowable land use shall become effective only after approv-

al by the City Council and a majority of the voters of the City voting “YES” on a ballot measure proposing such change at either a regular or special municipal election. An advisory election does not satisfy the voter approval requirement.

(b) The sample ballot materials mailed to the registered voters prior to an election shall describe any major change in allowable land use in a manner that clearly discloses both the scope and main features of the project (including sequencing or phasing, as may be the case) that the major change in allowable land use consists of or depends on, and the location and the acreage of the project site. The description shall include the text of the proposed amendment to the General Plan, to the City’s zoning ordinance or to the zoning ordinance for the coastal zone, or of any proposed adoption of, or amendment to, a specific plan. The description shall clearly compare the project and its traffic impacts both to the as built condition, and to existing applicable land use designations and zoning classifications, providing accurate comparative data concerning existing as well as proposed densities (in units per acre) and intensities of use (in square footage, types of use and traffic impacts). If a site-specific development is proposed in connection with a major change in allowable land use, and densities or intensities of use in such site-specific development are less than the densities or intensities the major change proposes, the text of the ballot shall clearly disclose the maximum total residential, commercial, industrial or other nonresidential buildout potential, and traffic impacts under buildout, compared to the as built condition. Easily readable maps shall be used to assist the voters in the project description. All of the information called for by this subdivision shall be posted on the City’s website no later than thirty (30) days prior to the City Council’s action on a major change in allowable land use, and such information shall be updated no later than ten (10) days following the City Council’s approval, if the Council has changed the project.

(c) For all major changes in allowable land use approved by the City Council after the effective date of this article of the City Charter, the election required by this article shall be set for the general municipal election next following City Council approval of the major change; or, by mutual agreement with the proponent, the City Council may call a special municipal election, with the cost of the special election being borne solely by the proponent. For all major changes in allowable land use approved by the City Council on or after the date of publication, pursuant to Election Code Section 9205, of the notice of intention to circulate the initiative petition to add this article to the City Charter, but before the effective date of this article, the

election required by this article shall be set for the general municipal election next following the effective date of this article; or, by mutual agreement with the proponent, the City Council may call a special municipal election, with the cost of the special election being borne solely by the proponent.

(d) The popular vote required by this article shall be in addition to all other applicable review and approval requirements for such major change, including environmental review in compliance with the California Environmental Quality Act (CEQA).

(e) All subsequent City permits and approvals necessary to implement all or part of a major change in allowable land use shall conform to the voter-approved change. Under no circumstances shall any subsequent permit or approval authorize, allow or otherwise accommodate higher densities, intensities of use, or trip generation than the densities, intensities and trip generation approved by the City Council and the voters. No certificate of occupancy for any structure built as part of a project that depends on a major change in allowable land use shall issue until all mitigations of traffic impacts, including control signals, increases in right-of-way capacity via widening roads, or other right-of-way or intersection improvements, as may be required by the City Council, have been developed and implemented, and the City Engineer has certified completion and operation of all traffic impact mitigations in full compliance with the City Council's approval action.

27.4

Sec. 27.5. Application for major change in allowable land use; City review.

(a) To carry out the purposes of this article, any application for a major change in allowable land use shall contain accurate and up-to-date factual data and information, and the subsequent written City review further shall include the following (in addition to all other disclosures required under CEQA and Title 10 of the Redondo Beach Municipal Code):

(1) The information required by Section 27.4(b).

(2) A plot plan or diagram, drawn to scale, showing the arrangement of plots and maximum proposed residential or nonresidential unit buildout per plot.

(3) A complete, objective discussion of the potential inconsistencies between the project that consists of, or depends on, the major change in allowable land use, and: (i) surrounding uses in the neighborhood; (ii) the General Plan (including, if applicable, its local coastal element, as defined in Public Resources Code Section 30108.55); (iii) the City's zoning ordinance (contained in Title 10, Chapter 2 of the Redondo Beach Municipal Code); (iv) if applica-

ble, the zoning ordinance for the coastal zone (contained in Title 10, Chapter 5 of the Redondo Beach Municipal Code); and (v) if applicable, the preservation ordinance (contained in Title 10, Chapter 4 of the Redondo Beach Municipal Code). To the extent the project differs from existing uses, a full description of the mitigations necessary or recommended for adoption to minimize neighborhood impacts and incompatibility shall be provided.

(4) A complete, objective analysis of the traffic circulation and traffic safety impacts of the project that consists of, or depends on, the major change in allowable land use. The traffic analysis shall be prepared directly by, or under direct contract to, the City, and shall make accurate determinations for the purposes of Section 27.2(c)(1). Unless CEQA disclosure provisions, Title 10 of the Redondo Beach Municipal Code, or other City regulations, policies or standards require selection of a larger traffic impact area, ICU and LOS impact analysis shall be provided for all critical corridors and critical intersections within three thousand (3,000') feet of any parcel subject to the major change in allowable land use. LOS analyses shall utilize both "urban streets" and "signalized intersection" methodologies, as defined in the current Highway Capacity Manual published by the Transportation Research Board, a division of the National Research Council. The traffic analysis shall adequately disclose the direct, the indirect or secondary, and the cumulative impacts of the project accounting for all relevant factors, such as heavy vehicle traffic, bus stops, intersection and corridor oversaturation (downstream traffic queuing impacts), pedestrian traffic, side street and driveway entrances and exits, ingress staking and overflowing, and left turn lane queuing and overflow. The traffic analysis also shall identify the mitigations necessary or recommended to reduce the traffic impacts to an ICU below 0.90 or a LOS better than "E" for the corridors and intersections subject to this analysis. The location, nature and adverse construction-phase impacts of the traffic impact mitigations shall be clearly described.

(b) To reduce delay for proponents, the City's decision making bodies may review and conditionally approve discretionary permit applications required for a project prior to the People's vote on a major change in allowable land use on which such project depends; provided, however, that no conditional permit approval will become effective unless the related major change in allowable land use is passed by the voters and has itself become effective. If the related major change in allowable land use is rejected by the voters, such change and all conditional permits shall have no force and effect.

Sec. 27.6. Exceptions.*

(a) This article shall not apply to any major change in allowable land use that is limited to allowing the development of a public school or a hospital. Nor shall this article apply to preclude completion of a site-specific development that depends on a major change in allowable land use approved before the effective date of this article, if before such date, the holder of any permit or other entitlement for use for such development has lawfully and in-good faith acquired a vested right, under state law, to carry out the development to completion.

(b) The provisions of this article shall not apply to the extent that they would violate state or federal laws.

(c) This article shall not be applied in a manner that would result in the unconstitutional taking of private property.

(d) This article shall not apply to affordable housing projects required by state or federal law.

(e) This article shall not apply to any major change in allowable land use of property with non-conforming residential units that were occupied on the date of publication, pursuant to Elections Code Section 9205, of the notice of intention to circulate the initiative petition adding Article XXVII to the City Charter so long as the proposed change in allowable land use meets the following conditions: the existing residential units are rendered conforming under the proposed change; the proposed change does not allow an increase in the number of residential units on the property; and the proposed change does not create a significant increase in traffic or intensity of use.

(f) This article shall not apply to affordable housing projects for low and moderate income housing as defined by state law.

(g) If modifications to the Local Coastal Program (“LCP”) are suggested or required as a result of the California Coastal Commission’s review of the LCP amendments for the Kensington Assisted Living Facility Project, any such modifications adopted by the City Council shall not be subject to this article and shall not require further voter approval. Should such modifications to the LCP also require that the City Council adopt any other legislative amendments to ensure consistency, the City Council’s adoption of those legislative amendments shall not be subject to this Article and shall not require further voter approval.

*27.6—as amended by election 6-7-16.

Sec. 27.7. Relationship to City Charter and Municipal Code.

If any provisions of this article conflict with other provisions of the Charter or contained in the Redondo Beach Municipal Code, the provisions of this article shall supersede any other conflicting provision.

Sec. 27.8. Amendments.

No provision of this article may be amended or repealed except by a vote of the People of Redondo Beach.

Sec. 27.9. Judicial enforcement.

Any aggrieved person shall have the right to maintain an action for equitable relief to restrain any violation of this article, or to enforce the duties imposed on the City by this article.

Sec. 27.10. Construction.

This article shall be liberally construed to accomplish its purposes. Nothing herein shall be construed to make illegal any lawful use being made of any land in accordance with City land use and zoning regulations in force before the effective date of this article.

Sec. 27.11. Consistency with other ballot measures.

If another ballot measure is placed on the same ballot as this measure and deals with the same subject matter, and if both measures pass, the voters intend that both measures shall be put into effect, except to the extent that specific provisions of the measures are in direct conflict. In the event of a direct conflict, the measure which obtained more votes will control as to the directly conflicting provisions only. The voters expressly declare this to be their intent, regardless of any contrary language in any other ballot measure.

Sec. 27.12. Severability.

If any section, subdivision, clause, sentence, phrase or portion of this article is declared invalid by a court of competent jurisdiction, the remaining sections, subdivisions, clauses, sentences, phrases and portions shall remain valid and enforceable. The voters declare that they would have passed all sections, subdivisions, clauses, sentences, phrases and portions of this article without section, subdivision, clause, sentence, phrase or portion declared invalid by a court of competent jurisdiction.

That the said Charter as hereinbefore set forth is a full, true and correct copy of the said Charter as prepared and proposed by the said legislative body of said City and submitted to the electors of said City and ratified by the electors of said City at said Special Municipal Election held on January 4, 1949.

IN WITNESS WHEREOF, we have hereunto set our hands and hereto affixed the seal of said City of Redondo Beach, California, this 11th day of January, 1949.

CHARLES H. WORTHAM
Mayor of the City of
Redondo Beach, California

(Seal of City)

C. C. MANGOLD
City Clerk of the City of
Redondo Beach, California

and

WHEREAS, said Charter has been submitted to the Legislature of the State of California for approval or rejection without alteration or amendment in accordance with Section 8 of 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 therefor and concurring therein, that the said Charter as presented to, adopted and ratified by the electors of the City of Redondo Beach and as hereinbefore fully set forth, be and the same is hereby approved as a whole as and for the Charter of the City of Redondo Beach.

ENDORSED
FILED
in the office of the Secretary of State
of the State of California
Jan. 21, 1949, at 11 o'clock A.M.

SAM L. COLLINS
Speaker of the Assembly

FRANK M. JORDAN
Secretary of State

By Chas. J. Hagerty, Deputy

Attest:
(SEAL)

GOODWIN J. KNIGHT
President of the Senate

FRANK M. JORDAN
Secretary of State

By Chas. J. Hagerty, Deputy
Secretary of State

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