

**ARTICLE VII. OFFICERS AND EMPLOYEES GENERALLY**

**Sec. 700. Appointment of City Attorney and City Clerk by Council; tenure.**

In addition to the City Manager, there shall be a City Attorney and a City Clerk who shall be appointed by and serve at the pleasure of the City Council. (Effective 12/27/1995)

**Sec. 701. Organization of City operations and activities.**

The City Council shall, by ordinance, provide for the organization of all City operations and activities into functional units and may modify and change the organization from time to time. This organization shall be accomplished through the creation and establishment, by ordinance, of City departments, offices and agencies, boards, commissions and committees. In establishing departments, offices, agencies, boards, commissions and committees, the Council shall provide the functions, powers and duties of each such department, office, agency, board, commission or committee created.

The Council may, by ordinance, abolish, consolidate, modify or separate any department, office, agency, board, commission or committee, and may assign, reassign, or modify any functions, powers, or duties.

No office provided in this Charter to be filled by appointment by the City Manager may be consolidated with an office to be filled by appointment by the City Council. The City Council, subject to the provisions of this Charter, shall provide for the number, titles, qualifications, powers, duties and compensation of all officers and employees. (Effective 12/27/1995)

**Sec. 702. Eligibility, powers and duties of City Attorney.**

To become eligible for City Attorney, the person appointed shall be an attorney-at-law duly licensed as such under the laws of the State of California, and shall have been engaged in the practice of law for at least five years prior to appointment.

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

(a) Represent and advise the City Council and all City officers in all matters of law pertaining to their offices.

(b) Represent and appear for the City in any or all actions or proceedings in which the City is concerned or is a party, and represent and appear for any City officer or employee, or former City officer or employee, in any or all actions and proceedings in which any such officer or employee is concerned or is a party for any act arising out of such officer's or employee's employment or by reason of such officer's or employee's official capacity.

(c) Attend all regular meetings of the City Council and give advice or opinion in writing whenever requested to do so by the City Council or by any of the boards or officers of the City.

(d) Approve the form of all contracts made by and all bonds given to the City, endorsing the City Attorney's approval thereon in writing.

(e) Prepare any and all proposed ordinances or resolutions for the City and amendments thereto.

(f) Surrender to the City Attorney's successor all books, papers, files and documents pertaining to the City's affairs.

The City Council shall have control of all legal business and proceedings and may employ other attorneys to take charge of any litigation or matter or to assist the City Attorney therein. (Effective 12/27/1995 and 12/11/1986)

**Sec. 703. Powers and duties of City Clerk.**

The City Clerk shall have power and be required to:

(a) Be responsible for the recording and maintaining of a full and true record of all of the proceedings of the City Council in books that shall bear appropriate titles and be devoted to such purpose and attend all meetings of the City Council either in person or by deputy.

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(b) Maintain separate books, in which shall be recorded respectively all ordinances and resolutions, with the certificate of the clerk annexed to each thereof stating the same to be the original or a correct copy, and as to an ordinance requiring publication, stating that the same has been published in accordance with this Charter; keep all books 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) Have charge of all City elections.

(g) Facilitate and help members of the public examine and copy all appropriate public records, in accordance with the Government Code of the State of California. (Effective 1/18/2005)

### **Sec. 704. Chief Financial Officer/Treasurer.**

There shall be a Chief Financial Officer/Treasurer appointed by the City Manager with the approval of the City Council who shall have power and shall be required to:

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

(b) 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.

(c) Submit to the City Council a monthly summary report of financial activity in sufficient detail to show the exact financial condition of the City's major funds; and, as of the end of each fiscal year, submit a complete, audited Comprehensive Annual Financial Report.

(d) Maintain the records of current inventories of all property of the City by all City departments, offices and agencies.

(e) Receive all taxes, assessments, license fees and other revenues of the City, or for whose collection the City is responsible, and receive all taxes or other money receivable by the City from the County, State or federal government, or from any court, or from any office, department or agency of the City.

(f) Have custody of all public funds belonging to or under control of the City or any office, department or agency of the City government and deposit all funds received in such depository as may be designated by resolution of the City Council, or, if no such resolution be adopted, then in such depository designated in writing by the City Manager, and in compliance with all of the provisions of the State Constitution and laws of the State governing the handling, depositing and securing of public funds.

(g) Disburse moneys on demands audited in the manner provided for in this Charter.

(h) Submit to the City Council a monthly report on the cash and investments held by the City and all of its departments, offices and agencies. (Effective 10/23/2012; 12/27/1995; 12/11/1986)

### **Sec. 706. Administering oaths.**

Each department head and the deputies thereof shall have the power to administer oaths and affirmations in connection with any official business pertaining to such department.

### **Sec. 707. Appointive powers of department heads.**

Each department head and appointive officer shall have the power to appoint, suspend

or remove such deputies, assistants, subordinates and employees as are provided for by the City Council for such department or office, subject to the provisions of this Charter and of any personnel merit system adopted hereunder. (Effective 12/27/1995)

**Sec. 708. Acceptance of another office by elective officer.**

Any elective officer of the City who shall accept or retain any other elective public office shall be deemed to have vacated his/her office under City government. (Effective 12/27/1995)

**Sec. 709. Nepotism.**

Neither the Mayor nor City Council shall appoint to a salaried position under the City government any person who is a relative by blood or marriage within the third degree of the Mayor or any one or more of the members of the City Council; nor shall any department head or other officer having appointive power appoint to a salaried position under City government any person who is his/her relative by blood or marriage within the third degree.

A relative within the third degree is defined as a spouse, son, daughter, mother, father, brother, sister, grandchild, grandparent, aunt, uncle, niece, nephew, great-grandchild, or great-grandparent. Half-relatives, step-relatives and in-laws are included as relatives. (Effective 12/27/1995)