

CHARTER of the City of Burbank

Prepared and Proposed by a Board of Freeholders
Elected April 12, 1926

Submitted to, and Ratified by, the Qualified Voters of the
City of Burbank at a Special Election Held
Therefor on January 4th, 1927

Approved by Concurrent Resolution of the Legislature of
the State of California, on January 13th, 1927

Filed with the Secretary of State January 19th, 1927

Filed with the County Recorder of Los Angeles County
February 7th, 1927

Amendments of Sections 34 and 55 Approved by Con-
current Resolution of the Legislature of the State
of California on January 28, 1933

Amendments of Sections 36 and 67 Approved by Con-
current Resolution of the Legislature of the State
of California on March 23, 1937

CHARTER OF THE CITY OF BURBANK
PREPARED AND PROPOSED BY A BOARD OF FREEHOLDERS
ELECTED APRIL 12, 1926

NAME

SECTION 1. The municipal corporation now existing and known as "The City of Burbank" shall remain and continue a body politic and corporate, as at present, in fact and in law, by the name of the "City of Burbank", and by such name shall have perpetual succession.

BOUNDARIES

SECTION 2. The boundaries of the City of Burbank shall continue as now established until changed as authorized by law.

POWERS

SECTION 3. The City of Burbank, by and through its Council and other officials, Boards, Commissions, Committees and employees, shall have and may exercise all powers necessary or appropriate to a municipal corporation and the general welfare of its inhabitants, which are not prohibited by the constitution and which it would be competent for this charter to set forth particularly or specifically; and the specification herein of any particular powers shall not be held to be exclusive or any limitation upon this general grant of powers.

OFFICERS AND EMPLOYEES

SECTION 4. The officers of the City of Burbank shall consist of five members of the Council, one of which Board shall be the Mayor, a City Manager, a City Clerk, who shall be ex-officio City Assessor, a City Treasurer, a City Attorney, a City Tax Collector, a City Engineer, a Street Superintendent, a Judge of the Police Court, a Chief of Police, a Fire Chief, a Health Officer, a Board of Library Trustees, a Park Commission, a City Planning Commission, and a Board of Social Service. The Council may by ordinance provide for such subordinate boards, commissions, officers, assistants, deputies, clerks, and employees as they deem necessary and fix their respective powers, duties and compensation. The members of the Council, the City Treasurer and the City Clerk shall be elected from the city at large, and shall hold office for four years and until their successors are elected and qualified, provided, however, that the first regular election for City Treasurer and City Clerk shall be held at the general municipal election to be held as herein provided in the year 1929; provided further, however, that this provision shall not be construed or held to prevent the Council from increasing or diminishing the salaries of said officers or either of them, to take effect and be in force immediately after the expiration of the present term of said officers. The City Engineer may also hold the office of Street Superintendent. All other officers, assistants, deputies, clerks, and employees shall be appointed as provided in this charter, or as the City Council may provide by ordinance in case no provision for their appointment is herein made, and they shall hold their respective offices or positions at the pleasure of the appointing power, except as otherwise herein provided. Where the appointment of any officers, assistants, deputies, clerks or employees, or members of the Library Commission, or members of the Park Commission, or members of the Playground

and Recreation Commission, or members of the City Planning Commission, or Board of Social Service, is vested in the Council, or other body, the appointment and removal must be made by a three-fifths vote of the members of such body.

All officers, clerks and assistants of the city and the various departments thereof, and all employees except such as may be employed for temporary and special purposes, must be citizens of the United States of America, and residents of the City of Burbank, California, during their respective periods of employment, except as herein otherwise provided.

THE CITY COUNCIL

SECTION 5. The legislative body of the city shall consist of five persons elected at large, which body shall be known as the Council.

The members of the Council shall be elected by the qualified voters of the city at a general municipal election to be held therein every odd-numbered year as hereinafter provided. They shall hold office for the period of four years from and after the Monday succeeding the day of their election, and until their successors are elected and qualified; provided, that at the first municipal election to be held as herein provided, all five members of the Council shall be elected, and the respective terms of the members of the first Council elected as provided in Section 27 of this charter shall be as follows: the two persons elected by the highest number of votes shall hold office for four years, and the three persons elected by the lowest number of votes shall hold office for two years. In the event that two or more persons shall be elected by the same number of votes, their term shall be fixed by lot.

Each member of the Council shall receive \$10.00 per meeting attended, not to exceed \$60.00 per month, nor shall they be eligible to any other office or employment within the city except as herein provided. In the event of resignation, such member shall not be entitled to vote on the selection of their successor.

MEETINGS, REGULAR AND SPECIAL

SECTION 6. The Council shall meet at eight o'clock P. M. on the First Monday following a general municipal election and canvass the returns thereof. The new members shall then be inducted into office, whereupon the Council, as thus newly constituted, shall choose one of their number to serve as president of the Council and be ex-officio Mayor. The Mayor shall have the same voting power as any other member of the Council. The Council shall also choose one of their number to serve as Vice-President, and he shall act as Mayor pro tempore in case of the absence, sickness or other disability of the Mayor. The officials so chosen shall hold their respective offices subject to the pleasure of the Council. The regular meetings of the Council shall be held at least once a week and such further regular meetings shall be held as are provided for by ordinance. The time for holding all regular meetings of the Council shall be provided for by ordinance, but any regular meeting may be adjourned to a time certain, which adjourned meeting shall be a regular meeting for all purposes.

Special meetings may be called by the Mayor or three Councilmen at any time by written notice delivered personally to each member at least three hours before the time specified for the meetings.

All meetings of the Council shall be held in the City Hall, unless by reason of fire, flood or other disaster, the City Hall cannot be used for that purpose, and all meetings shall be open to the public. The Council shall adopt rules for conducting their proceedings.

QUORUM

SECTION 7. A majority of the Councilmen shall constitute a quorum for the transaction of any business, but a less number may adjourn from time to time and compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance.

ORDINANCES

SECTION 8. The Council may take official action only by the passage or adoption of ordinances, resolutions or motions, as may be prescribed by the Constitution or Laws of the State of California, and the provisions of this charter; provided that any action of said Council fixing or prescribing a fine, punishment or penalty, or granting any franchise, shall be taken by ordinance. In the absence of any express provision to the contrary in said Constitution, Laws or Charter, the Council may choose any of the foregoing three methods of taking such action. All proposed ordinances introduced in the Council shall be in printed or typewritten form. The enacting clause of all ordinances passed by the Council shall read as follows: "The Council of the City of Burbank do ordain as follows:"

The affirmative vote of not less than three members of the Council shall be necessary to adopt any ordinances, resolutions or approve or reject claims against the city, which vote shall be taken by ayes and noes and entered upon the minutes of said board.

Except as herein provided no ordinance shall be passed by the Council on the day of its introduction, nor within five days thereafter, nor at any time other than a regular meeting.

Every ordinance introduced shall be read upon its introduction and the same shall be read a second time upon the final passage and adoption thereof; provided, that the second reading thereof may be by title only unless any Councilman demands that the same be read in full. A proposed ordinance may be amended or modified between the time of its introduction and the time of its final passage, providing its general scope and original purpose are retained. All ordinances shall be signed by the Mayor and attested by the City Clerk, and shall be published at least once in a newspaper of general circulation and shall become effective at midnight on the 30th day from and after the date of the first publication or posting thereof, and in computing said time the day of adoption shall be excluded; provided, however, that an ordinance calling or otherwise relating to an election, or ordinances otherwise specially required by the laws of the State, or ordinances declared by the Council to be necessary as an emergency measure for preserving the public peace, health or safety, and containing the reasons for its urgency and passed by not less than four members of the Council, or ordinances relating to bond issues and the annual tax levied, may be introduced and passed at one and the same meeting, and shall become effective immediately upon the publication thereof, if the Council shall therein so declare. Provided, however, that no measure creating or abolishing any office or changing the salaries, term or duties of any officer or creating any franchise or special privilege or creating any vested right or interest shall be construed to be an emergency measure.

MAYOR

SECTION 9. The Mayor shall be the executive head of the city. In case of riot, insurrection or extraordinary emergency he shall assume general control of the city government and all of its branches and be responsible for the suppression of disorders and the restoration of normal conditions. In the name and on behalf of the city he shall sign all contracts, deeds, bonds and other legal instruments in which the city is a party and countersign

all warrants; provided, however, that the Council may by resolution authorize any other person to sign the same in case that said contracts, deeds, bonds or other legal instruments have been authorized by the Council. He shall represent the city at all ceremonial functions of a social or patriotic character when it is desirable or appropriate to have the city represented officially thereat. He shall not receive any compensation for his services except those received as a Councilman as provided in Section 5.

CITY MANAGER

SECTION 10. There shall be a City Manager appointed by the Council who shall be the administrative head of the city government. It shall not be necessary that he reside in the city at the time of his appointment, but he shall become a resident thereof within sixty days thereafter, and thereafter during his incumbency actually reside and have his domicile in said city. His powers and duties shall be as follows:

(A) To see that all ordinances are enforced.

(B) To appoint, except as otherwise provided, all heads of departments, subordinate officials and employees, and remove the same, except as otherwise provided, and have general supervision and control over the same.

(C) To exercise general supervision over all privately owned public utilities operating within the city so far as the same are subject to municipal control.

(D) To see that the provisions of all franchises, permits, and privileges granted by the city are fully observed, and report to the Council any violations thereof.

(E) To act as purchasing agent for the city.

(F) To attend all meetings of the Council unless excused therefrom by the Council or the Mayor.

(G) To examine or cause to be examined, without notice, the conduct of any officer or employee of the city.

(H) To keep the Council advised as to the needs of the city.

(I) To devote his entire time to the interests of the city.

(J) To be the executive officer of the Park Commission and the Playground and Recreation Commission and under their direction to have general supervision over all the public parks and playgrounds of the city.

In case of the absence from the city of the City Manager, or his temporary disability to act as such, the Council shall appoint a City Manager pro tem, who shall possess the powers and discharge the duties of the City Manager during such absence or disability only; provided, however, that a City Manager pro tem shall have no authority to appoint or remove any city officer or employee except with the unanimous formal approval of all of the members of the Council.

CITY ATTORNEY

SECTION 11. There shall be a City Attorney appointed by the Council. He shall be an attorney-at-law, admitted to the bar of the Supreme Court of this State, and one who has been in actual practice in the State for at least three years next preceding his appointment. The City Attorney shall be legal advisor of the Council and all other city officials. He shall draft all ordinances, resolutions, contracts, or other legal documents, or proceedings required by the Council, or other officials, except as may be otherwise provided, and shall perform such other legal services from time to time as the Council may require. He shall attend all meetings of the Council unless excused therefrom by the Council or the Mayor.

He shall receive, as compensation, a salary to be fixed by ordinance and he shall receive in addition thereto such reasonable fees as the Council may allow for suits or proceedings before any court, board, tribunal, officer or commission in which he has been directed by the Council to act or appear.

The Council shall have power to direct and control the prosecution and defense of all suits and proceedings to which the city is a party, or in which it is interested, and may employ special counsel to assist the City Attorney therein and provide for the compensation of and pay such special counsel.

CITY CLERK, AND EX-OFFICIO ASSESSOR

SECTION 12. The City Clerk shall be ex-officio Assessor of the city, and Clerk of the Council and of the Board of Equalization. His salary as such shall be fixed by ordinance.

It shall be the duty of the City Clerk to attend all sessions of the Council and the Board of Equalization, and keep a full and correct record of the proceedings of each of said bodies. The proceedings of the Council shall be kept in a book marked "Minutes of the Council," and the proceedings of the Council while sitting as a Board of Equalization shall be kept in a separate book marked "Minutes of the Board of Equalization." He shall keep a book marked "Ordinances," into which he shall copy all city ordinances, certifying that each such copy is a full and correct copy of the original ordinance, and stating that the same has been published as required by law. Said record, so certified, shall be prima facie evidence of the contents of the ordinance, and of its passage and publication and shall be admissible as such evidence in any court or proceeding. Such record shall not be filed but shall be returned to the custody of the City Clerk. He shall also keep a book marked "Resolutions," into which he shall copy all resolutions passed by the Council. Both the books containing ordinances and resolutions, shall be adequately and comprehensively indexed. He shall conduct promptly, and keep a systematic record of, all correspondence between the Council and third parties relating to city business.

He shall be the keeper of the corporate seal of the city, and shall affix the same to instruments or writings requiring authentication. He shall safely keep all records, documents, ordinances, resolutions, books, and such other papers and matters, as may be regularly delivered into his custody or required by law or ordinance to be filed with him.

Except as may be otherwise provided by ordinance, it shall be the duty of the City Clerk, as Ex-Officio Assessor, to make, as soon as practicable after March First and prior to August First of each year, a full, true and correct list, as nearly as possible, of all the taxable property within the city owned or possessed by any person, firm, corporation, or other organization, at twelve o'clock noon on March First of that year. Such list shall set forth the full cash value of all the respective items as listed, and the names of the owners thereof so far as such names are known, together with all other matters required by law or ordinance to be set forth therein, and said assessor shall assess, in the manner provided by general laws of the State governing County Assessors, all of the property so listed. Such list shall follow the form required by the laws of the State, except as otherwise ordered by the Council. He shall verify such list by his oath and deposit the same with the Clerk of the Board of Equalization on or before the first Monday in August of the year in which such list is made. The Assessor shall possess such other powers and perform such additional duties, not inconsistent with this charter, as may be prescribed by ordinance.

CITY TREASURER

SECTION 13. There shall be a City Treasurer elected every four years at the general municipal election. It shall be his duty to receive and safely keep all moneys and securities belonging to the city and coming into his hands, and pay out the same only on warrants signed by the proper officers and not otherwise. He shall hold office for four years and until his successor is elected and qualified.

CITY TAX COLLECTOR

SECTION 14. There shall be a Tax Collector of which office the City Treasurer shall be ex-officio incumbent, unless the Council by ordinance, should provide for the collection of taxes and licenses by some other person or political sub-division of the State of California. He shall perform such duties as may be prescribed by ordinance.

CITY ENGINEER AND STREET SUPERINTENDENT

SECTION 15. There shall be a City Engineer appointed by the City Manager. He may also hold the office of Street Superintendent if so appointed by the City Manager. It shall not be necessary that he be a resident of the city at the time of his appointment, but he shall become a resident thereof within sixty days thereafter, and thereafter during his incumbency actually reside in said city.

As City Engineer, he shall be the custodian of, and responsible for, all maps, plans, profiles, field notes and other records and memoranda belonging to the city, pertaining to his office and the work thereof, all of which he shall keep in proper order and condition, with full indices thereof. He shall turn the same over to his successor upon relinquishing his office, who shall give him duplicate receipts therefor, one of which he shall file with the City Clerk. All maps, plans, profiles, field notes, estimates and other memoranda of surveys and other professional work made or done by him or under his direction or control during his term of office shall be the property of the city. He shall have supervision over all public work relating to the grading, paving, cleaning, and repairing of streets, the building of sewers and the disposal of sewerage, garbage and rubbish, also all other matters of an engineering character. He shall, at the time of his appointment, have been a practicing civil engineer for a period of at least three years.

He shall appoint all subordinates in his department, subject to the approval of the city manager, and he may remove the same, make rules and regulations for the management of the department and prescribe tests and examinations for persons in the department, all in accordance with the provisions of this charter.

The Street Superintendent shall perform such duties as may be prescribed, now or hereafter, by ordinance or general laws of the state. Nothing herein contained shall prevent the City Manager himself from acting as ex-officio City Engineer and Street Superintendent and filling such offices as herein provided.

POLICE JUDGE AND POLICE COURT

SECTION 16. There shall be a Police Judge who shall be elected for a term of four years. He shall be the judge of the Police Court, which is hereby established. The Police Court shall have jurisdiction, concurrently with the Justice's Courts of all actions and proceedings, civil and criminal, arising within the corporate limits of the city, and which might be tried in such Justice's Court; and said Police Court shall have exclusive jurisdiction of all actions for the recovery of any fine, penalty, or forfeiture prescribed for the breach of any ordinance of said city, of all actions founded upon any obligation

created by any ordinance thereof, and of all prosecutions for the violation of any such ordinance. In all civil actions where the fine, penalty, or forfeiture prescribed for the breach of any ordinance of the city is not more than fifty dollars, the trial must be by the court. In civil actions where the fine, penalty, or forfeiture prescribed for the breach of any ordinance of the city is over fifty dollars, the defendant is, upon his demand, entitled to a jury. Except as in this section otherwise provided, the rules and practices and mode of proceeding in said Police Court shall be the same as are, or may be, prescribed by law for Justice's Courts in like cases; and appeals may be taken to the Superior Court from all judgments of said Police Court in like manner and with like effect as in cases of appeals from Justice's Courts.

The Police Judge shall have all powers and perform the duties of a magistrate and may administer and certify oaths and affirmations and take and certify acknowledgments. All fines, fees, forfeitures and costs collected by him, whether prosecuted for a violation of State law or of a City ordinance, shall be paid into the city treasury within forty-eight hours from and after the receipt thereof. He shall make such periodical reports as the Council may require.

In all cases in which the Police Judge is disqualified according to law, or in cases of sickness or inability to act, he may call upon any Justice of the Peace, residing in the County of Los Angeles, to act in his stead.

The Police Judge shall keep a record of the proceedings of the Police Court in all matters and cases before said court. Separate dockets shall be kept for civil and criminal cases. All records, files, and other property, of the Recorder's Court under the preceding government of the city, shall be the records, files, and property of the Police Court of said city created by this charter.

The Council shall have power to provide by ordinance for the separate detention and trial of, and a probation system for, juvenile offenders against municipal ordinances and also all juvenile offenders in all cases of other offenses of which this Court has jurisdiction.

The judge may in his discretion, upon good cause shown, grant a parole during good behavior to any person convicted in this Court; provided, that said parole so granted may be revoked at any time by the Judge within six months after the granting of the same and the sentence imposed against such person shall thereupon be carried into execution.

All actions and proceedings pending and undetermined in the Recorder's Court under said preceding government, shall be proceeded with, heard, tried, and determined in said Police Court herein established, before the Police Judge thereof, as if such action or proceeding had been originally commenced therein.

CHIEF OF POLICE

SECTION 17. There shall be a Chief of Police appointed by the City Manager. He shall be the head of the police department of the city, and shall have all the powers that are now or may hereafter be conferred upon sheriffs and other peace officers by the laws of the state so far as they appertain to the city. It shall be his duty to preserve the public peace and to suppress riots, tumults and disturbances. His orders shall be promptly executed by the police officers, or watchmen of the city, and every citizen shall lend him aid when requested for the arrest of offenders, the maintenance of public order or the protection of life and property.

He shall execute and return all process issued to him by legal authority. He shall have authority, and it is hereby made his duty, to arrest persons violating any law of the state or ordinance of the city. Those arrested for

violating city ordinances may, before or after trial, be confined in the County jail of Los Angeles County or in the city prison of the city. He shall have such other powers and duties appertaining to his office as may be prescribed by the Council or rules of the police department. He shall appoint and remove all subordinates in the department, make rules and regulations for the management of the department and prescribe tests and examinations for persons in the department, all in accordance with the provisions of this charter, and subject to the approval of the City Manager.

CHIEF OF THE FIRE DEPARTMENT

SECTION 18. There shall be a Fire Chief appointed by the City Manager. He shall be head of the fire department of the city, and shall have charge and supervision over all matters relating to the prevention and extinction of fires, and of all measures necessary to guard and protect all property impaired thereby. During the time of a fire he shall have supreme authority over the territory involved therein, and all persons in the immediate vicinity of the fire during such time, including policemen, shall be subject to his orders. He shall appoint and remove all subordinates in the department and prescribe tests and examinations for persons in the department and make rules and regulations for the government thereof, subject to the approval of the City Manager.

CITY HEALTH OFFICER

SECTION 19. There shall be a Health Officer, appointed by the City Manager. He shall be a person who has been licensed to practice medicine in the State of California or who has received special training in public health work. He shall exercise general supervision over the health and cleanliness of the city, and take all necessary measures for the preservation and promotion thereof.

He shall enforce all laws, ordinances, and regulations relative to the preservation and improvement of public health, including those provided for the prevention of disease, the suppression of unsanitary conditions, and the inspection and supervision of the production, transportation, storage and sale of foodstuffs.

OFFICIAL BONDS

SECTION 20. The Council shall determine by ordinance which officers and employees shall give bonds for the faithful performance of their official duties, and fix the amount of said bonds. Such officers before entering upon their official duties, shall execute a corporate surety bond to the city in the penal sum required, which bond shall include any other offices of which they may be ex-officio incumbent. Said bonds shall be approved by the Council and filed with the City Clerk and the premium therefor shall be paid by the city out of the general fund of the city.

OATH OF OFFICE

SECTION 21. Every officer shall take the constitutional oath of office and subscribe thereto before entering upon the performance of his official duties.

ADMINISTERING OATHS, SUBPOENAS

SECTION 22. Every elective officer and every chief appointive official, including all members of boards and commissions provided for in this charter, or by ordinance, shall have the power to administer oaths and affirmations, and every such board and commission herein provided shall have power to issue subpoenas, to compel by subpoena the production of books, papers, and documents, and to take and hear testimony concerning any matter or thing pending before such board or commission.

DEPUTIES

SECTION 23. All elective officers, and officers appointed by the Council, shall have the power to appoint their own deputies when in the opinion of the Council, the same are necessary, subject, however, to approval and confirmation by the Council.

COMPENSATION

SECTION 24. The Council, except as otherwise in this charter provided, shall fix the compensation of all officers, also the compensation of all deputies, assistants and employees of all officers appointed by the Council. The salaries of all officers shall be fixed by ordinance.

The City Manager shall fix the compensation of all deputies, assistants and employees of all officers appointed by him, subject to the approval of the Council.

REPORTS OF FEES AND COMMISSIONS

SECTION 25. Every officer authorized to charge a fee, commission or percentage by way of compensation shall make a written report to the Council monthly of all moneys so received by him.

VACANCIES

SECTION 26. A vacancy in any elective office, from whatever cause arising, shall be filled by appointment by the Council, such appointee to hold office for the unexpired term; provided that if the Council fails to agree or for any other reason does not fill such vacancy within thirty days after the same occurs, then such vacancy shall be filled by the Mayor. If for any reason the seats of a majority of the Council shall become vacant, then the City Clerk, Treasurer, together with the remaining members of the Council, or a majority of them, shall call a special election at once to fill the vacancies for the unexpired terms, and the same shall be conducted substantially in the manner provided for general municipal elections.

If any officer of the city shall remove from the city or absent himself therefrom for more than thirty days consecutively without the permission of the Council, or shall fail to qualify, or shall resign, or be convicted of a felony, or be adjudged insane, his office shall thereupon be declared vacant by a majority vote of the Council and shall thereupon become vacant.

ELECTIONS

SECTION 27. General municipal elections shall be held in said city on the first Tuesday after the first Monday in April of each odd-numbered year, under and pursuant to the provisions of the general laws governing elections in cities of the sixth class, so far as the same may be applicable, and except as herein otherwise provided; subject, however, to the provisions of sections 5 and 68 hereof as to the first officers elected hereunder.

At least twenty days before the day of election each candidate for an elective office may file with the City Clerk a statement containing the following information in the order herein set forth; (a), his name; (b), the office for which he is a candidate; (c), his present residence and occupation; (d), the various kinds of business or employment he has been engaged in during the past five years and where, also the positions of importance and trust which he may have held in connection therewith; (e), the civic, improvement or other organizations which he has been a member of within the past five years and the positions of honor or trust which he may have held therein; (f), the public offices he has held, if any, as principal, deputy or employee; (g), the experience, training or education he has received which, in his opinion, would qualify him to fill the office for which he is a candidate; (h), the length of

time he has been a taxpayer in the city; (i), the names and addresses of not less than five (5) nor more than fifteen (15) residents who know something of his character and abilities.

CANVASS OF RETURNS

SECTION 28. The Council of said city shall meet at its usual meeting place on the first Monday after any municipal election, duly canvass the returns and declare the result thereof, and install the newly elected officers, if any.

RESIDENTIAL QUALIFICATION

SECTION 29. No person shall be eligible to hold any elective office in said city unless he be a resident and elector therein, and shall have resided in said city for at least one year next preceding the date of his election.

INITIATIVE, REFERENDUM AND RECALL

SECTION 30. Ordinances may be initiated, or the referendum exercised on ordinances passed by the Council, under and in accordance with the constitution and general laws of the state, and any elective officer may be recalled from office under and in pursuance of the provisions of the constitution and general laws; provided, however, that in no case shall candidates be elected to fill the place or places of any officer sought to be recalled, but in case of such recall such office shall be deemed vacant and shall be filled by appointment like other vacancies in elective offices; provided, further, that should a majority of the Council be recalled, the City Clerk, City Treasurer, together with the remaining members of the Council, or a majority of them, shall call a special election to fill such vacancies, which shall be held within sixty days of the existence thereof.

SCHOOL DEPARTMENT

SECTION 31.

(a) The school system of the city of Burbank shall include kindergartens, primary, grammar, junior high and senior high schools and such evening schools, parental schools, junior colleges and other schools as are established, or may hereafter be established, by the Board of Education of said city, in the City of Burbank School District, under the constitution and general laws of the State of California.

(b) The boundaries of the City of Burbank School District shall be the boundaries now established for the Burbank School District, or that which may hereafter be established for said city, and including all territory annexed to said city for school purposes; provided, that nothing herein contained shall be construed as prohibiting, or in any wise affecting the annexation, for school purposes, of additional outside territory to said City of Burbank School District, in accordance with the general school laws of the State of California.

(c) The government of the schools of the City of Burbank, including the whole of the Burbank School District, shall be vested in a Board of Education composed of five persons who shall be elected at large by the electors qualified to vote at the Burbank School District election, and each of said members of the Board of Education shall have been a resident of said district for at least one year and qualified to participate in said election. The date of election for members of the Board of Education shall be the second Friday in October. This provision shall be effective only after the charter goes into effect. Each member shall serve for a term of five years and until his successor is elected and qualified, one member being elected annually.

The present members of the Board shall serve until the second Friday in October following the expiration of the terms for which they were elected. Three members shall be elected at the election to be held the second Friday of

October, 1927, the one receiving the highest number of votes at said election shall hold office until the regular school election held in the year 1932, the one receiving the next highest number of votes at such election shall hold office until the regular school election of 1931, the one receiving the next highest number of votes at such election shall hold office until the regular school election of 1930, and shall continue to hold office thereafter until their respective successors are elected and qualified. Any vacancy in the board shall be filled by a majority of the board until the next school election for members of the Board of Education when a member shall be elected to fill the unexpired term. In the event that three or more vacancies exist in said board at one time, then the County Superintendent of Schools, shall, by appointment, fill all vacancies therein necessary to give said board three members qualified to act. Such appointees shall hold office for the same length of time as appointees of the board. As soon after the adoption of this charter as is practicable the Board of School Trustees shall appoint two additional members who shall serve until the first regular school election to be held the second Friday of October, 1927.

(d) The Board of Education shall appoint a City Superintendent of Schools. The City Superintendent of Schools shall be the chief executive officer working under the Board of Education, and shall enforce all rules and regulations adopted by the Board.

(e) The Board of Education may make rules for governing its own procedure and that of the officials employed by the school district, subject to the general laws of the state.

(f) The meetings of the Board of Education shall be public.

(g) The powers and duties of the Board of Education shall be such as are now, or may hereafter be conferred upon and enjoined on Boards of Education in city school districts by the laws of the State of California and such other powers and duties as are herein set forth.

SOCIAL SERVICE BOARD

SECTION 32. There shall be a board of Social Service appointed by the Council, consisting of five members to serve for five years, which shall have charge of all matters relating to the care and relief of the needy. Said board may establish and maintain an employment bureau, day nursery and similar institutions. They shall serve without compensation.

Said board shall establish a Public Health Center for maintaining clinics and furnishing medical treatment and advice and first aid for injured, for persons unable to pay for same, also for educating the public in preventive medicine.

The Council may contribute annually such an amount of money to social service work as it deems advisable, but contributions of money or property for such work may be solicited and accepted from other sources.

The Board of Social Service shall render an annual report of its activities and expenditures to the Council.

PUBLIC SERVICE DEPARTMENT

SECTION 23. There shall be a Public Service Department, which shall have control of the construction, operation and maintenance of all public utilities now or hereafter owned and operated by the city, and of the funds derived therefrom.

There shall be a Superintendent of this department appointed by the City Manager. He shall appoint all subordinates in his department, subject to the approval of the City Manager, and he may remove the same, make rules and

regulations for the management of the department and prescribe tests and examinations for persons in the department, all in accordance with the provisions of this charter.

The treasurer shall keep the funds of each utility separate. Any funds exceeding fifteen per cent (15 per cent) of the book value of any utility may be invested in State, County, or Municipal bonds, or be transferred to the general fund of the city.

The books of said utility shall be kept in accordance with the state regulations governing the accounting of public utilities, and a report in detail shall be made to the Council monthly.

The Public Service Department shall control the generation, purchase, distribution and sale of electric energy, water, gas, and any other utility owned, operated or distributed by the city and subject to the approval of the Council, may lease or rent any property connected with or appurtenant to any utility and fix the rental charges thereof.

PUBLIC LIBRARY

SECTION 34. There shall be a Library Board, consisting of five members to be appointed by the Council, each of whom shall serve for a term of five years without compensation.

The Library Board shall have the power and duty:

(1) To manage and control the libraries, branch libraries and reading rooms of the City of Burbank.

(2) To establish maintain and operate a central library, branch libraries and reading rooms within or without the city.

For the financial support of the Library Department there may be appropriated, at the discretion of the City Council, an annual sum of not more than seven-tenths of one mill of assessed value of all real and personal property of the city as assessed for city taxes. Additional appropriations may be made from the general city funds. All money arising from either class of appropriations above referred to, or received by the Library from fines, sales, gifts or otherwise in connection with the operation of the Library, shall be placed to the credit of the Library Board in a fund to be known as the Library Fund. No money in the Library Fund shall be used for any purpose other than the financial support of the Library Board.

The Library Board shall have power to control and order, in the manner in this charter provided, the expenditures of all money coming into the Library Fund or from the sale of bonds authorized by the city for financing the work of the Library Board, and to appropriate and expend the same for the purposes of the department, in accordance with the provisions of this charter. Said board may invest any surplus funds under its control in bonds or other evidences of indebtedness of the United States, the State of California, or of any political subdivision thereof, and the income derived therefrom shall be deposited in the City Treasury to the credit of the Library Fund.

The Library Board shall appoint a general manager of the Library department who shall be known as the City Librarian.

The City Librarian shall have power to suspend or remove any officer or employee in the Library Department; but no such suspension or removal shall be made except for cause which shall be stated in writing and filed with said Board of Library Commissioners, with certification that a copy of such statement has been served upon the person so suspended or removed personally, or by leaving a copy thereof at his last known place of residence if he can not be found. Upon such filing, such suspension or removal shall take effect. Within fifteen days after such statement shall have been filed, the said board, upon

its own motion may, or upon written application of the person so suspended or removed, file with said board within five days after service upon him of such statement as above provided, shall proceed to investigate the grounds for such suspension or removal. If, in the case of a removal, the board, after such investigation, shall find in writing that the grounds stated were insufficient, or were not sustained, and also finds in writing that the person removed is a fit and suitable person to fill the position from which he was removed, the board shall reinstate him in such position; and if, in the case of a suspension, the board, after such investigation, shall find in writing that the grounds stated were insufficient, or were not sustained, the board shall restore the person so suspended to duty. The order of said board with respect to such suspension or removal shall be final and conclusive. Any person restored to duty or reinstated in his position after suspension or removal as provided in this section, shall be entitled to receive compensation from the city the same as if such suspension or removal had not been made.

No real property shall be acquired by the city for library sites unless such sites are first approved by the Library Board. Said board shall have full control over all library sites and no such sites shall be devoted to any other purpose in whole or in part without permission from said board.

CITY PLANNING COMMISSION

SECTION 35. There shall be a Board of Planning Commissioners consisting of the Mayor as an ex-officio member without vote except in case of a tie; one other member of the Council, the City Engineer and four citizens to be appointed by the Council to serve for four years each, without compensation.

The City Planning Commission shall have and exercise all the powers and duties which are now or may hereafter be granted to or imposed upon said department by state law, and such additional powers and duties as may be granted or imposed by ordinance for the regulation and control of the platting and subdivision of lands.

No ordinance shall be adopted by the Council, creating districts or zones for the purpose of regulating the use of lands, the height, bulk, location or use of buildings therein, and no ordinance changing, amending or altering any such ordinance shall be adopted until it shall have first been submitted to the Board of City Planning Commissioners for report and recommendation.

It shall be the duty of the Planning Commission, within thirty days from the receipt of any such request from the Council for its recommendation in regard to any such ordinance, to make and file its report thereon with the Council, and should said Board of City Planning Commissioners recommend against the approval of any such ordinance herein mentioned, the Council may adopt such ordinance only upon a four-fifths vote of the whole of said Council. Should the Board of City Planning Commissioners recommend the approval of any such ordinance, or fail to make any recommendation within the time mentioned herein, said Council may adopt such ordinance by a majority vote of the whole board.

All plans for the location of public buildings, public parks or public playgrounds shall be submitted to the City Planning Commission for report and recommendation. Such report shall be advisory only. The department shall make reports and recommendations to the Council and to the various departments of the city government on all matters involving the location of such public improvements.

The City Planning Commission shall initiate studies and make reports and recommendations to the Council and the various departments of the city government on subjects related to the opening and widening of streets and other

physical conditions, connected with the development and expansion of the city.

It shall each year render to the Mayor and Council a report of its activities during the year next preceding.

The first City Planning Commission appointed under this charter shall be appointed by the Council for one, two, three and four year terms respectively. Thereafter the members of said board shall be appointed as provided herein. At least three of the four members appointed as first aforesaid shall have been members of the City Planning Commission immediately prior to this charter taking effect.

PARK COMMISSIONERS

SECTION 36. There shall be a Park Commission consisting of five members to be appointed by the Council each to serve for a term of five years, without compensation. The Department of Parks shall have the power and duty:

(1) To manage and control the parks owned or operated by the city of Burbank.

(2) To establish, maintain and operate parks, with structures therein appropriate to park purposes, within or without the city limits.

(3) To construct and operate, sell, rent or lease concessions or privileges to be exercised in the parks for the operation of boat houses, refreshment stands, restaurants, amusements places or devices, parcel checking rooms and lockers and other similar purposes;

(4) To establish schedules of charges for special services;

(5) To grant to the Department of Playground and Recreation, the right to establish, maintain and operate playground and recreation facilities on lands under the control of the Department of Parks, upon such terms and conditions as shall be fixed by the Board of Park Commissioners;

(6) To have charge over and care of trees, plants and lawns in parkings along public streets, subject to street improvements authorized by the city.

(7) To appoint a Superintendent of Parks, who shall have general supervision of all Parks, under direction of the Park Commission.

For the financial support of the Department of Parks, there is hereby appropriated an annual sum of not less than one-half of one mill (.0005) of assessed value of all real and personal property of the city as assessed for city taxes. Additional appropriations may be made from the general city funds. All money arising from either class of appropriations above referred to, or received by the Department of Parks from fees, sales, gifts, or otherwise in connection with the operation of the department, shall be placed to the credit of the Department of Parks in a fund to be known as the Park Fund. No money in the Park Fund shall be used for any purpose other than the financial support of the Department of Parks.

The Board of Park Commissioners shall have power to control and order, in the manner in this charter provided, the expenditure of all money coming into the Park Fund, or from the sale of bonds authorized by the city for financing the work of the Park Department, and to appropriate and expend the same for the purposes of the department, in accordance with the provisions of this charter. Said board may invest any surplus funds under their control in bonds or other evidences of indebtedness of the United States, the State of California, or of any political subdivision thereof, and the income derived therefrom shall be deposited in the City Treasury to the credit of the Park Fund.

No real property shall be acquired by the city for park sites unless such sites are first approved by the Board of Park Commissioners. Said board shall have

full control over all park sites and no such sites shall be devoted to any other purpose in whole or in part without permission from said board.

Whenever funds are donated by any person or persons for the acquisition or construction of any building, structure, work or improvement in a public park, and the donor or donors thereof shall, at the time of such donation, request the appointment of a special commission to take charge of the expenditure of such funds and to supervise the construction of such improvement, the Council may, in its discretion, if said proposed improvement will increase the value of such park for park purposes, provide by ordinance for the appointment by the Mayor, subject to confirmation by a majority of the Council, of a special commission to take charge of the supervision of the construction of such improvement and the expenditure of funds donated therefor. In the event funds are donated in the manner provided in this section for the maintenance of any such improvement at the time of the construction thereof or otherwise, the Council may, by ordinance, create a commission to have charge of such maintenance. Any commission appointed under the provisions of this section shall have such power and duties as to such construction or maintenance as may be conferred upon it by ordinance.

Any real property owned by the City of Burbank which has been heretofore or which may hereafter be dedicated to park purposes, except such as may have been granted to the city for park purposes with restriction as to its use, and which is determined by a majority of the Park Commission to be unsuitable or impracticable for park purposes and no longer suitable for the use to which said property was dedicated, may, by a four-fifths (4/5) vote of the said City Council, be sold or leased, either in whole or in part, under such terms and conditions and such procedure as the Council may by ordinance prescribe; provided, further, that the proceeds of such sale or lease shall be paid into the City Treasury and placed in the fund of the Park Commission.

PLAYGROUND AND RECREATION COMMISSION

SECTION 37. There may be a Playground and Recreation Commission consisting of five members to be appointed by the Council, each to serve for a term of five years, without compensation. The Department of Playground and Recreation shall have the power and duty:

- (1) To manage and control the playgrounds, bath houses, recreation centers, recreation camps owned or operated by the City of Burbank.
- (2) To establish, maintain and operate playgrounds, bath houses, recreation centers, recreation camps, recreation beaches and other types of recreation, within or without the city limits;
- (3) To aid and promote public recreation;
- (4) To construct and operate, sell, rent or lease concessions or privileges to be exercised in the playgrounds, bath houses, recreation centers, recreation camps and recreation beaches, for the operation of boat houses, refreshment stands, restaurants, amusement places or devices, parcel checking rooms, lockers, and other similar purposes;
- (5) To establish schedules of charges for special services;
- (6) To establish, maintain and operate playground and recreation facilities on lands under the control of the Department of Parks, upon such terms and conditions as shall be fixed by the Board of Park Commissioners, and approved by the Board of Playground and Recreation Commissioners.
- (7) To establish, maintain and operate playground and recreation facilities upon portions of public streets upon such terms and conditions as shall be fixed by the Council by ordinance.

(8) To appoint a Superintendent of Playgrounds and Recreations who shall have general supervision of all Playgrounds and Recreations under the direction of the Playground and Recreation Board.

For the financial support of the Department of Playground and Recreation, there is hereby appropriated an annual sum of not less than one-fifth of one mill of the assessed value of all real and personal property of the city as assessed for city taxes. Additional appropriations may be made from the general city funds. All money arising from either class of appropriations referred to, or received by the Department of Playground and Recreation from fees, sales, gifts or otherwise in connection with the operation of the Department, shall be placed to the credit of the Department of Playground and Recreation in a fund to be known as the "Playground and Recreation Fund". No money in the Playground and Recreation Fund shall be used for any purpose other than the financial support of the Department of Playground and Recreation.

The Board of Playground and Recreation Commissioners shall have power to control and order, in the manner in this charter provided, the expenditure of all money coming into the Playground and Recreation Fund or from the sale of bonds authorized by the city for financing the work of the Playground and Recreation Department, and to appropriate and expend the same for the purposes of the department, in accordance with the provisions of this charter. Said board may invest any surplus funds under its control in bonds or other evidences of indebtedness of the United States, the State of California, or of any political subdivision thereof, and the income derived therefrom shall be deposited in the City Treasury to the credit of the Playground and Recreation Fund.

No real property shall be acquired by the city for playground and recreation sites unless such sites are first approved by the Board of Playground and Recreation Commissioners. Said board shall have full control over all playground and recreation sites and no such sites shall be devoted to any other purpose in whole or in part without permission from said board.

Until such time as this Playground and Recreation Commission is appointed by the Council, all of the powers and duties of this commission shall be exercised by the Park Commission.

BUDGET

SECTION 38. Not later than thirty days before the time for fixing the annual tax levy, the City Manager shall submit to the Council an estimate of the expenditures and revenues of the city departments for the ensuing year. This estimate shall be compiled from detailed information obtained from the several departments on uniform blanks to be furnished by the City Manager. The classification of the estimate of expenditures shall be as nearly uniform as possible for the main functional divisions of all departments, and shall give in parallel columns the following information:

(a) A detailed estimate of the expense of conducting each department as submitted by the department.

(b) Expenditures for corresponding items for the last two fiscal years.

(c) Expenditures for corresponding items for the current fiscal year, including adjustments due to transfers between appropriations plus an estimate of expenditures necessary to complete the current fiscal year.

(d) Amount of supplies and material on hand at the date of preparation of the invoice.

(e) Increase or decrease of requests compared with the corresponding appropriations for the current year.

(f) Such other information as is required by the Council or that the manager may deem advisable to submit.

(g) The recommendation of the manager as to the amount to be appropriated with reasons therefor in such detail as the Council may direct.

Sufficient copies of such estimate shall be prepared and submitted, that there may be copies on file in the office of the Council for inspection by the public, unless the Council shall publish the same in a newspaper.

After duly considering the estimate and preparing the budget the Council shall pass an ordinance levying the annual tax.

CITY IMPROVEMENT FUND

SECTION 39. The Council may provide a tax of one-half of one mill of assessed valuation of all real and personal property of the city as assessed for city taxes as a fund for assistance of public celebrations, fairs and exhibitions, to aid or carry on the work of inducing immigration to the city, to exhibit manufactured and other products of the city generally for the purpose of advertising the city.

FISCAL YEAR

SECTION 40. The fiscal year of the city shall commence on the first day of July of each year, or at such other times as may be fixed by ordinance.

TAXATION

SECTION 41. Except as otherwise herein provided, the Council, by ordinance, shall provide a system for the assessment, levy, collection and equalization of taxes, which as nearly as may be, shall conform to the system provided by the general laws of the state. Should the Council fail to fix the tax rate within the time prescribed, then the tax rate of the previous year shall constitute the rate for the current year.

DOLLAR LIMIT

SECTION 42. The amount of the annual tax levy, exclusive of the tax to pay the interest on and maintain the sinking funds of any indebtedness of the city, and exclusive of the tax to pay for the maintenance and improvement of the parks, squares, public grounds and public libraries of the city, shall not exceed the rate of one dollar to each one hundred dollars valuation of the property assessed. The foregoing limitation shall not apply in the event of any great necessity or emergency, in which case it may be temporarily suspended by resolution adopted by at least four members of the Council, provided no increase over the dollar limit shall be made in any fiscal year, unless authorized by ordinance adopted by vote of the people.

MUNICIPAL BONDED INDEBTEDNESS

SECTION 43. It shall require the votes of at least two-thirds of all the voters voting at any municipal election to authorize the issuance of any municipal bonds or the incurring or the assumption of any bonded indebtedness by said city.

The requirements of this charter in this regard shall be in addition to any other requirements of the laws of the State of California with reference to such matters.

BOARD OF EQUALIZATION

SECTION 44. During such years as the city shall collect its own taxes the Council shall meet at its usual meeting place on the second Monday in August of each year, at ten o'clock A. M., and sit as a Board of Equalization, and shall continue in session by adjournment from day to day until all returns of the Assessor have been rectified and assessments equalized. The Board of Equalization shall have the power to hear complaints, to take testimony under oath,

and to correct, modify, strike out, or raise any assessment, provided that notice shall first be given to anyone whose assessment is proposed to be raised.

DEPOSITS WITH TREASURER DAILY

SECTION 45. All moneys collected for the city by any officer or department thereof shall be paid into the treasury daily.

PAYMENT OF CITY MONEYS

SECTION 46. Money shall be drawn from the treasury only upon warrants as herein prescribed. Every demand against the city, when allowed by the Council or proper board, shall be signed by the president and clerk of such body and a warrant, numbered and dated the same as the demand, issued and signed by the same officers. No demand shall be allowed, approved, audited or paid unless it shall specify each item of the claim and the date thereof.

SURPLUS BOND MONEY

SECTION 47. All moneys derived from the sale of bonds, including premiums and accrued interest, shall be applied only to the purposes for which the bonds were voted. After such purposes have been fully completed and paid for, any remaining surplus shall be transferred to the bond interest and redemption fund.

UNIFORM ACCOUNTS AND REPORTS

SECTION 48. The Council shall prescribe uniform forms of accounts, which shall be observed by all officers and departments of the city which receive or disburse city moneys.

MONTHLY FINANCIAL REPORTS

SECTION 49. All officers charged by the preceding government of the city or by ordinance with submitting monthly financial reports to the Council, shall submit the same in duplicate, and upon their approval by the Council, one of each of such duplicate reports shall be posted forthwith in the office of the City Clerk in such manner as to be readily accessible to the public, and shall remain so posted until the approval by the Council of the next succeeding financial report when the same procedure shall be followed in relation thereto. The Council in addition to such posting, may, in its discretion, cause any of such reports to be published at any time.

COUNTING THE MONEY

SECTION 50. The Mayor, City Clerk and City Manager shall together count the money and other securities, in the treasury at least once every three months, and ascertain if the amounts on hand tally with the amounts that should be in the treasury according to the books of the city. They shall make a written report thereof to the Council at its first regular meeting thereafter.

APPROVING ILLEGAL CLAIMS

SECTION 51. Every officer who shall wilfully and knowingly approve, allow or pay any demand on the treasury not authorized by law, shall be liable to the city individually and on his official bond for the amount of the demand so approved, allowed or paid, and shall forfeit such office and be forever disbarred and disqualified from holding any position in the service of the city.

EXPERT ACCOUNTANT

SECTION 52. The Council shall employ a certified public accountant annually, or oftener, to investigate the transactions and accounts of all officers or employees having the collection, custody or disbursement of public money or property, or the powers to approve, allow or audit demands on the treasury.

PUBLIC IMPROVEMENTS AND STREET WORK

SECTION 53. All public improvements, including the improving, widening, opening, extending, and closing of streets, lanes, or alleys, may be done and made in pursuance of the general laws of the state or procedure ordinances adopted by the Council or the electors, and the whole or any portion of the cost thereof paid out of the city treasury or assessed on the property fronting on the improvement, or the district or lands benefited.

CONTRACT WORK

SECTION 54. In the erection, improvement and repair of all public buildings and works, in all street and sewer work, or in or about embankments or other works for protection against overflow, and in furnishing any supplies, apparatus, machinery or materials for the City, when the expenditure required for the same shall at any one time exceed the sum of three hundred dollars, the same shall be done by contract, and shall be let to the lowest responsible bidder, after notice by publication in the official newspaper.

Provided, that the Council may reject any and all bids presented and may re-advertise, in their discretion, and

Provided, further, that after rejecting bids the Council may declare and determine by a four-fifths vote of all its members that in its opinion the work in question may be more economically or satisfactorily performed by day labor, or the materials or supplies purchased at a lower price in the open market, and after the adoption of a resolution to this effect, it may proceed to have the same done in the manner stated without further observance of the foregoing provisions of this section; and

Provided, further, that in case of a great public calamity, such as an extraordinary fire, flood, storm, epidemic or other disaster, the Council may, by resolution passed by a vote of four-fifths of all its members, declare and determine that public interest and necessity demand the immediate expenditure of public money to safeguard life, health, or property, and thereupon they may proceed to expend, or enter into a contract involving the expenditure of any sum required in such emergency.

ILLEGAL AND VOID CONTRACTS

SECTION 55. No member of the Council, nor paid employee of the City, shall be financially interested, directly or indirectly, in any contract, sale or transaction to which the city is a party. No city official shall vote on or participate in any contract or transaction in which he is, directly or indirectly, financially, interested. No city official shall be financially interested, directly or indirectly, in any contract, sale or transaction to which the city is a party and which comes before said official, or the department of the government with which he is connected, for official action. If any officer of the city shall, during the term for which he is elected or appointed, so vote or participate he shall, upon conviction thereof, forfeit his office and be punished for misdemeanor. Any contract or transaction hereinabove mentioned in which any officer of the city shall be or become financially interested shall become void at the election of the city, to be declared by resolution of the Council.

No officer or employee of the city shall aid or assist a bidder in securing a contract to furnish labor, material or supplies at a higher price or rate than that proposed by any other bidder, or favor one bidder over another, giving or withholding information, or wilfully mislead any bidder in regard to the character of the materials or supplies called for, or knowingly accept materials or supplies of a quality inferior to that called for by the contract, or

knowingly certify to a greater amount of labor performed than has actually been performed, or to the receipt of a greater amount of material or supplies than has actually been received.

Any officer or employee violating any of the foregoing provisions of this section shall be guilty of a misdemeanor and be immediately expelled from his office or employment by the officer or board responsible for his employment.

If at any time it shall be found that the person, firm or corporation to whom a contract has been awarded has, in presenting any bid or bids, colluded with any other party or parties, then the contract so awarded shall, if the city so elect, be null and void and the contractor and his bondsmen shall be liable to the city for all loss or damage which the city may suffer thereby. In that event the Council may advertise anew for bids for said work or supplies.

Every contract for repairs, alterations, work or improvement and every order for the purchase of materials or supplies involving an expenditure of more than Three Hundred Dollars (\$300.00) shall, except where the repairs, alterations, work, improvement or materials or supplies provided for in said contract shall be deemed an urgent necessity by the board or officer of the city having charge thereof, and so declared by the Council, be in writing, the draft whereof shall be approved by the board, officer or employee authorized to make the same and signed on behalf of the city by the Mayor or some other person authorized thereto by resolution of the Council in case of a contract authorized by the Council.

FRANCHISES

SECTION 56. Every franchise or privilege to construct, maintain, or operate any railroad, or other means of transportation in or over any street or highway, or to lay pipes or conduits, or erect poles or wires or other structures in or across any street or highway for the transmission of gas, electricity, or other commodity, or for the use of public property or places now or hereafter belonging to the city, shall be granted under and in pursuance of the provisions of the general laws of the state relating to the granting of franchises; provided no new franchise or the renewal of an existing franchise shall be granted except upon condition that at least two per cent (2%) of the gross annual receipts derived from the use of such franchise shall be paid to the city, provided, never-the-less, that the Council may exempt motor transportation vehicles from all or a part of such tax. In all cases the applicant for a franchise shall advance the cost of advertising the same.

Every such franchise shall require the grantee thereof to agree to a joint use of its property by others, wherever practicable, and nothing herein shall be construed as prohibiting the Council from requiring other conditions not inconsistent with the constitution or general laws. No franchise or privilege so granted shall be sold, leased, assigned, or otherwise alienated without the express consent of the Council given by ordinance and subject to the referendum.

OFFICIAL RECORDS

SECTION 57. All books and records of every office and department shall be open to the inspection of any citizen during business hours, subject to the proper rules and regulations for the efficient conduct of the business of such department or office, provided, the records of the police department shall not be subject to such inspection except by permission of the proper police authorities.

Copies or extracts, duly certified, from said books and records open for inspection, shall be given by the officer having the same in custody to any

person demanding the same and paying or tendering ten cents per folio of one hundred words for such copies or extracts, and the additional sum of twenty-five cents for certifying.

All officers and boards shall deliver to their successors all papers, books, documents, records, archives and other properties pertaining to their respective offices or departments, in their possession or under their control.

NEWSPAPER ADVERTISING AND PRINTING

SECTION 58. The Council shall advertise annually for the submission of sealed proposals or bids from all newspapers of general circulation in the city, for the publication of all ordinances and other legal notices required to be published. The newspaper to whom such contract is awarded shall be known and designated as the Official Newspaper. The rates for publishing public notices shall not exceed the customary rates charged for publishing legal notices of a private character.

The Council may also advertise annually for sealed proposals or bids for printing and furnishing all letterheads, stationery, tax bills, account books and other printed matter likely to be required during the fiscal year.

Contracts for advertising or printing, as the case may be, shall be awarded to the lowest responsible bidder, provided no contract for advertising shall be awarded to any newspaper except a newspaper of general circulation, as that term is defined by Section 4460, of the Political Code.

PENSIONS

SECTION 59. No pensions of any kind or character shall be awarded or paid to any active or retired city officials, employee, or member of the police or fire department, unless provided by an initiative ordinance adopted by the electors of the city.

GENERAL LAWS APPLICABLE

SECTION 60. All general laws of the state applicable to municipal corporations of the sixth class now or hereinafter enacted and while in force and effect, and which are not in conflict with the provisions of this charter or with ordinances adopted in pursuance of this charter shall be applicable to the city.

Provided, however, that where this charter and the general laws applicable to municipal corporations of the sixth class now or hereafter enacted are silent upon any right, procedure, duty, obligation or other matter, which is or are provided for in the general laws of this state applicable to municipal corporations for cities other than the sixth class, then and in that event the Council shall have power to adopt by ordinance the statute providing for such right, procedure, duty, obligation or other matter.

INTERFERENCE WITH OR BY CITY MANAGER

SECTION 61. The members of the Council shall not, nor shall any of them, either directly or indirectly, exact from any candidate for the position of city manager any promise or assurance, or in anywise intimate or suggest to such candidate, that such candidate shall, if appointed as city manager, appoint or employ, or that it is in anywise expected he will appoint or employ, any person who has been or may be discussed, mentioned, referred to, approved, or in anywise suggested by any member of the Council or other person, as being fit or qualified to have or hold any position in, or do any work for, the city. Nor shall the members or any member of the Council in anywise, either directly or indirectly, by suggestion or otherwise, coerce or bring any pressure to bear upon the city manager, either to appoint any particular person or

persons or class of persons to any position that is or may be vacant, or to give employment of any kind to any such persons, or to discharge any person holding any position or doing any work under the city manager; or to make any purchase of supplies from any particular person, firm, or corporation.

The prohibition herein contained shall not be construed to mean that any member of the Council, or other person, shall in any wise be prohibited from informing the city manager as to any fact within his knowledge which might be of value to the city manager in assisting him to appoint or employ competent, fit and proper persons under him, or to discharge any incompetent or unfit person appointed by or employed under him, or to prohibit the giving of any information which might be of benefit to him in making an advantageous purchase of materials and supplies.

Neither the City Manager, nor any appointive officer or employee of the city, shall take any active part in securing, or shall contribute money toward, the nomination or election of any elective candidate for municipal office.

SEAL

SECTION 62. The Council may by ordinance adopt a seal for the city and a seal for the Police Court.

ADDITIONAL DUTIES OF OFFICERS

SECTION 63. Besides the duties herein specified, all officers and boards shall perform such other appropriate duties as may be prescribed by ordinance or the general laws.

CONTINUING OFFICERS AND EMPLOYEES

SECTION 64. All officers and employees in office or employed when this charter takes effect shall continue to hold office and exercise their respective offices or employment under the terms of this charter until the election or appointment and qualification of their successors, with the powers and duties vested in and imposed upon them by the Charter.

The various offices and departments of the city government established by this Charter shall be the successors of the corresponding offices and departments existing and in effect under the government of this city immediately preceding the date this Charter takes effect.

CONTINUING ORDINANCES IN FORCE

SECTION 65. All lawful ordinances, resolutions, and regulations in force at the time this charter shall take effect, and not inconsistent with its provisions, are hereby continued in force until the same shall have been duly amended, repealed or superseded.

CONTINUING CONTRACTS IN FORCE

SECTION 66. All vested rights of the city shall continue and shall not in any manner be affected by the adoption of this charter; nor shall any right, liability, pending suit or prosecution, either in behalf or against the city, be affected by the adoption of this charter. All contracts entered into by the city prior to the taking effect of this charter shall continue in full force and effect. All public work begun prior to the taking effect of this charter shall be continued and completed.

CLAIMS—DAMAGES

SECTION 67. All claims for damages against the city must be in writing and filed with the City Clerk within three months after the occurrence from which the damages arose; all such claims shall be verified by at least one of the claimants. All claims so filed with the Clerk shall be presented by him to

the Council for allowance at their next regular meeting, and unless said Council shall act thereon within four weeks thereafter, such claim shall be deemed to be disallowed and rejected by said Council. No legal action shall be instituted against the city based on any claim for damages, unless a claim for such damages has been first filed as herein provided and the same disallowed or rejected in whole or in part by the Council.

CONSTITUTIONAL CLAUSE

SECTION 68. If any section, subsection, sentence, clause or phrase of this charter is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this charter. The people of the City of Burbank hereby declare that they would have ratified and adopted, and the legislature hereby declares that it would have approved this charter and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more other sections, subsections, sentences, clauses or phrases be declared unconstitutional.

WHEN CHARTER EFFECTIVE

SECTION 69. For the purpose of holding the municipal election and electing the officers provided herein, this charter shall go into effect upon its approval by the legislature. For all other purposes it shall go into full force and effect from and after the seating of the new Council elected hereunder. Within sixty days after their election and induction into office said Council shall appoint a City Manager as herein provided. Should the legislature fail to approve this charter before February 1, 1927, the first election hereunder shall be held on the first Tuesday in June, 1927, and the officers elected thereat shall be seated on the Monday following. Thereafter the elections and terms of officers shall be as hereinbefore provided.

WHEREAS, On the 12th day of April, 1926, at a special election duly held on that day under and in accordance with the provisions of Section 8, of Article XI of the Constitution of the State of California, the electors of said City did duly choose and elect J. H. Barnum, W. A. Blanchard, Roy Campbell, L. F. Collins, A. C. Fillbach, Octavia Lesueur, W. E. Lawrence, Ray Ludlow, John Luttge, G. Roy Pendell, J. D. Radcliff, L. M. Rothenburg, Addison Sence, C. A. Thompson, and Earl L. White (who are all electors of said City and eligible as candidates under said sections), as a Board of fifteen freeholders to prepare and propose a Charter for the government of said City; and

WHEREAS, The result of said election was duly declared by the legislative body, to-wit: The Board of Trustees of said City, on the 19th day of April, 1926, and the said electors thereafter duly qualified as such freeholders in accordance with law, and,

WHEREAS, The period of one hundred eighty days has not expired since the result of said election was declared.

NOW, THEREFORE, In pursuance of the said provisions of the Constitution of the State of California, and within said period of one hundred eighty days after the result of said election was so declared, the said Board of Freeholders has prepared and does now propose the foregoing Charter as and for the Charter of the City of Burbank.

And the said Board of Freeholders does hereby fix and designate Tuesday, the 4th day of January, 1927, as the date for holding a special municipal election in the said City, at which the said proposed Charter shall be submitted to the electors of said City for their ratification and adoption.

IN WITNESS WHEREOF, We, the undersigned, a majority of the freeholders elected, have hereunto set our hands at the City of Burbank, in the State of California, this 13th day of October, 1926.

(Signed)

W. A. BLANCHARD,
President of the Board of Freeholders.

L. M. ROTHENBURG,
Secretary of said Board.

J. H. BARNUM,
ROY CAMPBELL,
L. F. COLLINS,
A. C. FILLBACH,
OCTAVIA LESUEUR,

RAY G. LUDLOW,

J. D. RADCLIFF,

C. A. THOMPSON,

EARL L. WHITE,

A. SENCE,

JOHN LUTTGE,

WALTER E. LAWRENCE.

Freeholders of the City of Burbank.

Date of 1st Publication Oct. 27, 1926—84-1t.

INSTRUCTIONS
PLACE ONE OR TWO IN A
FINGER BOWL
— FILLED WITH WATER —
WATCH RESULT
MADE IN JAPAN.

1000

1000

1000

1000

1000

1000