

CHARTER CITY OF CYPRESS

We, the People of the City of Cypress, State of California, do ordain and establish this Charter as the organic law of the City under the Constitution of the State of California.

ARTICLE I INCORPORATION AND SUCCESSION

Section 100. Name and Boundaries. The City of Cypress, hereinafter termed the City, shall continue to be a municipal corporation under its present name, "City of Cypress". The boundaries of the City shall be as established at the time this Charter takes effect, or as they may be changed thereafter in the manner authorized by law.

Section 101. Rights and Liabilities of the City. The City shall continue to own, possess, and control all rights and property of every kind and nature owned, possessed, or controlled by it at the time this Charter takes effect and shall be subject to all its legally enforceable debts, obligations, liabilities, and contracts.

Section 102. Ordinances, Codes and Other Regulations. All ordinances, codes, resolutions, regulations, or portions thereof, in force at the time this Charter takes effect, and not in conflict or inconsistent herewith, shall continue in force until they shall have been duly repealed, amended, changed, or superseded by proper authority as provided herein.

Section 103. Officers and Employees. Subject to the provisions of this Charter, the present officers and employees shall continue to perform the duties of their respective offices and employments without interruption and for the same compensations and under the same conditions until the election or appointment and qualification of their successors and subject to such removal and control as herein provided.

Section 104. Effective Date of Charter. This Charter shall take effect upon its approval by the Legislature of the State of California, or as otherwise provided by law.

ARTICLE II POWERS OF CITY

Section 200. Powers. The City shall have all powers possible for a City to have under the Constitution and laws of the State of California as fully and completely as though they were specifically enumerated in this Charter. Specifically, but not by way of limitation, the City shall have the power to make and enforce all laws and regulations in respect to municipal affairs, subject only to such restrictions and limitations as may be provided 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 any other lawful authority, or which a municipal corporation might or could exercise under the Constitution of the State of California. The enumeration in this Charter of any particular power, duty or procedure shall not be held to be exclusive of, or any limitation or restriction upon, this general grant of power.

Section 201. Intergovernmental Relations. The City may exercise any of its powers or perform any of its functions and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with any one or more cities, counties, states, or civil divisions or agencies thereof, or the United States or any agency thereof.

ARTICLE III FORM OF GOVERNMENT

Section 300. Form of Government. The municipal government established by this Charter shall be known as the "Council-Manager" form of government.

ARTICLE IV THE CITY COUNCIL

~~Section 400. City Council. The City Council, hereinafter termed "Council", shall consist of five Councilmen elected to office from the City at large in the manner provided in this Charter. The term of office shall be four years. Alternatively, and successively, three four year terms shall be filled at one general municipal election and two four year terms at the next such election, consistent with the sequence of terms of Councilmen existing on the effective date hereof. The term of a Councilman shall commence on the first Tuesday following his election and he shall serve until his successor qualifies. Any ties in voting shall be settled by the casting of lots.~~

~~Each Councilman in office at the time this Charter takes effect shall continue in office until the end of the term for which he was elected or appointed. [Repealed November 8, 1977]~~

Section 400. City Council. The City Council, hereinafter termed "Council", shall consist of five Councilmen elected to office from the City at large in the manner provided in this Charter. The term of office shall be four years. Alternatively, and successively, three four-year terms shall be filled at one general municipal election and two four-year terms at the next such election, consistent with the sequence of terms of Councilmen existing on the effective date hereof. The term of a Councilman shall commence on the first Tuesday following his election and he shall serve until his successor qualifies. Any ties in voting shall be settled by the casting of lots.

Each Councilman in office at the time this Charter takes effect shall continue in office until the end of the term for which he was elected or appointed.

No person shall be eligible for election or appointment to the Council who, at the time he would take office, would have previously served on the Council for eight or more years; provided, however, that service on the Council prior to the effective date of this provision shall be disregarded in determining eligibility for office. [Amended November 8, 1977]

Section 401. Eligibility. No person shall be eligible to hold the office of Councilman unless he is a legally registered voter and resident of the City.

~~Section 402. Compensation. Compensation for Councilmen is hereby set and from time to time shall be changed, in accordance with the schedule applicable to the City of Cypress set forth in the provisions of the Government Code relating to salaries of councilmen in general law cities. Such compensation may be increased or decreased by an affirmative vote of a majority of the voters voting on the proposition at any election. [Repealed November 8, 1977]~~

Section 402. Compensation. Compensation for Councilmen is hereby set, and from time to time shall be changed, in accordance with the schedule set forth in the Government Code establishing salaries of Councilmen in general law cities, as the same may from time to time be amended. Such compensation may be increased or decreased by an affirmative vote of a majority of the voters voting on the Proposition at any election. [Amended November 8, 1977]

Section 403. Vacancies, Forfeiture of Office. Filling of Vacancies.

(a) A vacancy shall exist on the Council, and shall be declared by the Council, if a Councilman resigns, is legally removed, dies, or forfeits his office.

~~(b) A Councilman shall forfeit his office if he (1) lacks at any time while holding office any qualification for election prescribed by this Charter or by law, (2) violates any provision of this Charter, (3) is convicted of a crime involving moral turpitude, (4) without consent of the Council is absent from all regular Council meetings for a period of sixty consecutive days and the first regular meeting thereafter, said period to be computed from the last regular Council meeting he attends. A declaration by the Council of a vacancy resulting from forfeiture of office shall be subject to judicial review, provided that within two weeks after such declaration an appropriate action, or proceeding, for review is filed in a court having jurisdiction of the action or proceeding. During the pendency of any such action or proceeding, anyone appointed by the Council to fill such vacancy shall have all the rights, duties, and powers of a Councilman, and shall continue in such office as provided herein unless and until said court rules the declaration of the Council invalid and such ruling has become final. [Repealed November 8, 1977]~~

(b) A Councilman shall forfeit his office if he (1) lacks at any time while holding office any qualification for election prescribed by this Charter or by law, (2) violates any provision of this Charter, (3) is convicted of a designated crime as specified in the

Constitution and laws of the State, (4) without consent of the Council is absent from all regular Council meetings for a period of sixty consecutive days and the first regular meeting thereafter, said period to be completed from the last regular Council meeting he attends. A declaration by the Council of a vacancy resulting from forfeiture of office shall be subject to judicial review, provided that within two weeks after such declaration an appropriate action, or proceeding, for review is filed in a court having jurisdiction of the action or proceeding. During the pendency of any such action or proceeding, anyone appointed by the Council to fill such vacancy shall have all the rights, duties, and powers of a Councilman, and shall continue in such office as provided herein unless and until said court rules the declaration of the Council invalid and such ruling has become final. [Amended November 8, 1977]

(c) Any vacancy on the Council shall be filled by a majority vote of the remaining Councilmen within thirty days after the vacancy occurs. If more than one vacancy exists, successive appointments shall be made, and each appointee shall participate in any succeeding appointment. If the Council fails, for any reason, to fill such vacancy within said thirty-day period, it shall forthwith call an election for the earliest possible date to fill such vacancy. A person appointed by the Council to fill a vacancy shall hold office until the next general municipal election and until his successor qualifies. A Councilman elected to fill a vacancy shall hold office for the remainder of the unexpired term.

~~Section 404. Mayor – Mayor Pro Tempore. By the affirmative votes of not less than three Councilmen, the Council shall elect one of its members as Mayor, and one of its members as Mayor Pro Tempore, upon the following occasions:~~

~~(a) In even numbered years, at the regular Council meeting held for the purpose of canvassing the results of the general municipal election; and~~

~~(b) In odd numbered years, at the second regular Council meeting held during the month of March; or~~

~~(c) At such other times as a majority of the Council shall so order.~~

~~The Mayor shall preside at Council meetings. He shall be the chief official of the City for all ceremonial purposes. He shall perform such other duties consistent with his office as may be prescribed by the Council. The Mayor Pro Tempore shall perform the duties of the Mayor during his absence or disability.~~

~~Neither the mayor nor Mayor Pro Tempore shall be deprived of any of the rights of Councilmen by reason of his acting as Mayor or Mayor Pro Tempore. [Repealed November 2, 1982]~~

Section 404. Mayor -- Mayor Pro Tempore. By the affirmative votes of not less than three Councilmen, the Council shall elect one of its members as Mayor and one of its members as Mayor Pro Tempore, upon the following occasions:

(a) In even-numbered years, at the Council meeting held for the purpose of canvassing the results of the general municipal election; and

(b) In odd-numbered years, at the first regular Council meeting held at least one year after the Council meeting held for the purpose of canvassing the results of the last general municipal election; and

(c) At such other times as a majority of the Council shall so order. The Mayor shall preside at Council meetings. He shall be the chief official of the City for all ceremonial purposes. He shall perform such other duties consistent with his office as may be prescribed by the Council. The Mayor Pro Tempore shall perform the duties of the Mayor during his absence or disability.

Neither the Mayor nor Mayor Pro Tempore shall be deprived of any of the rights of Councilmen by reason of his acting as Mayor or Mayor Pro Tempore. [Amended November 2, 1982]

Section 405. Powers Vested in the Council. All powers of the City shall be vested in the Council except as otherwise provided in this Charter.

Section 406. Prohibitions.

(a) No Councilman shall hold any other City office or City employment, and no former Councilman shall hold any compensated City office or City employment until two years after leaving the office of Councilman.

(b) Neither the Council nor any of its members shall interfere with the execution by the City Manager of his powers and duties, or order, directly or indirectly, the appointment by the City Manager or by any of the departmental officers in the administrative service of the City, of any person to an office or employment or his removal therefrom. Except for the purpose of inquiry, the Council and its members shall deal with the administrative service under the City Manager solely through the City Manager and neither the Council nor any member thereof shall give orders to any subordinates of the City Manager, either publicly or privately.

Section 407. Regular Meeting of the Council. The Council shall hold regular meetings at least once each month at such times as it shall fix by ordinance or resolution. At any time a regular meeting falls on a holiday, such meeting shall be held on the next business day.

Section 408. Special Meetings. Special meetings may be called at any time in the manner prescribed by the general laws of the State.

Section 409. Adjourned Meetings. Any regular, adjourned regular, special, or adjourned special meeting may be adjourned to a time and place specified in the order of adjournment. Any adjourned regular meeting is a regular meeting for all purposes.

Section 410. Quorum. Subject to other provisions of this Charter, three Councilmen shall constitute a quorum to do business, but a lesser number may adjourn from time to time or compel the attendance of other Councilmen in such a manner and under such penalties as the Council may have provided. Except as otherwise provided herein, all Council action shall be by majority vote of those members present and voting.

Section 411. Open Meetings. Ralph M. Brown Act. All meetings of the Council shall be open to the public, provided the Council may adjourn to an executive session as provided by law. The provisions of the Ralph M. Brown Act, commencing with Section 54950 of the Government Code, shall apply to all meetings of the Council.

~~Section 412. Place of Meetings. All Council meetings shall be held in the Council Chamber of the City Hall, or in a place to which any meeting may be adjourned. If, by reason of fire, flood, or other emergency, it shall be unsafe to meet in the Council Chamber, the meetings may be held for the duration of the emergency at a place designated by the Mayor, or if he should fail to act, by three members of the Council. [Repealed November 8, 1977]~~

Section 412. Place of Meetings. All regular Council meetings shall be held in the Council Chamber of the City Hall, or in a place to which any meeting may be adjourned. If, by reason of fire, flood, or other emergency, it shall be unsafe to meet in the Council Chamber, the meetings may be held for the duration of the emergency at a place designated by the Mayor, or if he should fail to act, by three members of the Council. [Amended November 8, 1977]

~~Section 413. Proceedings. The Council shall cause the City Clerk to keep a correct record of all its proceedings. The Council may establish rules for the conduct of its proceedings. It may evict any member or other person for disorderly conduct at any of its meetings. Each member of the Council shall have the power to administer oaths and affirmations in any proceeding pending before the Council. The 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 shall be issued in the name of the City, signed by the Mayor, and attested by the City Clerk. Disobedience of such subpoenas, or the refusal to testify, shall constitute a misdemeanor; the Mayor shall report such disobedience to a judge of a court of competent jurisdiction for further proceedings.~~

~~Upon adoption of any ordinance, resolution, or order for payment of money, or upon the demand of any member, the City Clerk shall call the roll and shall cause the ayes and noes taken on the question to be entered in the minutes of the meeting. [Repealed November 8, 1977]~~

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Upon enactment of any ordinance or of any resolution or order for payment of money, or upon the demand of any member, the City Clerk shall call the roll and shall cause the ayes and noes taken on the question to be entered in the minutes of the meeting. [Amended November 8, 1977]

Section 414. Citizen Participation. Subject to the rules governing the conduct of Council meetings, any citizen, personally or through counsel, shall have the right to present grievances at any regular meeting of the Council or offer suggestions for the betterment of municipal affairs.

~~Section 415. Adoption of Ordinances and Resolutions. With the exception of ordinances which take effect upon adoption, referred to in this Article, no ordinance shall be adopted by the Council on the day of its introduction, nor within five days thereafter. At the time of its introduction an ordinance shall become a part of the proceedings of such meeting in the custody of the City Clerk. At the time of adoption 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 unanimous consent of the Councilmen present. In the event that any ordinance is altered after its introduction, it shall not be finally adopted except at a meeting held not less than five days after the date upon which such ordinance was altered. Correction of a typographical or clerical error shall not constitute an alteration within the meaning of the foregoing sentence.~~

~~Unless otherwise required by this Charter, the affirmative votes of at least three Councilmen 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.~~

~~All ordinances and resolutions shall be signed by the Mayor and attested by the City Clerk.~~

~~Any ordinance declared by the 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 it is passed by at least four affirmative votes. [Repealed November 8, 1977]~~

Section 415. Adoption of Ordinances and Resolutions. With the exception of ordinances which take effect upon adoption, referred to in this Article, no ordinance shall be adopted by the Council on the day of its introduction, nor within five days thereafter. At the time of its introduction, an ordinance shall become a part of the

proceedings of such meeting in the custody of the City Clerk. Ordinances and resolutions need not be read in full prior to enactment, and may be enacted by title only, unless a Councilman requests a full reading thereof. In the event that any ordinance is altered after its introduction, it shall not be finally adopted except at a meeting held not less than five days after the date upon which such ordinance was altered. Correction of a typographical or clerical error shall not constitute an alteration within the meaning of the foregoing sentence.

Unless otherwise required by this Charter, the affirmative votes of at least three Councilmen shall be required for the enactment of any ordinance or of any resolution or order for the payment of money.

All ordinances and resolutions shall be signed by the Mayor and attested by the City Clerk.

Any ordinance declared by the 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 it is passed by at least four affirmative votes. [Amended November 8, 1977]

Section 416. Ordinances. Publication. The City Clerk shall cause each ordinance to be published at least once in the official newspaper within fifteen days after its adoption; provided, however, that when the publication of an ordinance would not otherwise be required by the general laws of the State, the Clerk shall post the ordinance in at least three public places in the City in lieu of such publication.

Section 417. Adoption of Codes by Reference. Detailed regulations, pertaining to any subject, when arranged as a comprehensive 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 the enactment of ordinances. Copies of any adopted code of regulations shall be made available for purchase at a reasonable price.

Section 418. The Cypress City Code. The Code of the City of Cypress may be amended, repealed, or added to in whole or in part by ordinance. Said Code may be rearranged and renumbered and thereupon adopted by reference in the same manner as set forth in Section 417, above.

Section 419. Ordinances. When Effective. An ordinance shall become effective on the thirty-first day after its adoption, or at any later date specified therein, except the following, which shall take effect upon adoption:

(a) An ordinance calling or otherwise relating to an election.

(b) An ordinance declaring the amount of money necessary to be raised by taxation, fixing the rate of taxation, levying the annual tax upon property, or levying any other tax.

(c) An emergency ordinance adopted in the manner provided for in this Chapter.

(d) Any ordinance adopted after January 1, 1998 relating to the Council's planning agency powers shall take effect when authorized by the affirmative votes of a majority of the voters voting at an election pursuant to Section 800 and 801. [Amended November 3, 1998]

Section 420. Publishing of Legal Notices. Prior to the beginning of each fiscal year, the Council shall solicit bids and contract for the publication of all legal notices or other matter required to be published in a newspaper of general circulation, during the ensuing fiscal year. If there is only one newspaper of general circulation printed and published in the City, then the Council shall have the power to contract with such newspaper for the publishing of such legal notices and other matter without soliciting bids therefor. The newspaper with which the Council so contracts shall be deemed to be the official newspaper.

If there is no newspaper of general circulation in the City, or if such a newspaper will not contract with the City at rates which do not exceed those charged private persons, and the Council has not designated an official newspaper, then such notices and other matter, and notices required to be published in the official newspaper may be published by posting copies thereof at three or more public places in the City as designated by the Council.

No defect or irregularity in proceedings taken under this section, or failure to designate an official newspaper, shall invalidate any publication where the same is otherwise in conformity with this Charter or law.

ARTICLE V CITY CLERK

Section 500. City Clerk. There shall be a City Clerk who shall be appointed by, and serve at the pleasure of the Council.

Section 501. Powers and Duties. The City Clerk shall:

(a) Attend all meetings of the Council and be responsible for the recording and maintaining of a full and true record of all of the proceedings of the Council in books that shall bear appropriate titles and be devoted to such purpose.

(b) Maintain separate books, in which shall be recorded respectively all ordinances and resolutions, with the certificate of the Clerk annexed to each document stating that said document is the original or a correct copy, and with respect to an ordinance, stating that said ordinance has been published or posted in accordance with this Charter; all of said books shall be properly indexed and open to public inspection when not in actual use.

(c) Maintain separate books, in which a record shall be made of all written contracts and official bonds.

(d) Be the custodian of the seal of the City.

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

(f) Conduct all City elections.

(g) Perform such other duties as may be prescribed by the Council.

ARTICLE VI CITY MANAGER

Section 600. City Manager. Selection and Qualifications. There shall be a City Manager who shall be the chief administrative officer of the City. The Council shall appoint the person who it believes to be best qualified on the basis of his executive and administrative qualifications, with special reference to his experience in, and his knowledge of, accepted practice in respect to the duties of the office as set forth in this Charter.

The City Manager shall engage in no other business or occupation except as may be permitted by the affirmative vote of four members of the Council. ~~He shall establish his residence within the City within ninety days after his appointment, unless such period is extended by the Council, and thereafter maintain his residence within the City during his tenure of office.~~ [Repealed November 5, 2002]

The affirmative vote of a majority of the members of the Council shall be required to remove the City Manager from office, provided the City Manager shall not be removed by the Council within 90 days after a councilmanic election. The Council may by ordinance adopt procedures for the removal of the City Manager from office.

Section 601. City Manager. Powers and Duties. The City Manager shall be responsible to the Council for the proper administration of all affairs of the City. Without limiting the foregoing general grant of powers, responsibilities and duties, the City Manager, subject to the provisions of this Charter and any regulations adopted pursuant thereto, shall:

(a) Appoint and remove administrative officers, except those appointed by the Council, and when he deems it necessary for the good of the service suspend or remove any employee.

(b) Direct and supervise the administration of all departments, offices, and agencies of the City.

(c) Prepare and submit the annual budget and capital program to the Council, and be responsible for administration of the annual budget and capital program after its adoption.

(d) Prepare and submit to the Council as of the end of the fiscal year a comprehensive report on the finances and administrative activities of the City for the preceding year.

(e) Make such other reports as the Council may require concerning the operations of city departments, offices, and agencies subject to his direction and supervision.

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

(g) Prepare rules and regulations governing the contracting for, purchasing, storing, distribution, and disposal of, all supplies, materials, and equipment required by any office, department, or agency of the City government and recommend them to the Council for adoption.

(h) See that all laws, provisions of this Charter, and acts of the Council, subject to enforcement by him or by officers subject to his direction and supervision, are faithfully executed.

(i) Perform such other duties as may be prescribed by the Council.

Section 602. Manager Pro Tempore. The City Manager shall appoint, subject to the approval of the Council, one of the other officers of the City to serve as Manager Pro Tempore during any temporary absence or disability of the City Manager. During such absence or disability, the Council may revoke such designation at any time and appoint another officer of the City to serve until the Manager shall return or his disability shall cease.

ARTICLE VII OFFICERS AND EMPLOYEES

Section 700. Administrative Departments.

(a) The Council may establish City departments, offices or agencies in addition to those created by this Charter and may prescribe the functions of all departments, offices, and agencies except that no function assigned by this Charter to a particular department, office, or agency may be discontinued or, unless this Charter specifically so provides, assigned to any other.

(b) Except as otherwise provided by this Charter, all departments, offices, and agencies under the direction and supervision of the City Manager shall be administered

by an officer appointed by and subject to the direction and supervision of the Manager. With the consent of the Council, the Manager may serve as the departmental administrator of one or more such departments, offices, or agencies or may appoint one person as the departmental administrator of two or more of them.

(c) The Council may provide for the number, titles, qualifications, powers, duties, and compensation of all officers and employees.

(d) Appointments and promotions of City officers and employees shall be made solely on the basis of merit and fitness demonstrated by examination or other evidence of competence.

Section 701. City Attorney. Powers and Duties. There shall be a City Attorney who shall be appointed and subject to removal by a majority vote of the entire Council. Under the administrative direction of the City Manager, he shall serve as chief legal adviser to the Council, the City Manager, and all City departments, offices, and agencies; he shall represent the City in all legal proceedings and shall perform such other duties as may be prescribed by the Council.

Section 702. Director of Finance. There shall be a Director of Finance who shall:

(a) Have charge of the administration of the financial affairs of the City under the direction of the City Manager.

(b) Compile the budget expense and income estimates, and supply data for the capital program as requested by the City Manager.

(c) Maintain a general accounting system for the City government and each of its offices, departments, and agencies.

(d) Supervise and be responsible for the disbursement of all moneys and have control of all expenditures to insure that budget appropriations are not exceeded; audit all purchase orders before issuance; audit and approve before payment, all bills, invoices, payrolls, demands or charges against the City government and, with the advice of the City Attorney, when necessary, determine the regularity, legality, and correctness of such claims, demands, or charges.

(e) Supervise the collection, receipt, and the deposit of all moneys payable to the City in a depository designated by the Council or by the City Manager, if the Council has not acted, and in compliance with all applicable laws.

(f) Submit a complete financial statement and report at the end of each fiscal year.

(g) Supervise the keeping of current inventories of all property of the City by all City departments, offices, and agencies.

(h) Perform such other duties as may be prescribed by the Council.

Section 703. Treasurer. There shall be a Treasurer who shall be appointed and may be removed by the Council. The Treasurer shall perform those duties required by law, assigned by the Director of Finance, and those provided by ordinance or resolution.

Section 704. ~~Planning Director~~ *Director of Community Development*. There shall be a Director of ~~Planning~~ *Community Development* who shall:

(a) Advise the City Manager on any matter affecting the physical development of the City.

(b) Formulate and recommend to the City Manager modifications of the City's general plan.

(c) Review and make recommendations regarding proposed Council action implementing the general plan.

(d) Participate in the preparation and revision of the Capital Program.

(e) Advise the City Planning Commission *or City Planning Agency* in the exercise of its responsibilities and in connection therewith provide necessary staff assistance.

(f) Perform such other duties as may be prescribed by the Council. [Amended November 2, 2004].

Section 705. Departmental Administrators. Appointive Powers. Each departmental administrator shall have the power to appoint, supervise, suspend or remove such assistants, deputies, subordinates, and employees as are provided for by the Council for his department, subject to approval of the City Manager and subject to the civil service provisions of the City and the rules and regulations promulgated thereunder.

Section 706. Personal Financial Interest. Except as permitted by the Government Code, any City officer or employee who has a financial interest in any contract with the City or in the sale of any land, materials, supplies, or services to the City or to a contractor supplying the City shall make known that interest and shall refrain from voting upon or otherwise participating in or influencing the making of such sale or the making or performance of such contract. Any City officer or employee who willfully conceals such a financial interest or willfully violates the requirements of this section shall be guilty of malfeasance in office or position and shall forfeit his office or position. Violation of this section with the knowledge, express or implied, of the person or corporation contracting with or making a sale to the City shall render the contract or sale voidable by the City.

Section 707. Administering Oath. Each departmental administrator and such of his deputies as he may designate shall have the power to administer oaths and affirmations in connection with any official business pertaining to his department.

Section 708. Official Bonds. The Council shall fix by ordinance or resolution the amounts and terms of the official bonds of all officers or employees who are required by ordinance or resolution to give such bonds. All bonds shall be executed by a responsible corporate surety, shall be approved as to form by the City Attorney, and shall be filed with the City Clerk. Premiums on official bonds shall be paid by the City.

There shall be no personal liability upon, or any right to recover against, a superior officer, or his bond, for any wrongful act or omission of his subordinate, unless such superior officer was a party to, or conspired in, such wrongful act or omission.

ARTICLE VIII BOARDS AND COMMISSIONS

Section 800. In General. Subject to the limitations imposed herein, the boards and commissions heretofore established by the Council shall continue to exist and exercise the powers and perform the duties conferred upon them; provided, however, that the Council may by ordinance abolish any and all of said boards and commissions and may alter the structure, membership, powers and duties thereof.

In addition, the Council may create by ordinance such boards or commissions as in its judgment are required and may grant to them such powers and duties as are not inconsistent with the provisions of this Charter, except however, any ordinance or resolution of the Council which delegates any of the Council's planning agency powers, or which establishes a planning commission, administrative body or hearing officer(s), or any other board or commission to perform the functions of a planning agency, shall not take effect until authorized by the affirmative votes of a majority of the voters of the City voting at an election. Further, any ordinance or resolution adopted after January 1, 1998 which delegates any of the Council's planning agency powers or establishes any planning commission, administrative body or hearing officer(s), or other board or commission to perform the functions of a planning agency shall be suspended subject to voter approval. [Amended November 3, 1998]

Section 801. Appropriations. The Council shall include in its annual budget such appropriations of funds as the Council shall determine to be sufficient for the efficient and proper functioning of boards and commissions, except, however, in no case may any appropriation of City funds be made for any planning commission, administrative body, hearing officer(s), or board or commission formed under Section 800, or any community advisory board to perform the functions of a planning agency, unless a full fiscal analysis of costs, including estimated hourly costs for existing City officers or employees, and for new officers or employees, to administer such an entity, is provided to the voters at the election specified in Section 800. In the case of an entity approved by the voters pursuant to Section 800, the total aggregate appropriation in subsequent

fiscal years may not exceed the cost analysis provided to the voters, except the appropriation may be increased at the annual rate of inflation as determined by the consumer price index. [Amended November 3, 1998]

~~Section 802. Appointments. Terms. The number of members of boards and commissions shall be specified by the Council. Except as otherwise provided by ordinance, each member of each board or commission shall be appointed for a term of four years and shall serve until his successor qualifies. All such appointments shall be made, and appointees shall be subject to removal, by motion of the Council adopted by at least three affirmative votes. In the event an incumbent is removed or otherwise vacates his office, his successor shall be appointed for the unexpired term of said office. [Repealed November 8, 1977]~~

~~Section 802. Appointments. Terms. The number of members of boards and commissions shall be specified by the Council. Except as otherwise provided by ordinance, each member of each board or commission shall be appointed for a term of four years and shall serve until his successor qualifies. All such appointments shall be made and appointees shall be subject to removal of the Council adopted by at least three affirmative votes. In the event an incumbent is removed or otherwise vacates his office, his successor shall be appointed for a full four-year term. [Amended November 8, 1977] [Repealed November 5, 2002]~~

Section 802. Appointments. Terms. The number of members of boards and commissions shall be specified by the Council. Except as otherwise provided by ordinance, each member of each board or commission shall be appointed for a terms of four years and shall serve until his successor qualifies. All such appointments shall be made and appointees shall be subject to removal of the Council adopted by at least three affirmative votes. In the event an incumbent is removed or otherwise vacates his office, his successor shall be appointed for the unexpired term of said office. [Amended November 5, 2002]

Section 803. Existing Membership. The members of the boards and commissions holding office when this Charter takes effect shall continue to hold office thereafter until their respective terms of office shall expire and until their successors are appointed and qualify.

~~Section 804. Meetings. Chairmen. As soon as practicable, following the first day of July of every year, each of such boards and commissions shall organize by electing one of its members as presiding officer, and another as chairman pro tempore, to serve at the pleasure of such board or commission. Each board or commission shall hold regular meetings as the Council may require, and such special meetings as otherwise may be necessary. The provisions of Section 411 hereof, relating to the Ralph M. Brown Act, shall apply to all meetings of said boards and commissions and, subject to the provisions of said Act, all meetings shall be open to the public.~~

~~The City Manager may designate a City employee for the recording of minutes for each of such boards and commissions, who shall keep a record of its proceedings and transactions. Each board or commission may prescribe its own procedures and rules of operation which shall be kept on file in the office of the City Clerk where they shall be available for public inspection. Subject to any regulations and procedures established by the Council, each board or commission shall have the power to compel the attendance of witnesses, to examine them under oath, to compel the production of evidence before it, and to administer oaths and affirmations. Disobedience of any subpoena, or refusal to testify shall be a misdemeanor and such conduct shall be reported to the Mayor and procedures may be taken pursuant to Section 143, hereof. [Repealed November 8, 1977]~~

Section 804. Meetings. Chairman. Each board or commission shall hold regular meetings as the Council may require, and such special meetings as otherwise may be necessary. The provisions of Section 411, hereof, relating to the Ralph M. Brown Act, shall apply to all meetings of said board and commissions and, subject to the provisions of said Act, all meetings shall be open to the public.

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~~Section 805. Compensation. Vacancies. The members of boards and commissions shall receive such compensation as may be specified by the Council and shall also receive reimbursement for necessary traveling and other expenses incurred on official duty when such expenditures have received authorization by the Council.~~

~~Any vacancy in any board or commission, from whatever cause arising, shall be filled by appointment by the Council. Any appointment to fill such vacancy shall be for the unexpired portion of such term.~~

~~If a member of a board or commission is absent from three consecutive regular meetings of such board or commission, unless by permission of such board or commission expressed in its official minutes, is convicted of a crime involving moral turpitude, ceases to be a resident of the City, his office shall become vacant and shall be so declared by the Council. [Repealed November 8, 1977]~~

~~Section 805. Compensation. Vacancies. The members of boards and commissions shall receive such compensation as may be specified by the Council and shall also receive reimbursement for necessary traveling and other expenses incurred on official duty when such expenditures have received authorization by the Council.~~

~~Any vacancy in any board or commission, from whatever cause arising, shall be filled by appointment by the Council. Any appointment to fill such vacancy shall be for four years. [Amended November 8, 1977] [Repealed November 5, 2002]~~

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Any vacancy in any board or commission, from whatever cause arising, shall be filled by appointment by the Council. Any appointment to fill such vacancy shall be for the unexpired term of said office. [Amended November 5, 2002]

ARTICLE IX ELECTIONS

Section 900. General Municipal Elections. General municipal elections for the election of officers and for such other purposes as the Council may prescribe shall be held in the City on the day designated by the Legislature for general municipal elections in general law cities.

~~Section 901. Special Municipal Elections. Other municipal elections shall be known as special municipal elections and may be called from time to time by the Council. [Repealed November 8, 1977]~~

Section 901. Special Municipal Elections. Other municipal elections shall be known as special municipal elections and may be called from time to time by the Council on whatever dates the Council deems appropriate regardless of any election dates established by state law. [Amended November 8, 1977]

Section 902. Procedure for Holding Elections. Unless otherwise provided by ordinance hereafter enacted, all elections shall be held in accordance with the provisions of the Elections Code of the State of California for the holding of municipal elections, so far as the same are not in conflict with this Charter.

Section 903. Initiative, Referendum and Recall. There are hereby reserved to the voters of the City the power of the initiative and referendum, and of the recall of municipal elective officers. The provisions of the Elections Code of the State of California governing the initiative and referendum, and the recall of municipal officers shall apply so far as the same are not in conflict with this Charter.

ARTICLE X FISCAL ADMINISTRATION

Section 1000. Fiscal Year. The fiscal year of the City government shall begin on the first day of July of each year and end on the thirtieth day of June of the following year. The Council may by ordinance change the fiscal year.

Section 1001. Submission of Budget and Budget Message. On or before the thirty-first day of May of each year, or at such other time as the Council may prescribe, the Manager shall submit to the Council a budget for the ensuing fiscal year and an accompanying message.

The Manager's message shall explain the budget both in fiscal terms and in terms of the work programs. It shall outline the proposed financial policies of the City for the ensuing fiscal year, describe the important features of the budget, indicate any major changes from the current year in financial policies, expenditures, and revenues together with the reasons for such changes, summarize the City's debt position, and include such other material as the Manager deems desirable.

Section 1002. Budget. The budget shall provide a complete financial plan of all City funds and activities for the ensuing fiscal year and, except as required by law or this Charter, shall be in such form as the Manager deems desirable or the Council may require. In organizing the budget, the Manager shall utilize the most feasible combination of expenditure classification by fund, organization unit, program, purpose or activity, and object.

Section 1003. Capital Program. As used in this section a capital improvement shall mean an improvement with an estimated cost in excess of \$10,000 and a probable life in excess of ten years, or such other improvement as may be specified by the Council.

(a) The Manager shall prepare and submit to the Council a five-year capital program at least one month prior to the final date for submission of the budget or such other time as the Council may prescribe.

(b) The capital program shall include:

1. A clear general summary of its contents;
2. A list of all capital improvements which are proposed to be undertaken during the five fiscal years next ensuing, with appropriate supporting information as to the necessity for such improvements;
3. Cost estimate, method of financing and recommended time schedules for each such improvement; and

4. The estimated annual cost of operating and maintaining the facilities to be constructed or acquired.

The above information may be revised and extended each year with regard to capital improvements still pending or in process of construction or acquisition.

~~Section 1004. Council Action on Budget. The Council shall consider the proposed budget and make any revision thereof that it may deem advisable, and on or before July 1 it shall adopt the budget. Adoption of the budget shall constitute appropriations of the amounts specified therein as expenditures from the funds indicated. If it fails to adopt the budget by said date, the amounts appropriated for current operation for the current fiscal year shall be deemed adopted for the ensuing fiscal year on a month-to-month basis, with all items in it prorated accordingly, until such time as the Council adopts a budget for the ensuing fiscal year. [Repealed November 8, 1977]~~

Section 1004. Council Action of Budget. The Council shall consider the proposed budget and make any revision thereof that it may deem advisable; and on or before July 1, or such other date as it shall designate, it shall adopt the budget. Adoption of the budget shall constitute appropriations of the amounts specified therein as expenditures from the funds indicated. If it fails to adopt the budget by said date, the amounts appropriated for current operation for the current fiscal year shall be deemed adopted for the ensuing fiscal year on a month-to-month basis, with all items in it prorated accordingly, until such time as the Council adopts a budget for the ensuing fiscal year. [Amended November 8, 1977]

Section 1005. Council Action on Capital Program. The Council by resolution shall adopt the capital program with or without amendment on or before the first day of July of each year, or at such other time as the Council may designate.

Section 1006. Public Records. Copies of the budget and the capital program as adopted shall be public records and shall be made available to the public at suitable places in the City.

Section 1007. Amendments After Adoption.

(a) If during the fiscal year the Manager certifies that there are available for appropriation revenues in excess of those estimated in the budget, the Council by resolution may make supplemental appropriations for the year up to the amount of such excess.

(b) If at any time during the fiscal year it appears probable to the Manager that the revenues available will be insufficient to meet the amount appropriated, he shall report to the Council without delay, indicating the estimated amount of the deficit, any remedial action taken by him and his recommendations as to any other steps to be

taken. The Council shall then take such further action as it deems necessary to prevent or minimize any deficit and for that purpose, it may by resolution reduce one or more appropriations.

(c) At any time during the fiscal year, the Manager may transfer part or all of any unencumbered appropriation balance among programs within a department, office, or agency and, upon written request by the Manager, the Council may by resolution transfer part or all of any unencumbered appropriation balance from one department, office, or agency to another.

(d) No appropriation for debt service may be reduced or transferred, and no appropriation may be reduced below any amount required by law to be appropriated or by more than the amount of the unencumbered balance thereof. The supplemental appropriations and reduction or transfer of appropriations authorized by this section may be made effective immediately upon adoption.

Section 1008. Lapse of Appropriations. Every appropriation, except an appropriation for a capital expenditure, shall lapse at the close of the fiscal year to the extent that it has not been expended or encumbered. An appropriation for a capital expenditure shall continue in force until the purpose for which it was made has been accomplished or abandoned; the purpose of any such appropriation shall be deemed abandoned if three years pass without any disbursement from or encumbrance of the appropriation.

Section 1009. Tax Limits.

(a) The Council shall not levy a property tax, for municipal purposes, in excess of One Dollar annually on each One Hundred Dollars of the assessed value of taxable property in the City, except as otherwise provided in this section, unless authorized by the affirmative votes of a majority of the voters voting on a proposition to increase such levy at any election at which the question of such additional levy for municipal purposes is submitted to the voters. The number of years that such additional levy is to be made shall be specified in such proposition.

(b) There shall be levied and collected at the time and in the same manner as other property taxes for municipal purposes are levied and collected, as additional taxes not subject to the aforesaid tax limit, if no other provision for payment thereof is made:

1. 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, which constitute general obligations of the City; and

2. A tax sufficient to meet all obligations of the City to the Public Employees Retirement System or other retirement system approved by the Council, for

the retirement of City employees, due and unpaid or to become due during the ensuing fiscal year.

Section 1010. Tax Procedure. The procedure for the assessment, levy, and collection of taxes upon property, taxable for municipal purposes, may be prescribed by ordinance of the Council; and in the absence of such an ordinance, the procedure applicable thereto shall be that prescribed by the general laws of the State.

Section 1011. Bonded Debt Limit. The City shall not incur an indebtedness evidenced by general obligation bonds which shall in the aggregate exceed the sum of fifteen percent of the total assessed value, for purposes of City taxation, of all taxable real and personal property within the City.

No bonded indebtedness which shall constitute a general obligation of the City may be created unless authorized by the affirmative votes of two-thirds of the voters voting on such proposition at any election at which the question is submitted to the voters and unless in compliance with the provisions of the State Constitution and of this Charter; provided, however, that if the State Constitution and/or general laws allow a general law city to incur a bonded indebtedness constituting a general obligation thereof without having first obtained the approval of two-thirds of the voters voting on such a proposition, then the City shall be authorized to incur such a bonded indebtedness in the manner prescribed by the State Constitution and/or general laws.

~~Section 1012. Contracts on Public Works. Every project involving an expenditure of more than Three Thousand Five Hundred Dollars (or such other amount as may be prescribed by ordinance) for the construction, improvement, repair or maintenance of public works shall be let by the Council by contract to the lowest responsible bidder after notice by publication in the official newspaper by one or more insertions, the first of which shall be at least ten days before the time for opening bids.~~

~~Projects for the maintenance or repair of public works are excepted from the requirements of this paragraph if the Council determines that such work can be performed more economically by a City department than by contracting for the doing of such work.~~

~~The Council may reject any and all bids presented and may readvertise in its discretion.~~

~~The Council, after rejecting bids, or if no bids are received, may declare and determine that, in its opinion, based on estimates approved by the City Manager, the work in question may be performed better or more economically by the City with its own employees and after the adoption of a resolution to this effect by at least four affirmative votes of the Council may proceed to have said work done, without further observance of the provisions of this section.~~

~~Such contracts may be let and such purchases made without advertising for bids, if such work shall be deemed by the Council to be of urgent necessity for the preservation of life, health, or property, and shall be authorized by resolution passed by at least four affirmative votes of the Council and containing a declaration of the facts constituting such urgency. [Amended November 2, 2004].~~

Section 1012. Contracts on Public Works. *Unless subject to an exception set forth in another subparagraph of Section 1012, every project involving an expenditure of more than Three Thousand Five Hundred Dollars (or such other amount as may be prescribed by ordinance) for the construction, improvement, repair or maintenance of public works shall be let by the Council by contract to the lowest responsible bidder after notice by publication in the official newspaper by one or more insertions, the first of which shall be at least ten days before the time for opening bids.*

Projects for the maintenance or repair of public works are excepted from the requirements of this paragraph if the Council determines that such work can be performed more economically by a City department than by contracting for the doing of such work.

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The Council, after rejecting bids, or if no bids are received, may declare and determine that, in its opinion, based on estimates approved by the City Manager, the work in question may be performed better or more economically by the City with its own employees and after the adoption of a resolution to this effect by at least four affirmative votes of the Council may proceed to have said work done, without further observance of the provisions of this section.

Such contracts may be let and such purchases made without advertising for bids, if such work shall be deemed by the Council to be of urgent necessity for the preservation of life, health, or property, and shall be authorized by resolution passed by at least four affirmative votes of the Council and containing a declaration of the facts constituting such urgency.

At its election, the Council may authorize the use of a design-build construction procurement process for capital improvement projects.

For capital improvement project maintenance contracts, the Council may award the contract to the most qualified bidder instead of to the lowest responsible bidder. [Amended November 2, 2004].

~~Section 1013. Presentation and Audit of Demands.~~ Any demand against the City must be in writing and may be in the form of a bill, invoice, payroll, or formal demand. Each such demand shall be presented to the Director of Finance who shall examine the same. If the amount thereof is legally due and there remains on his books an unexhausted balance of an appropriation against which the same may be charged, he shall approve such demand and draw his warrant on the Treasurer therefore, payable out of the proper fund.

~~The Director of Finance shall transmit such demand, with his approval or rejection thereof endorsed thereon, and warrant, if any, to the City Manager. The City Manager shall cause the same to be transmitted to the Council which may then approve or disapprove payment thereof. [Repealed November 8, 1977]~~

Section 1013. Presentation and Audit of Demands. Any demand against the City must be in writing and may be in the form of a bill, invoice, payroll, or formal demand. Each such demand shall be presented to the Director of Finance, or such other official as the Council may designate, who shall examine the same. If the amount thereof is legally due and there remains on his books an unexhausted balance of an appropriation against which the same may be charged, he shall approve such demand and draw his warrant on the Treasurer therefor, payable out of the proper fund.

The Director of Finance, or other designated official, shall transmit such demand, with his approval or rejection thereof endorsed thereon, and warrant, if any, to the City Manager. The City Manager shall cause the same to be transmitted to the Council, which may then approve or disapprove payment thereof. [Amended November 8, 1977]

Section 1014. Registering Warrants. Warrants on the Treasurer which are not paid for lack of funds shall be registered. All registered warrants shall be paid in the order of their registration when funds therefor are available and shall bear interest from the date of registration at such rate as shall be fixed by the Council by resolution.

Section 1015. Claims Against the City. The Council by ordinance may provide for conditions precedent to the commencement of any action or proceeding to bringing suit against the City, its officers, and employees, except as the subject is preempted by State law.

~~Section 1016. Independent Audit.~~ The City Council shall employ at the beginning of each fiscal year, a certified public accountant who shall, at such time or times as may be specified by the City Council, and at such other times as he shall determine, examine the books, records, inventories and reports of all officers and employees who receive, handle, or disburse public funds and all such other officers, employees or departments as the City Council may direct. As soon as practicable after the end of the fiscal year, a final certified audit and report shall be submitted by such accountant to the City Council, one copy thereof to be distributed to each member, one to the City Manager, Director of Finance, Treasurer, and City Attorney, respectively, and three

~~additional copies to be placed on file in the office of the City Clerk where they shall be available for inspection by the general public. [Repealed November 8, 1977]~~

Section 1016. Independent Audit. The City Council shall employ, at the beginning of each fiscal year, a certified public accountant who shall, at such time or times as may be specified by the City Council, and at such other times as he shall determine, examine the books, records, inventories, and reports of all officers and employees who receive, handle, or disburse public funds and all such other officers, employees or departments as the City Council may direct. As soon as practicable after the end of the fiscal year, a final certified audit and report shall be submitted by such accountant to the City Council, one copy thereof to be distributed to each member, one each to the City Manager and such other officials as the Council may designate, and three additional copies to be placed on file in the office of the City Clerk, where they shall be available for inspection by the general public. [Amended November 8, 1977]

ARTICLE XI FRANCHISES

Section 1100. Granting of Franchises. The Council may grant a franchise to any person, partnership, corporation, or other legal entity capable of exercising the privilege conferred, whether operating under an existing franchise or not, and may prescribe the terms, conditions, and limitations of such grant, including the compensation to be paid to the City therefor. The Council may prescribe by ordinance or resolution the method or procedure for granting franchises, together with additional terms and conditions for making such grants. In the absence of such provision, the method provided by the general laws of the State shall apply.

Section 1101. Term of Franchise. No franchise shall be granted for a longer period than twenty-five years, unless there be reserved to the City the right to take over at any time the works, plant, and property constructed under the grant at their physical valuation and without compensation for franchise or good will.

Section 1102. Eminent Domain. No franchise or grant of a franchise shall in any way or to any extent impair or affect the right of the City to acquire the property of the possessor thereof by purchase or condemnation, and nothing therein contained shall be construed to contract away or to modify or abridge, either for a term or in perpetuity, the City's right of eminent domain with respect to the property of the possessor of any franchise. Every franchise granted by the City is granted upon the condition, whether expressed in the grant or not, that such franchise shall not be given any value before any court or other public authority in any proceeding of any character in excess of any amount actually paid by the grantee to the City at the time of the grant.

Section 1103. Procedure for Granting Franchises. Before granting any franchise, the City Council shall adopt a resolution declaring its intention to grant same and stating the name of the proposed grantee, the character of the proposed franchise, and the terms and conditions upon which it is proposed to be granted. Such resolution shall fix

and set forth the day, hour, and place when and where any person having an interest in or objecting to the granting of such franchise may appear before the Council and be heard thereon. Said resolution shall be published at least once, not less than ten days prior to said hearing, in the official newspaper. After hearing all persons desiring to be heard, the Council may by ordinance deny or grant the franchise on the terms and conditions specified in the resolution, subject to the referendum of the people. No ordinance granting a franchise shall be adopted as an emergency ordinance.

ARTICLE XII MISCELLANEOUS

Section 1200. Definitions. Unless the provision or the context otherwise requires, as used in this Charter:

- (a) "Shall" is mandatory, and "may" is permissive.
- (b) "City" is the City of Cypress, and "department", "board", "commission", "agency", "officer", "employee" is a department, board, commission, agency, officer, or employee, as the case may be, of the City of Cypress.
- (c) "City Code" is the Code of the City of Cypress.
- (d) "Council" is the City Council of the City.
- (e) "Councilman" is a member of the Council.
- (f) "Departmental administrator" is the person in charge of a City department.
- (g) "Government Code" is the California Government Code as it exists upon adoption of this Charter, or is thereafter amended.
- (h) "Law" includes ordinance.
- (i) "Officer" is a person holding an elected office, a member of a board or commission, the City Manager, and a departmental administrator or a person acting in his place.
- (j) "State" is the State of California.
- (k) "Voter" is a legally registered voter.
- (l) The masculine, feminine, and neuter genders shall be interchangeable, as shall be the singular and plural.

Section 1201. Violations. A violation of this Charter or of any ordinance of the City shall constitute a misdemeanor and may be prosecuted in the name of the People of the State of California or may be redressed by civil action filed by the City. The

maximum fine or penalty for any violation of a City ordinance shall be the sum of Five Hundred Dollars, or a term of imprisonment for a period not exceeding six months, or both such fine and imprisonment.

Section 1202. Validity. If any provision 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.