

RESOLUTION NO. 04-238

**A RESOLUTION OF THE COUNCIL OF THE CITY  
OF GLENDALE, CALIFORNIA, CALLING AND GIVING NOTICE OF THE  
HOLDING OF A MUNICIPAL ELECTION ON TUESDAY, APRIL 5, 2005 FOR THE  
SUBMISSION OF CERTAIN PROPOSED CHARTER AMENDMENTS**

**WHEREAS**, pursuant to the authority provided by Article XI of the California Constitution, Title 4, Division 2, Chapter 2 of the Government Code and Division 9, Chapter 3, Article 3 (commencing at ' 34450) of the Elections Code of the State of California, the City Council of the City of Glendale desires to submit to the voters certain proposed charter amendments; and

**WHEREAS**, the City Council is authorized and directed by statute to submit the proposed charter amendments to the voters.

**BE IT RESOLVED BY THE COUNCIL OF THE CITY OF GLENDALE,**

**SECTION 1:** That pursuant to Article XI of the California Constitution, Title 4, Division 2, Chapter 2 of the Government Code (commencing at ' 34450) and Division 9, Chapter 3, Article 3 (commencing at ' 9255) of the Elections Code of the State of California, there is called and ordered to be held in the City of Glendale, California, on Tuesday, April 5, 2005, a Municipal Election for the purpose of submitting the following proposed charter amendments:

[New provisions or language added to the existing Charter section are shown in **BOLD type**, words and figures deleted from the existing charter section are shown in ~~Strikeout type~~.]

CHARTER AMENDMENT NO. [1] Shall Article I, Section 2 of the Charter of the City of Glendale be added to provide for a gender neutrality clause and three other rules which establish the meaning of designated terms in the Charter?	YES	
	NO	

**Sec. 2. For the purposes of this Charter, the masculine gender shall include the feminine and the neuter. The singular number includes the plural and the plural includes the singular. AShall@ is mandatory and Amay@ is permissive.**

CHARTER AMENDMENT NO. [2] Shall Article IV, Section 1, Article XI, Sections 1 and 4, Article XXI, Sections 3 and 4, Article XXIII, Sections 14 and 22 and Article XXIV, Sections 1, 5 and 10 of the Charter of the City of Glendale be amended to remove obsolete language and provide for the change of the official titles from city controller to director of administrative	YES	
	NO	

services, from street superintendent to maintenance services administrator and from superintendent of buildings to building official?

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#### Article IV. Officers and Employees Generally.

Sec. 1. The officers of the City of Glendale shall be five members of the council, a city assessor, a city tax collector, a city manager, ~~a city controller,~~ **a director of administrative services,** a city clerk, a city treasurer, a city attorney, a director of public works, a city engineer, ~~a street superintendent,~~ **maintenance services administrator,** ~~a superintendent of buildings,~~ **building official,** a chief of police, **and** a fire chief, ~~and a health officer.~~ The council may also provide by ordinance for additional offices and for the duties thereof, and for additional duties of offices herein provided for, but in no such manner as to encroach upon the duties of any officer as provided for by this Charter. The council may also provide by ordinance for such subordinate officers, assistants, deputies, clerks, and employees in the several offices and departments as they deem necessary. The members of the council, the members of the board of education, the city treasurer and the city clerk shall be elected from the city at large, as provided in this Charter; provided, however, that all qualified electors of the Glendale City School District shall also have the right to vote for members of the board of education. All other officers, assistants, deputies, clerks and employees shall be appointed as provided in this Charter, or as the council may provide by ordinance in case no provision for their appointment is herein made, and shall hold their respective offices or positions at the pleasure of the appointing power. Where the appointment of any of said officers, assistants, deputies, clerks or employees is vested in the council or any commission, such appointment and any removal must be made by a three-fifths vote of the members of the appointing power.

#### Article XI. Fiscal Administration.

Sec. 1. ~~Controller.~~ The ~~controller~~ **director of administrative services** shall be the general accountant of the city. He shall receive and preserve in his office all accounts, books, vouchers, documents and papers relating to accounts and contracts of the city, its disbursements, revenues and other financial affairs. He shall keep an account of all moneys paid into and out of the treasury, and shall draw and sign all warrants on the treasurer for payment of money out of the treasury, except as otherwise provided in this Charter or by general law. The city clerk shall furnish the ~~controller~~ **director of administrative services** with copies of all ordinances, resolutions and orders of the council making appropriations or authorizing expenditures of money for any purpose. All orders for the purchase of goods, materials or supplies, and all orders or contracts proposed to be entered into by the city by virtue of which any money shall or may become payable by the city, except contracts, the expense of which is to be paid by assessments upon properties benefitted or affected thereby, shall before becoming effective, on behalf of the city, be presented to the ~~controller~~ **director of administrative services** and have indorsed thereon his certificate that there remains unexpended and unapplied in the city treasury as provided by this Charter, a balance of the appropriation or fund applicable thereto sufficient to pay the estimated expense to be incurred during the then current fiscal year under said order or contract as estimated by the board or officer making the same, or that adequate provision therefore has been made in the tax levy, or by other revenues to be received by the city as

estimated in the budgets. It shall be the duty of the ~~controller~~ **director of administrative services** to make such endorsement upon every such contract or order so presented to him if there remains unexpended and unapplied the said estimated amount in any appropriation fund or tax levy, or other estimated revenue applicable thereto, and thereafter he shall hold and retain the said amount to pay the expense to be incurred under said order or contract until the same is fully performed and expense paid.

Sec. 4. Warrants on treasury. All demands approved by the proper board, commission or officer shall be presented to the ~~city controller~~ **director of administrative services**, who shall examine the same; and if the amount thereof is legally due and there remains on his books an unexhausted balance or an appropriation against which the same may be charged, he shall approve such demand and draw and sign his warrant on the treasurer therefore, payable out of the proper fund. Objections of the ~~controller~~ **director of administrative services** to any demand may be overruled by the council, and the ~~controller~~ **director of administrative services** shall thereupon draw his warrant as directed by the council. Such warrants when presented to the treasurer, shall be paid by him out of the fund therein designated, if there be sufficient money in such fund for that purpose. A warrant not paid for lack of funds shall be registered, and all registered warrants shall be paid in the order of registration when funds are available therefore. The ~~controller~~ **director of administrative services** shall draw his warrants for payment of municipal or other bonds payable out of funds in the treasury upon presentation and surrender of the proper bonds or coupons, without approval of any body or officer. The council may make further regulations by ordinance regarding the presentation, approval and payment of demands against the city.

#### Article XXI. Public Works Department.

Sec. 3. The ~~maintenance services administrator~~ **street superintendent** shall have the general care and supervision of streets and of the maintenance and repair thereof and the care of and custody of tools and implements belonging to the City of Glendale and used for street construction and repair.

Sec. 4. ~~The building official~~ He shall have charge of the issuing of building permits and shall see that no permit is issued unless the building plans show conformity to all state laws and all ordinances of the city applicable thereto. He shall see that the laws and ordinances regulating the construction of buildings are enforced. He shall perform all duties that are imposed by existing ordinances of the city on the building inspector, the plumbing inspector and the inspector of electric wiring.

#### Article XXIII. Miscellaneous Provisions.

Sec. 14. Payment into city treasury of moneys received from taxes, licenses, fees, etc. All moneys received from taxes, licenses, fees, fines, penalties and forfeitures, and all moneys which may be collected or received by any officer of the city in his official capacity, or by any department of the city, for the performance of any official duty, and all moneys accruing to the city from any source, and all moneys directed by law, or by this Charter, to be paid or deposited

in the treasury, shall be paid into the treasury daily. The treasurer shall receipt for each such deposit in triplicate, giving the original and duplicate to the depositor, who must file the duplicate with the ~~city controller~~ **director of administrative services**.

Sec. 22. Officers to report fees, etc., monthly. On the first day of each month every officer authorized by law to charge any fee, commission, percentage, allowance or compensation, must make a written report to the ~~city controller~~ **director of administrative services** of all moneys received by him during the preceding month.

#### Article XXIV. Civil Service

##### Sec. 5. Suspension of competition.

(1) In case of a vacancy in a position requiring peculiar and exceptional qualifications of a scientific, professional, or expert character, and upon satisfactory evidence that competition is impracticable and that the position can best be filled by the selection of some designated person of recognized attainments, the commission may, after public hearing and by the affirmative vote of all its members, suspend competition, but no such suspension shall be general in its application to such position, and all such cases of suspension shall be reported, together with the reasons therefore, in the annual report of the commission. (2) In case of a vacancy in the position of ~~city controller~~ **director of administrative services**, city attorney or his assistants or deputies, director of public works, ~~superintendent of buildings~~ **building official**, city engineer, ~~street superintendent~~ **maintenance services administrator**, head or chief librarian, or in an office created by ordinance, and upon the filing with the commission of a written statement by the appointing agency that it intends to appoint a designated person of recognized attainments to fill such vacancy, competition shall be suspended.

Sec. 10. Certification of appointment. The person or persons having authority of appointment shall notify the commission of any appointment made, and the commission shall certify such fact to the ~~controller~~ **director of administrative services**. The ~~controller~~ **director of administrative services** shall not approve any salary or compensation for services to any person holding or performing the duties of a position in the classified service until the appointment shall have been so certified.

CHARTER AMENDMENT NO. [3] Shall Article V, Section 3 and Article V, Section 6 of the Charter of the City of Glendale be amended to provide for one additional week for canvassing returns, thereby allowing sufficient time for complete and accurate counting of all ballots?	YES	
	NO	

#### Article V. Elections.

Sec. 3. Canvass of elections. The council shall canvass the returns of an election at its ~~first~~ second regular meeting following the election, unless otherwise provided in the ordinance or resolution calling the election.

Sec. 6. Terms of elective officers. From and after the general municipal election to be held on the first Tuesday in April of 1965, the clerk and treasurer elected and the three members of the council and the three members of the board of education receiving the highest number of votes for said offices respectively shall hold office for terms of four years commencing at 8:00 P.M. of the second Monday ~~of April~~ following the day of election and until their successors are elected and qualified. From and after the general municipal election of 1967 the two members of the council and the two members of the board of education then elected shall hold office for terms of four years commencing at 8:00 P.M. of the second Monday ~~of April~~ following the day of said general municipal election of 1967 and until their successors are elected and qualified. Any person elected to fill a vacancy shall serve for the remainder of the unexpired term. In the election of councilmen and members of the board of education, where full terms and one or more unexpired terms are to be filled, no distinction shall be made in nominating or voting between the full terms and the unexpired terms, but the person or persons elected by the highest number of votes shall be elected for the full term or terms and the person or persons receiving the next highest vote shall be elected for the unexpired term or terms, as the case may be.

CHARTER AMENDMENT NO. [4] Shall Article VI, Section 1 of the Charter of the City of Glendale be amended to remove obsolete language and to provide that each candidate for member of the City Council shall be a qualified elector pursuant to state law?	YES	
	NO	

Article VI. Legislative. The Council: Powers and Duties.

Sec. 1. The legislative power of the City of Glendale shall be vested in the people through the initiative and referendum, and in a body to be designated The Council. Each candidate for member of the council shall ~~have been an~~ **be a qualified elector pursuant to state law.** ~~of the city for at least one year next preceding the date of election at which he is a candidate.~~

CHARTER AMENDMENT NO. [5] Shall Article VI, Section 5 of the Charter of the City of Glendale be amended to provide that the mayor pro tem shall be selected monthly by alphabetical rotation and serve if the mayor is absent or unavailable?	YES	
	NO	

Article VI. Legislative. The Council: Powers and Duties.

Sec. 5. The council shall: 1. Judge of the qualifications of its members and of all election returns; 2. Establish rules for its proceedings; 3. Cause a correct record of its proceedings to be kept. The

ayes and noes shall on demand of any member, be taken and entered therein, and they shall be recorded on all votes passing any ordinance or appointing or dismissing or confirming the appointment or dismissal of any officer, or authorizing the execution of contracts, or the appropriation or payment of money; 4. Choose one of its members as presiding officer, to be called mayor. The mayor shall preside over the sessions of the council, shall sign official documents when the signature of the council or mayor is required by law, and he shall act as the official head of the city on public and ceremonial occasions. He shall have power to administer oaths and affirmations. When the mayor is absent from any meeting of the council, **the mayor pro tem shall be selected monthly by alphabetical rotation. The mayor pro tem. shall the members of the council may choose another member to act as mayor if the mayor is absent or unavailable pro tem., and he shall, for the time being, have the powers of the mayor;** 5. Appoint a city assessor, which office may be combined with that of the city clerk, a city tax collector, a city attorney, and city manager; 6. Exercise general supervision and direction over all persons, firms, companies and corporations owning, controlling or operating public utilities, in so far as any of them are subject to municipal control. This provision is subject to other Charter provisions relative to such public utilities as now are or may hereafter be owned by the city.

CHARTER AMENDMENT NO. [6] Shall Article VI, Section 9 of the Charter of the City of Glendale be amended to provide that city council establish a complete procedure to ensure the integrity of awarding all contracts and a minimum dollar amount by ordinance for contracts requiring competitive bidding?	YES	
	NO	

#### Article VI. Legislative. The Council: Powers and Duties.

Sec. 9. Contracts. **The Council shall provide by ordinance a complete procedure to ensure the integrity of awarding all contracts.** Except as otherwise required in this Charter, no contract for supplies, material, labor, or other valuable consideration, or for the construction, improvement, repair, or maintenance of public works shall be authorized by the Council except to the lowest responsible bidder after competitive bidding. The Council may reject any and all bids. Competitive bidding shall not be required for: (a) Labor or services rendered by any City officer or employee;(b) Labor, material, supplies, or services furnished by one City department to another City department;(c) Contracts for labor, material, supplies or services which are available from only one vendor;(d) Contracts for labor, materials, supplies or services or for the construction, improvement, repair or maintenance of public works involving the expenditure of ~~no more than \$15,000.00~~ **an amount not exceeding the limit established by ordinance of the City Council**;(e) Contracts relating to the acquisition of real property;(f) Contracts for professional or unique services;(g) Contracts for labor, material, supplies and services for actual emergency work;(h) Contracts with other governmental entities, or their contractors, for labor, materials, supplies or services. The Council, after rejecting bids, or if no bids are received, may readvertise for bids, or may have the work done by City forces if it determines that City forces can economically do the work, or it may have the contract negotiated without further bidding. Upon recommendation of the City Manager, the Council may dispense with competitive bidding

for any contract when it determines that it is in the best interests of the City so to do and acts by resolution setting forth the reason for such action.

CHARTER AMENDMENT NO. [7] Shall Article VI, Section 13 of the Charter of the City of Glendale be amended to provide that vacancies of city council, city clerk or city treasurer be filled by appointment within 30 days, or otherwise call for an immediate special election to be filled within 120 days unless the earliest next general municipal election or next county or state election with which a city election may be consolidate is no more than 180 days later?	YES	
	NO	

Article VI. Legislative. The Council: Powers and Duties.

Sec. 13. Vacancies in elective offices.

- a. Vacancy – Unexcused Absence.** Any member of the council who is absent from all meetings thereof for two consecutive months, unless excused by the council shall forfeit his seat.
- b. Filling Vacancies: Generally.** Any vacancy occurring in the council shall be filled by a majority vote of the remaining members of the council. Any vacancy occurring in the board of education shall be filled by a majority vote of the remaining members of the board of education. ~~Any vacancy occurring in any other elective office shall be filled by a majority vote of the whole council. The person appointed to fill a vacancy in any elective office shall serve until his successor is elected and qualified; provided, that where the term of the office to which such person is appointed expires on the first Monday following the next general municipal election to be held after the occurring of the vacancy, such person shall serve for the remainder of the unexpired term. Except as herein provided, the successor of any person appointed to fill a vacancy in an elective office shall be elected at the next general municipal election held after the occurring of the vacancy; provided there is sufficient time after the occurring of the vacancy to nominate and elect said successor at said next general municipal election; and if there is not sufficient time so to do, such person, so appointed, shall hold for the remainder of the unexpired term. If any appointment to the council, city clerk or city treasurer is not made within thirty (30) working days of the vacancy, then council shall immediately call for a special election to be held within 120 days for the purpose of filling such vacancy, unless the earliest next general municipal election or next county or statewide election with which a city election may be consolidated is no more than 180 days from the call for special election. A person appointed to fill a vacancy shall serve until such time as a successor may be elected at the earliest of the next general municipal election, or the next county or statewide election, with which a city election may be consolidated. The elected successor shall hold office for the remainder of the unexpired term.~~

CHARTER AMENDMENT NO. [8] Shall Article IX, Section 2 of the Charter of the City of Glendale be amended to provide that in the event the City Manager is incapacitated from performing the essential functions of his	YES	
	NO	

duties for a period up to thirty days, the Assistant City Manager shall perform such duties during such time and that on or after the thirtieth day of incapacity, the City Council may appoint an interim City Manager?

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#### Article IX. City Manager.

**Sec. 2. ~~In case of the absence, sickness or other disability of the city manager to act, the council may designate some other officer of the city to perform his duties during such disability. In the event the City Manager is incapacitated from performing the essential functions of his~~ duties for a period up to thirty (30) days, the Assistant City Manager shall perform the duties of the City Manager during such time. On or after the thirtieth (30<sup>th</sup>) day of incapacity, the City Council may appoint an interim City Manager.**

CHARTER AMENDMENT NO. [9] Shall Article IV, Section 4, Article X Sections 1, 2 and 7, and Article XX Sections 1 and 3 of the Charter of the City of Glendale be amended to remove obsolete language regarding department of general government and replace with current titles, change the word "division" to "department," including "police department" and "fire department" and change the title of the division of general administration to the department of management services?

YES

NO

CHARTER AMENDMENT NO. [10] Shall Article X, Sections 1 and 6, Article XI, Sections 6, 7, 14, 17, 20, 21 and 22, and Article XXII, Section 1 of the Charter of the City of Glendale be amended to change the obsolete title of the department of public service to the department of Glendale Water and Power and renumber the sections and change titles accordingly?

YES

NO

CHARTER AMENDMENT NO. [11] Shall Article XI, Section 7 and Article XV, Section 2 of the Charter of the City of Glendale be amended to change obsolete language regarding the "official newspaper" to the "newspaper of general circulation?"

YES

NO

CHARTER AMENDMENT NO. [12] Shall obsolete language in Article XXII, Section 2 of the Charter of the City of Glendale regarding subordinate officers of the public service department be repealed?

YES

NO

#### Article IV. Officers, Deputies and Employees and Their Compensation.



Sec. 4. The city manager shall appoint and remove, subject to the civil service provisions of this Charter, all ~~division~~ **department** heads of the city, except as otherwise provided by this Charter, such appointments and removals to be subject to the approval of the council. ~~Division~~ **Department** heads shall appoint and remove, subject to the civil service provisions of this Charter, all of their subordinate officers, assistants, deputies, clerks, and employees, except as otherwise provided by this Charter, such appointments and removals to be subject to the approval of the city manager.

#### Article X. Departments of Government.

Sec. 1. For the purpose of organization and administration of the business of the City of Glendale, there are hereby created the following departments, ~~to-wit:~~ **administrative services, city clerk, city treasurer, fire, Glendale Water and Power, legal, library, management services, parks, police, and** The department of general government, the public welfare department, the public safety department, the public works department and the public service department.

~~Sec. 2. THE DEPARTMENT OF GENERAL GOVERNMENT shall have charge of the following divisions of city government: Elections, Legislation and Records, Judicial, Legal, Treasury, General Administration, which shall include purchasing, assessing, tax and license collection, Finance and Accounting, Advertising and Promotion.~~

~~Sec. 3. THE PUBLIC WELFARE DEPARTMENT shall have charge of the following: Conservation and preservation of health, promotion of cleanliness, charity and welfare, playgrounds, entertainments, parks, and library.~~

~~Sec. 2~~ 4. The **police** public safety department shall have charge of the divisions of police and fire protection.

**Sec. 3. The fire department shall have charge of fire protection and emergency medical services.**

~~Sec. 4~~ 5. THE PUBLIC WORKS DEPARTMENT shall have charge of: General engineering, traffic engineering, flood control, street and sewer construction and maintenance, assessments, building inspection, care of public buildings, collection and disposal of refuse, and installation, maintenance and removal of parkway trees and parkways.

~~Sec. 5~~ 6 The ~~public service~~ department of **Glendale Water and Power** shall have charge of the construction, maintenance and operation of all public utilities owned or operated by the city.

~~Sec. 6~~ 7. Except as otherwise provided in this Charter, or by authority thereof, the city manager shall be executive head of the **department of management services** ~~division of general administration~~ and of the **various** departments of **the city.** ~~public welfare, public safety, public works and public service.~~

## Article XI. Fiscal Administration

Sec. 6. Estimates and budgets. The fiscal year of the city shall begin on the first day of July. On or before the first day of June of each year, the city manager shall submit to the council a proposed budget for the ~~public service~~ department of **Glendale Water and Power** and a proposed budget for all other departments to be known as the general budget. Said budgets shall include estimates of the revenues and expenditures of the city departments for the ensuing year. These estimates shall be compiled from detailed information obtained from the several departments on blanks to be furnished by the city manager. The classification of the estimates of expenditures shall be as nearly uniform as possible for all departments, and shall give the following information:

1. A detailed estimate of the expenses of each department; 2. Expenditures for corresponding items for the last and for the current fiscal years, including adjustments due to transfers between appropriations plus an estimate of expenditures necessary to complete the current fiscal year; 3. Such information as may be required by the council or as the manager may deem advisable to submit; 4. The recommendation of the manager as to the amounts to be appropriated, with reasons therefore, in such detail as the council may direct. Sufficient copies of such proposed budgets shall be prepared and submitted, that there may be copies on file in the office of the clerk for the inspection by the public and one copy of each budget furnished each member of the council. The council shall have power to revise, correct or modify proposed budgets in any particular.

Sec. 7. Appropriations. After considering said proposed budgets, the council shall fix a time for holding a public hearing upon the same and shall publish a notice of the time fixed for said hearing once in ~~a the official~~ newspaper of **general circulation** at least ten days before the time for the hearing. After said hearing the council may further correct or modify said proposed budget and shall by resolutions, adopt a ~~public service~~ **Glendale Water and Power** budget and a general budget. Such resolution shall operate as an appropriation of funds to the amounts and for the purposes set forth in the budgets so adopted.

Sec. 14. General budget fund. A fund to be known as the general budget fund is hereby created. All receipts from the general tax levy, licenses, fines, permits, and interest on bank deposits, and all other receipts except those from the ~~public service~~ department of **Glendale Water and Power**, and those which are collected for a specific purpose, or are herein ordered to be credited to some other fund, shall be credited to said fund, and all disbursements, on account of general budget appropriations, excepting such appropriations as are payable out of special funds, shall be charged to said general budget fund. The credit balance, if any, in said general budget fund, at the end of any fiscal year, the amount of which is in excess of the amount of all outstanding demands and liabilities unpaid on account of general budget appropriations for said fiscal year, shall be transferred to the general reserve fund.

Sec. 17. Depreciation funds. The council shall annually set aside from the income of the ~~public service~~ department of **Glendale Water and Power** derived from the waterworks of the city and

paid into the waterworks revenue fund, a fund which, according to the estimates of the city manager, shall be sufficient to meet the normal depreciation of such waterworks. It shall also annually set aside from the income of the ~~public-service~~ department of **Glendale Water and Power** derived from the electric works of the city and paid into the electric works revenue fund, a fund which, according to the estimates of the city manager, shall be sufficient to meet the normal depreciation of such electric works. Each of such funds shall be used only for the repair, replacement, betterment and extensions of the plants and equipment of the waterworks or electric works, as the case may be, from which said revenue is derived. Nothing herein contained shall limit the right to vote and issue bonds of the city for said purposes or any thereof or to issue revenue bonds of said city for said purposes or any thereof.

Sec. 20. Revenue funds. All receipts by the ~~public-service~~ department of **Glendale Water and Power** from the sale of water or otherwise derived from the waterworks of the city shall be credited to a fund hereby created to be known as the waterworks revenue fund. All receipts by the ~~public-service~~ department of **Glendale Water and Power** from the sale of electric energy or otherwise derived from the electric works of the city shall be credited to a fund hereby created to be known as the electric works revenue fund. All disbursements (except those payable from the waterworks depreciation fund) provided in the ~~public-service~~ **Glendale Water and Power** budget on account of said waterworks shall be charged to said waterworks revenue fund and all disbursements (except those payable from the electric works depreciation fund) provided in said budget on account of the electric works shall be charged to said electric works revenue fund. The credit balance, if any, or any part thereof, in each of said funds at the end of any fiscal year, the amount of which is in excess of the amount of all outstanding demands and liabilities unpaid from said fund on account of budget appropriations therefrom, shall be transferred to the ~~public service~~ **Glendale Water and Power** surplus fund.

Sec. 21. ~~Public-service~~ **Glendale Water and Power** sinking fund. For the payment of principal and interest of all Glendale city or municipal improvement district bonds heretofore issued for the acquisition, improvement or extension of waterworks or electric works operated by the city, the council shall transfer from time to time from the waterworks revenue fund or the electric works revenue fund, or both thereof, to the ~~public-service~~ **Glendale Water and Power** sinking fund a sufficient amount each year to cover the total amount of payments falling due that year for principal and interest of said bonds. Nothing in this section shall impair the power of the council to levy such taxes as may be necessary to provide for the payment of interest and principal of such bonds, or the power of the council to pay from the waterworks revenue fund the principal and interest of any general obligation bonds of the city hereafter issued for waterworks purposes or to pay from the electric works revenue fund the principal and interest of any general obligation bonds of the city hereafter issued for electric works purposes.

Sec. 22. A fund to be known as the ~~public-service~~ **Glendale Water and Power** surplus fund is hereby created, to which fund shall be credited from the receipts of the ~~public-service~~ department of Glendale Water and Power in the waterworks revenue fund and the electric works revenue fund, any amounts in excess of the requirements of the several funds as hereinbefore set forth. Except as otherwise provided in this section, disbursements from said ~~public-service~~ **Glendale**

**Water and Power** surplus fund may be made by the council by special appropriation for waterworks or electric works purposes only, which shall include payment of all or any portion of the tax of the Metropolitan Water District of Southern California, or its successors in interest, which the council may elect to pay out of the funds of the City of Glendale.

At the end of each fiscal year an amount equal to twenty-five percentum (25%) of the operating revenues of the ~~public-service~~ department of **Glendale Water and Power** for such year, excluding receipts from water or power supplied to other cities or utilities at wholesale rates, shall be transferred from said ~~public-service~~ **Glendale Water and Power** surplus fund to the general reserve fund; provided, that the council may annually, at or before the time for adopting the general budget for the ensuing fiscal year, reduce said amount or wholly waive such transfer if, in its opinion, such reduction or waiver is necessary to insure the sound financial position of said ~~public-service~~ department of **Glendale Water and Power** and it shall so declare by resolution.

#### Article XV. City Planning.

Sec. 2. The council may, from time to time, on its own motion, or on petition after hearing and public notice of such hearing given by one publication in ~~a the official~~ newspaper of **general circulation** at least ten days before the time of hearing, amend, supplement or change the regulations and districts established by any ordinance adopted pursuant to subdivisions 19 and 20 of section 2, article III, of this Charter. Whenever the owners of fifty percent or more of the frontage of any district or part thereof, shall present to the council a petition duly signed and acknowledged by them, requesting any such amendment, supplement, change or repeal of the regulations prescribed for such district, or part thereof, the council shall act upon such petition within ninety days after the filing thereof. No amendment, change, supplement or repeal of the regulations or of the boundaries of districts established by any ordinance passed under the above-mentioned provisions of the Charter shall be made except by a four-fifths vote of the council, and if at the time of the hearing thereon a protest against such amendment, supplement, change or repeal is presented, duly signed and acknowledged by the owners of twenty percent or more of the frontage of property which will be directly affected by the proposed amendment, supplement, change or repeal, or by the owners of twenty percent of the frontage of property which is immediately adjacent thereto, either in the rear, or the sides, or across the street, no such amendment, change, supplement or repeal shall be adopted except by unanimous vote of the council. When a petition has been denied in whole or in part, no petition for the amendment, change, supplement or repeal so denied may be filed within six months after such denial.

#### Article XX. ~~Public Safety~~ **Police and Fire Departments.**

Sec. 1. ~~The public safety department shall have charge of the divisions of police and fire protection.~~

~~Sec. 2.~~ Chief of police. The chief of police shall have command and control over the police ~~foree~~ **department**. He shall enforce all laws and ordinances for the peace and safety of the city, and shall see that all orders and provisions of the council for these purposes are properly executed. He shall have power to appoint such police officers as are authorized by ordinance, subject to the approval of the city manager. He shall devote his entire time to the discharge of his official duties and shall not be absent from the city except under urgent need or in the performance of his official duties, unless granted permission by the city manager. His office shall be kept open at all hours of the day and night, and either he or a subordinate shall be in constant attendance.

Sec. 2 3. Fire chief. ~~He~~ **The fire chief** shall have control of the ~~division of fire department~~ **protection**, and it shall be his duty to superintend the extinguishing of fires and to take measures for the protection of property imperiled thereby. He shall appoint, subject to the approval of the city manager, such firemen and other subordinates as may be authorized by ordinance.

Article XXII. ~~Public Service~~ **Department of Glendale Water and Power.**

Sec. 1. The ~~public service~~ **department of Glendale Water and Power** shall have charge of the construction, maintenance and operation of all public utilities owned or operated by the city.

~~Sec. 2. Subordinate officers, clerks, etc. The council shall, by ordinance, provide for all necessary subordinate officers, employees, clerks and laborers for this department and, until other provision is made therefor, the existing ordinances providing for the said subordinate officers, clerks, employees and laborers, shall remain in force.~~

CHARTER AMENDMENT NO. [13] Shall Article XIII, Section 1 of the Charter of the City of Glendale be amended to effectuate technical changes to remove obsolete language referring to reading rooms and also be amended to provide that library fines be paid into the general fund?	YES	
	NO	

Article XIII. Libraries and Reading Rooms.

Sec. 1. All libraries ~~and reading rooms~~ shall be forever free to the inhabitants and nonresident taxpayers of the City of Glendale, subject to such rules and regulations as may be deemed necessary for the administration, government, and protection of the library ~~and reading rooms~~; provided, however, that for violation of any of said rules and regulations, the city manager may impose fines or may exclude the violator from the privileges of the library. All such fines shall be paid into the **general library** fund.

CHARTER AMENDMENT NO. [14] Shall Article IV, Section 1 and Article XXIV, Section 5 of the Charter of the City of Glendale be amended to remove the obsolete titles of health officer and City physician and Article XIX, Section 1 of the Charter of the City of Glendale regarding the public	YES	
	NO	

welfare department be repealed and Section 2 be renumbered in Article X?

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#### Article IV. Officers and Employees Generally.

Sec. 1. The officers of the City of Glendale shall be five members of the council, a city assessor, a city tax collector, a city manager, ~~a city controller,~~ **a director of administrative services,** a city clerk, a city treasurer, a city attorney, a director of public works, a city engineer, ~~a street superintendent,~~ **maintenance services administrator,** ~~a superintendent of buildings,~~ **building official,** a chief of police, **and** a fire chief, ~~and a health officer.~~ The council may also provide by ordinance for additional offices and for the duties thereof, and for additional duties of offices herein provided for, but in no such manner as to encroach upon the duties of any officer as provided for by this Charter. The council may also provide by ordinance for such subordinate officers, assistants, deputies, clerks, and employees in the several offices and departments as they deem necessary. The members of the council, the members of the board of education, the city treasurer and the city clerk shall be elected from the city at large, as provided in this Charter; provided, however, that all qualified electors of the Glendale City School District shall also have the right to vote for members of the board of education. All other officers, assistants, deputies, clerks and employees shall be appointed as provided in this Charter, or as the council may provide by ordinance in case no provision for their appointment is herein made, and shall hold their respective offices or positions at the pleasure of the appointing power. Where the appointment of any of said officers, assistants, deputies, clerks or employees is vested in the council or any commission, such appointment and any removal must be made by a three-fifths vote of the members of the appointing power.

#### Article XIX. **(Repealed)** Public Welfare Department.

~~Sec. 1. Health officer. The health officer shall hold a license to practice some system or mode of treating the sick in the State of California, and shall have practiced the same for at least five years before his appointment. He shall have all the powers and shall be subject to all duties conferred on boards of health and on health officers by the general laws of the state, and shall have such other powers and duties as may be conferred by ordinance.~~

~~Sec. 2. Care of parks. The council shall provide for the general care and supervision of parks.~~

#### Article XXIV. Civil Service

Sec. 7. Unclassified and classified service. The provisions of this article shall apply to all positions now existing or hereafter created, except those in the unclassified service. The unclassified service shall consist of the following offices and employments: All officers elected by the people. All members of appointive boards and commissions, and persons serving without compensation. The chief examiner of the civil service commission. The city assessor. The city manager. The assistant city manager. The secretary of the city manager. The city tax collector. ~~The city health officer.~~ One secretary of any officer elected by the people. ~~The city physician.~~

Special officers of the police and fire departments. Positions in any unskilled labor class created for a special or temporary purpose and which do not exist for a period of longer than thirty days; provided that the commission may, upon application of the appointing agency and after public notice and hearing, by the affirmative vote of four-fifths of its members, exempt any position in any unskilled labor class or any part-time, seasonal or temporary position for such period of time as it may determine; and provided further, that any such exemption shall not affect the tenure of any person whose appointment has become complete under this article. Persons employed to render professional, scientific, technical or expert service of an occasional and exceptional character.

Article X. Departments of Government Generally.

**Sec. 7. Care of parks. The council shall provide for the general care and supervision of parks.**

CHARTER AMENDMENT NO. [15] Shall Article XXIII, Section 4 of the Charter of the City of Glendale be repealed and Article IV, Section 3 be amended to provide that the Council may, by ordinance, provide for its compensation, consistent with state law, as permitted for general law cities of comparable size?	YES	
	NO	

Article XXIII. Miscellaneous Provisions.

~~Sec. 4. Increase in compensation of elective officers. The compensation of elective officers shall not be increased during the terms of their respective offices except by vote of the electors or except that when percentage increases are granted to other officers and employees generally, the council may grant comparable percentage increases to the city clerk and the city treasurer.~~

Article IV. Officers and Employees Generally.

**Sec. 3. (a) Compensation and increase in compensation of council members.** Compensation for council members is hereby set, and from time to time shall be changed, in accordance with the schedule **and procedure for adjustment** applicable to the City of Glendale set forth in the provisions of the Government Code relating to salaries of council members in general law cities. **The compensation of council members may also be increased during the terms of their respective offices by vote of the electors.**

**(b) Compensation and increase in compensation of city clerk and city treasurer.** When percentage increases are granted to other officers and employees generally, the council may grant comparable percentage increases to the city clerk and the city treasurer. The compensation of the city clerk and city treasurer may also be increased during the terms of their respective offices by vote of the electors.

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CHARTER AMENDMENT NO. [16] Shall Article XXIII, Section 9 of the Charter of the City of Glendale be amended to reflect current state and federal law regarding the requirement of citizenship for designated city employees?	YES	
	NO	

Article XXIII. Miscellaneous Provisions.

Sec. 9. Officers, etc., to be United States citizens. All officers, ~~clerks and assistants of the city and departments thereof, except such as may be employed for special purposes,~~ **and such other persons as specified by local, state or federal law** must be citizens of the United States during their period of employment.

CHARTER AMENDMENT NO. [17] Shall Article XXIII, Section 17 of the Charter of the City of Glendale be amended to provide for a technical change by providing that office hours of city officers be established by ordinance?	YES	
	NO	

Article XXIII. Miscellaneous Provisions.

Sec. 17. Office hours for city officers. Unless otherwise provided for by law, all city officers shall keep **such office hours as may be established by ordinance.** ~~8 o'clock A.M. to 5 o'clock P.M. each day except Sundays and holidays.~~

CHARTER AMENDMENT NO. [18] Shall Article XXIII, Section 27 of the Charter of the City of Glendale be amended to provide that any violation of the Charter or ordinances constituting a misdemeanor may be prosecuted by city authorities as an infraction and consistent with state law the maximum penalty shall be one thousand dollars or imprisonment not exceeding six months, or both?	YES	
	NO	

Article XXIII. Miscellaneous Provisions.

Sec. 27. Penalty for violation of Charter or ordinances; ~~working prisoners.~~ The violation of the Charter or ordinance of the City shall be a misdemeanor **except that notwithstanding any other provision of this Charter or by ordinance, any such violation constituting a misdemeanor may, in the discretion of the city attorney, be charged and prosecuted as an infraction.** Fines and penalties shall be set by the council, but the maximum fine or penalty for any such violation shall be the sum of **one thousand five hundred** dollars, or a term of imprisonment for a period not exceeding six months, or both such fine and imprisonment, **or such greater fine or imprisonment as established by state law for general law cities.** The council by ordinance



may provide that a violation of an ordinance shall be classified as an infraction and set the fine for a violation thereof.

CHARTER AMENDMENT NO. [19] Shall Article XXIV, Section 8 of the Charter of the City of Glendale be amended to remove obsolete language regarding officers and employees employed as of January 1, 1937?	YES	
	NO	

#### Article XXIV. Civil Service.

~~Sec. 8. Tenure of officers and employees in present employment. All persons who, on the 1st day of January, 1937, would be included in the classified service and who shall have been continuously in the service of the city for a period of six months prior to said date, shall be deemed to have the necessary qualifications required by the provisions hereof and shall retain their respective positions until removed as herein provided. All persons who on said date would be included in the classified service, but who have been in the service of the city for a period of less than six months, shall, during the period of six months from and after said date, be deemed to be serving under probation and be subject to the same regulations as other persons serving under probation; provided, however, that the tenure of employment of any persons in the classified service, or any eligible list in effect, prior to said date, shall not be affected by the provisions of this section. All persons in the classified service, whose appointments have become complete, shall be discharged only for cause as herein provided.~~

CHARTER AMENDMENT NO. [20] Shall a new Article XIV be added to require that all boards and commissions be created by an ordinance, which outlines the powers and duties, the appointment and removal of members, and meetings, and further replace and repeal other unnecessary enabling language in Article XIV, Section 1, Article XV, Section 1 and Article XVI, Section 1 relating to the formation of the parks commission, planning commission, and social service commission?	YES	
	NO	

#### Article XIV. Boards and Commissions.

**Section 1. Creation of Commission.** The City Council, by ordinance, may create such permanent or temporary boards or commissions as it finds, in its judgment, are required to assist in the performance of any municipal function.

**Section 2. Ordinance to Include Specifics.** In accordance with those powers granted by this Charter to the members of Council to establish boards or commissions, an ordinance establishing such boards or commissions shall specify the following: (a) The number of members comprising such board or commission; (b) Their term of office; (c) The powers and duties assigned to the board or commission; (d) The conditions under which vacancies in membership shall occur automatically; (e) The qualifications for appointment to such

board or commission; and (f) Such other matters as may be necessary, in the judgment of the Council, to enable the board or commission to perform its assigned functions.

**Section 3. Appointment and Removal of Members.** The selection, appointment, removal, and terms of office of boards or commission members shall be as prescribed by ordinance or resolution of the City Council.

**Section 4. Meetings.** The meetings and acts of all boards and commissions shall be called, noticed, held and conducted in accordance with State law. Each board or commission shall adopt rules for the conduct of its meetings, a copy of which shall be filed with the City Clerk.

~~Article XIV. Parks, Playgrounds and Recreation Centers.~~

~~Sec. 1. Authority of council as to appointment, etc., of commission. The council may, by ordinance, provide for the appointment of a commission of five members, to serve without compensation, and to have charge of parks, playgrounds and recreation centers and may by such ordinance fix the powers and duties of such commission.~~

~~Article XV. City Planning.~~

~~Sec. 1. Authority of council to appoint, etc., commission. The council may, by ordinance, provide for the appointment of a city planning commission of five members, to serve without compensation, and to have such powers and duties as the council may prescribe relating to city planning and the enforcement of ordinances adopted by the council pursuant to subdivisions 19 and 20 of section 2 of article III of this Charter. Such commission may also have such other powers and duties not inconsistent with this Charter as may be provided by ordinance or by general law.~~

~~Article XVI. Social Service Commission.~~

~~Sec. 1. Authority of city. The council may, by ordinance, provide for the appointment of a social service commission of five members, to serve without compensation, and to have charge of all matters pertaining to the care and relief of the needy and the establishment of employment bureaus, day nurseries, city nurses and the like.~~

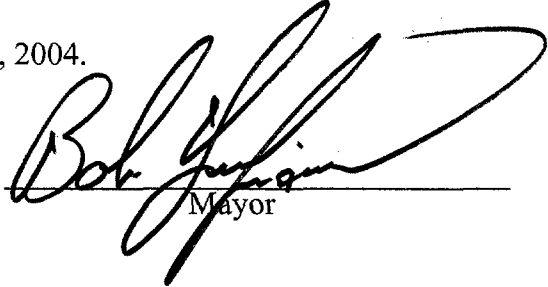
**SECTION 2:** That the ballots to be used at the election shall be in form and content as required by law.

**SECTION 3:** That in all particulars not recited in this Resolution, the election shall be held and conducted as provided by law for holding municipal elections.

**SECTION 4:** That notice of the time and place of holding the election is given and the City Clerk is authorized, instructed and directed to give further or additional notice of the election, in time, form and manner as required by law.

**SECTION 5:** That the City Clerk shall certify to the passage and adoption of this Resolution.

Adopted this 7th day of December, 2004.

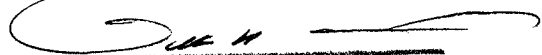
  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
ATTEST:

City Clerk

STATE OF CALIFORNIA )  
                              ) SS.  
COUNTY OF LOS ANGELES )

**APPROVED AS TO FORM**

  
\_\_\_\_\_  
CITY ATTORNEY  
DATE 12-7-04

I, Doris Twedt, City Clerk of the City of Glendale, certify that the foregoing Resolution No. 04-238 was adopted by the Council of the City of Glendale, California, at a regular meeting held on the 7th day of December, 2004, and that the same was adopted by the following vote:

Ayes: Gomez, Manoukian, Quintero, Weaver, Yousefian

Noes: None

Absent: None

  
\_\_\_\_\_  
City Clerk



## CITY OF GLENDALE CALIFORNIA REPORT TO CITY COUNCIL

December 7, 2004

### AGENDA ITEM

City Attorney: Report of the Charter Revision Study Committee – 2002 Regarding Amendments to City Charter.

- (1) Resolution Authorizing Placing on the April 2005 Ballot the Question of Amending the Charter and Directing the City Attorney to Prepare Impartial Analyses of the Proposed Measures
- (2) Resolution Calling for Arguments For and Against Proposed Charter Amendments

### COUNCIL ACTION

Public Hearing [ ] Ordinance [ ] Consent Calendar [ ] Action Item [X] Report Only [ ]

Approved for December 7, 2004 calendar

### ADMINISTRATIVE ACTION

**Submitted**

Lucy Varpetian, Assistant City Attorney

**Prepared**

Lucy Varpetian, Assistant City Attorney

**Approved**

James E. Starbird, City Manager

**Reviewed for**

Scott Howard, City Attorney

**Reviewed**

Doris Twedt, City Clerk

Signature

*[Handwritten signatures of Lucy Varpetian, James E. Starbird, Scott Howard, and Doris Twedt]*

### RECOMMENDATION

It is respectfully recommended that the Council approve the attached Resolutions authorizing placement on the April 5, 2005 general municipal election ballot certain amendments of the Glendale Charter and directing the City Attorney to prepare an impartial analysis of the proposed measures.

## **SUMMARY**

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On February 18, 2003, Council formed the Charter Revision Study Committee – 2002 to study and propose amendments to the City Charter to make it consistent with current law and practice, and to evaluate other more substantive changes which would improve city government. The Committee's final report was presented to Council on July 9, 2004. The Committee provided 29 recommended amendments to the City Charter. Council set a joint study session with the Committee to review the recommended amendments. At the study session, Council accepted the report in its entirety and directed staff to prepare such amendments for placement on the April 2005 ballot.

## **FISCAL IMPACT**

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The initial estimate of the increased cost for the April 2005 election if the Charter amendments are included is approximately \$30,000- \$50,000. A final cost estimate will be presented to Council at the time of the request for resolution of appropriation.

## **BACKGROUND**

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### **Charter Revision Study Committee's Report:**

On February 18, 2003, the Council established a 15 member Charter Revision Study Committee and set the parameters for the work of the Committee, specifically, charging the Committee with reviewing the amendments that were originally proposed by the Office of the City Attorney in July 2002, and studying any other matter or issue either in the Charter or which the Committee believed should be included in the Charter. The Committee began its work by studying information regarding city charters generally, and specifically about the Charter of the City of Glendale, including its numerous amendments throughout the years. It then considered the amendments proposed by city staff in 2002, as well as such broad topics as Forms of Government, Elections, Civil Service, Boards and Commissions, to name a few. The Committee hired the services of an expert, Dr. Raphael Sonenshein, professor of Political Science at California State University at Fullerton, who made presentations and answered questions.

In July 2004, the Committee submitted its final report to Council recommending 29 specific amendments to the Charter. Council requested a study session to review the report, and at which time adopted the Committee's proposal. Council proposed that such amendments be placed on the April 2004 ballot, and requested that in the interest of saving space and making the ballot easier for the voters, staff combine the proposed amendments where possible. Staff has been able to combine some of the proposed changes to a total of 20 ballot measures.

### **Amendment Triggering Meet and Confer Requirement:**

Because proposed amendment 19 potentially triggers the working conditions of current employees, it triggers the "meet and confer" requirements of the Meyers-Milias-Brown Act. The Act provides that both the public employer and the recognized employee organization have a mutual obligation to "meet and confer" and to endeavor to reach agreement on matters within the scope of representation.

California Government Code §3504 defines the scope of labor representation as: All matters relating to employment conditions and employer-employee relations, including, but not limited to, wages, hours, and other terms and conditions of employment, except, however, that the scope of representation shall not include consideration of the merits, necessity, or organization of any service or activity provided by law or executive order.

Here, the Charter provides that eligible lists shall remain in force not longer than two years nor less than one year, unless the list is an *open list* and it contains not more than three names. The proposed amendment would require that the same cancellation criteria for promotional lists. Said differently, like the open lists, promotional lists that have three or fewer names may also be cancelled at any time if this amendment is approved.

Because the proposed change may arguably be considered to be a matter relating to the terms and conditions of employment, staff, consistent with the legal requirements of the Meyers-Milias-Brown Act, met and conferred with the employee associations. The Glendale Management Association supported the amendment. They found that having more competition for a promotional position, just like the open positions, offered a better opportunity to fill such position with better qualified candidates.

Glendale City Employees Association opposed the amendment because they found that despite the number of people who successfully make the eligible list, those that do, should be assured that they will remain on the list for a period of no less than one year.

The Glendale Police Officers Association expressed some concern with the amendment in that while they found no current problems with making the change in the Charter, they anticipated that perhaps in the future this amendment may pose a problem.

At the time of writing this report, the Glendale Fire Fighter Association had not met and conferred with staff.

**Amendment proposed by Mayor:**

An amendment to the Charter regarding the sale of vacant land will be presented to Council in a different staff report at the December 14, 2004 meeting.

**Procedure for Charter Amendments:**

Placing Amendments on Ballot: The City Charter may only be amended by a vote of the electorate. Council requested that the proposed amendments be placed on the April 2005 ballot.

City Attorney's Impartial Analysis: Elections Code §9280 provides that whenever city measures qualify for a place on the ballot, the City Attorney, upon direction of the City Council must prepare an impartial analysis of the measures showing the effect of each measure on existing law and how each measure will operate.

Call for Arguments For or Against Proposed Charter Amendments: Pursuant to Section 1.08.060 of the Glendale Municipal Code, 1995, ("GMC"), arguments for and against the proposed Charter amendments must be submitted by specific dates. The GMC requires the Council give preference for writing arguments in the following order:

1. Officers of the City elected by the people.
2. Appointive officers of the City.
3. Bona fide associations of citizens;
4. Individual voters.

Should a majority of the Council choose to write the arguments in favor of the proposed Charter

amendments, the City Attorney is prepared to draft such arguments or, in the alternative, the Council may write its own arguments. Any dissenting Councilmember may write an argument against any proposed Charter amendment pursuant to the above specified order of preference.

Pertinent Dates When Amending the Charter

The Elections Code requires that an election be called at least 88 days prior to election date.

The GMC requires that a person must request to write arguments at least 85 days prior to election.

The GMC requires that the City Council must appoint someone to write arguments at least 75 days prior to election.

The GMC requires that arguments be submitted to the City Clerk at least 65 days prior to election.

The Elections Code requires 10 day review period of arguments prior to submitting materials for printing.

The Elections Code requires that a sample ballot must be mailed to residents at least 21 days prior to the election.

Ratifying and filing with Secretary of State.

A majority of voters must vote in favor of each proposed Charter amendment for it to be ratified. The amendment to the Charter, however, does not go into effect until it has been filed and accepted by the Secretary of State. *See* Cal. Gov't Code section 34459.

The City Attorney, City Manager and the Committee Chair, as well as other Committee Members, will be available to respond to questions or concerns regarding this matter.

**EXHIBITS**

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None.