



CHARTER OF THE CITY OF INDUSTRY

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

Approved by the voters of the City of Industry on June 8, 1976; amended by the voters of the City of Industry on January 20, 2009.

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ARTICLE I

INCORPORATION AND SUCCESSION

Section 100. *Name and Boundaries.* The City of Industry, hereinafter termed "City", shall continue to be a municipal corporation under its present name, "City of Industry". 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, rules, regulations, and 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takes effect, and not in conflict or inconsistent herewith, shall continue in force until they shall have been duly repealed, amended, changed, or superseded by proper authority as provided herein.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 of the City shall continue to perform the duties of their respective offices and employments under the same conditions as those of the existing offices and positions until the election or appointment and qualification of their successors, subject to such removal and control as herein provided.

Section 104. *Pending Actions and Proceedings.* No action or proceeding, civil or

criminal, pending at the time when this Charter takes effect, brought by or against the City or any officer, office, department or agency thereof, shall be affected or abated by the adoption of this Charter or anything herein contained.

ARTICLE II

POWERS OF THE 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 with 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 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. Without limiting the generality of the foregoing, the City may: acquire land for and acquire, construct, reconstruct, lease, sublease, build, furnish, refurnish or repair buildings for convention and exhibition halls, trade and industrial buildings and centers, auditoriums, opera houses, music halls and centers, coliseums, stadiums, sports arenas, sports pavilions, or other buildings or facilities for holding fairs, sports events, athletic contests, contests of skill, exhibitions and other public meetings, libraries, historical and cultural buildings and centers, museums, hospitals and health care facilities, buildings and facilities for the promotion and development of domestic and foreign trade and commerce, and buildings for other public purposes together with related facilities necessary therefor; acquire land and construct buildings, structures, improvements

and facilities thereon for public purposes, in whole or in part with City funds, or by contract or lease with any nonprofit association or corporation provide for the acquisition of land or the construction of such buildings, structures, improvements and facilities, or all or any part thereof, for any such public purposes, upon such terms as the Council may determine; lease any real property owned by the City and available for public purposes to any person, firm, corporation or nonprofit association or corporation for such public purposes, or any thereof, and in addition thereto, if the Council so determines, provide for such person, firm, corporation, or nonprofit association or corporation to lease the real property as improved back to the City for use for the public purposes stated in the lease; lease any real property or interest therein owned by the City and available for public purposes to any person, firm, corporation or nonprofit association or corporation for such public purposes or any thereof, any such lease by which such property is let as aforesaid to require the lessee therein to construct on the demised premises such buildings, structures, improvements and facilities, or any thereof, for the use of the City during the term thereof, and also to provide that title to such improvements shall vest in the City at the expiration of said term and to contain such other terms and conditions as the Council may deem to be in the best interests of the City; lease or sublease any buildings, structures, improvements or facilities to any person, firm, corporation, nonprofit association or corporation which agrees to use the buildings, structures, improvements or facilities so leased to it for the public purposes for which the same were or are to be built, or contract with any person, firm, corporation, nonprofit association or corporation for the maintenance, operation and management, or any thereof, of such buildings, structures, improvements or facilities or any part thereof; contribute funds or property of the City at such time or times, in such manner, and in such amounts as the Council may determine to any organization, group, corporation, trust, community chest, fund, or foundation, organized and operated exclusively for charitable, community, scientific, literary, or educational purposes, no part of the net earnings of which

inures to the benefit of any private shareholder or individual, and no substantial part of the activities of which is carrying on propaganda, or otherwise attempting to influence legislation, and which does not participate or intervene in (including the publishing or distributing of statements), any political campaign on behalf of any candidate for public office.

Section 201. *Intergovernmental Cooperation.* The City may exercise any of its powers or perform any of its functions, including, without limitation, the financing thereof, jointly or in cooperation, by contract or otherwise, with the State or any department, subdivision or public entity thereof, any county, city, district or any other public entity, or any agency of any of the foregoing, any other state or agency thereof, or the United States or any agency thereof; and, in addition to the foregoing, the City may delegate the exercise of its powers or the performance of any of its functions to any of the foregoing.

Section 202. *Public Utilities.* The City shall have the power to establish, construct and maintain any and all public utilities deemed necessary for the benefit of the City, its inhabitants and its customers and may adopt and enforce, by ordinance, all necessary rules and regulations governing the construction, maintenance, operation, connection to and use of the public utilities including, specifically, all rights, lands, rights-of-way, sites, facilities and property used for the generation, transportation, distribution and delivery of such public utilities.

ARTICLE III

THE CITY COUNCIL

Section 300. *City Council.* The City Council, hereinafter termed "Council", shall consist of five Council members 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 Council members existing on the effective date

hereof. The term of a Council member shall commence on the first Tuesday following his or her election, and he or she shall serve until his or her successor qualifies. Any ties in voting shall be settled in such manner as the Council shall determine by ordinance. The Council shall meet on the Tuesday after the general municipal election and choose one of its members as Mayor, and one of its members as Mayor Pro Tempore.

Each Council member in office at the time this Charter takes effect shall continue in office until the end of the term for which he or she was elected or appointed subject to the right of the people to recall a Council member from office as provided herein.

Section 301. *Eligibility.* No person shall be eligible to hold office of Council member unless he or she is a voter and resident of the City at the time of filing of nomination papers.

Section 302. *Compensation.* Compensation for Council members is hereby set in the amount established by Ordinance No. 388 of the City of Industry and may be increased by an ordinance enacted by the City Council in the manner provided by Section 36516.2 of the Government Code. Such compensation may otherwise be increased or decreased other than as set forth above by an affirmative vote of a majority of the voters voting on the proposition at any election. Council members shall also be reimbursed for their actual and necessary expenses incurred in the performance of official duties.

Section 303. *Vacancies, Forfeiture of Office, Filling of Vacancies.*

(a) A vacancy shall exist on the Council, and shall be declared by the Council, upon the occurrence of any of the events enumerated in the provisions of the Government Code pertaining to vacancies in public offices.

(b) 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 or elected by the people to fill such vacancy shall have all the rights, duties, and powers of a Council member 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.

(c) The method of filling vacancies on the Council shall be as prescribed by ordinance of the Council.

Section 304. *Powers Vested in the Council.* All powers of the City shall be vested in the Council except as otherwise provided in this Charter.

Section 305. *Council Organization, Meetings and Rules of Order.* Officers of the Council, the time, place and method of calling meetings and the rules of order for the conduct of proceedings by the Council shall be as established by ordinance of the Council.

Section 306. *Adoption of Ordinances and Resolutions.* With the exception of ordinances which take effect upon adoption pursuant to this Article, no ordinance shall be adopted by the Council on the day of its introduction, nor within five days thereafter. An ordinance effective upon adoption as provided herein may be introduced and adopted at the same time. All ordinances shall be read by title only either at the time of introduction or at the time of adoption unless three members of the Council request that the ordinance be read in full. 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 members of the Council shall be required for the enactment of

any ordinance, or order for the payment of money.

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

Any ordinance declared by the Council to be necessary as an urgency 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.

Section 307. *Ordinances, Posting.* The City Clerk shall cause each ordinance to be posted in at least three public places in the City in lieu of publication unless publication is requested by the Council or otherwise required by law.

Section 308. *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 posted or published in the manner required for the enactment of ordinances. Any or all ordinances of the City may be compiled, consolidated, revised, indexed, including such restatement and substantive change as is necessary in the interest of clarity, and arranged as a comprehensive code. Such ordinance code may be adopted by reference as provided herein.

Section 309. *Ordinances, When Effective.* An ordinance shall become effective after the thirtieth day following 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 urgency ordinance adopted in the manner provided for in this Article.

ARTICLE IV

CITY MANAGER

Section 400. *City Manager.* The Council may adopt an ordinance creating a City Manager form of government pursuant to Chapter 7 of Division 2 of Title 4 of the Government Code.

ARTICLE V

CITY CLERK, CITY TREASURER

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 or a duly authorized representative 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 posted or published in accordance with this Charter.

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

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

(e) Conduct all City elections.

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

Section 502. *Treasurer.* There shall be a Treasurer who shall be appointed by and serve at the pleasure of the Council. The Treasurer shall be under the administrative direction of the Council and shall perform those duties required by law and provided by ordinance or resolution.

ARTICLE VI

CITY ATTORNEY

Section 600. *City Attorney, Powers and Duties.* There shall be a City Attorney who shall be appointed by and serve at the pleasure of the Council. The City Attorney shall serve as chief legal adviser to the Council, the administration and all City departments, offices, and agencies and shall be under the administrative direction of the Council. The City Attorney shall represent the City in all legal proceedings and shall perform such other duties as may be prescribed by the Council. The City Attorney, with the consent of the Council, may appoint such deputy City Attorneys as necessary to carry out the duties of his office.

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. The Council may contract with and employ any persons for the furnishing to the City of special services and advice, including, but not limited to, economic, accounting, engineering, legal, financial or administrative matters if such persons are specially trained, experienced or otherwise competent to perform the special services required. The Council may pay from any available funds such compensation to such persons as it deems proper for the services rendered.

(b) The Council may provide for the number, titles, and compensation of all officers and

employees and their supervisors.

Section 701. *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 or her bond, for any wrongful act or omission of his or her subordinate, unless such superior officer was a party to, or conspired in, such wrongful act or omission.

ARTICLE VIII

COMMISSIONS, COMMITTEES, AND AGENCIES

Section 800. *In General.* The commissions and committees 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 abolish any and all of said commissions and committees and may alter the structure, membership, powers and duties thereof.

In addition, the Council may create such other agencies 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.

Section 801. *Appropriations.* The Council shall appropriate such funds as the Council shall determine to be sufficient for the efficient and proper functioning of commissions, committees and agencies.

Section 802. *Appointment, Removal, Terms of Office and Procedural Rules.* The election, appointment, removal, and terms of office of commissioners, committee and agency members and the rules and regulations pertaining to the conduct of commission, committee or agency

business shall be as prescribed by ordinance or resolution of the Council.

Section 803. *Existing Membership.* The members of the commissions and committees 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, subject to being removed from office as provided herein.

Section 804. *Compensation.* The members of commissions and agencies 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 are authorized by the Council.

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 except as otherwise provided by ordinance of the Council.

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.

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 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

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 unless the Council otherwise provides by Ordinance.

Section 904. *Voter Eligibility - Residence.* The City Council may, to the maximum extent permitted by the Constitution and laws of the State of California, establish by ordinance any and all regulations necessary to protect against election corruption and voter fraud in the elections of the City by claims of voter registration eligibility in those areas of the City which, by law, are not allowed or permitted to be used for the personal residence and domicile of any individual or groups of individuals.

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. *General Tax Limits.* The Council shall not levy a property tax for general municipal purposes in excess of the maximum rate applicable to the City on the effective date of this Charter; provided, however, that a tax in excess of such rate may be levied if authorized for general law cities by the general laws of the State or if authorized by the affirmative votes of a majority of the voters voting on a proposition to increase such levy. Nothing herein contained shall preclude the Council from establishing separate taxing areas within the City for the levy of property taxes, nor preclude the levy of a tax in excess of such maximum rate if authorized by the general laws of the State or if authorized by the affirmative votes of a majority of the voters within the City voting on a proposition to increase such levy.

Section 1002. *Tax Procedure.* The procedure for the assessment, levy, and collection of taxes 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 1003. *Contracts on Public Works.* The Council may provide by ordinance for the construction of public works to be let and administered by the Council by contract in any such manner as it may deem appropriate. Pursuant to California Public Contract Code Section 1100.7, as may be amended from time to time, the City hereby expressly declares the intention to exempt such ordinances concerning contracts on public works from the provisions of the California Public Contract Code except and unless any portion or portions thereof are specifically referenced within such ordinance.

Section 1004. *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, examined and paid in such manner as the Council shall determine by ordinance.

Section 1005. *Claims Against the City.* The provisions of the general laws of the State establishing conditions precedent to the commencement of any action or proceeding or suit against the City, its officers, and employees shall govern, except as modified by the Council.

Section 1006. *Independent Audit.* The Council shall employ a certified public accountant who shall, at such times as may be specified by the Council, examine the books, records, inventories and reports of all officers and employees who receive, handle, or disburse public funds, and all such officers, employees, or departments as the 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 Council.

ARTICLE XI

MISCELLANEOUS

Section 1100. *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 Industry and "department", "board", "commission", "committee", "agency", "officer", or "employee" is a department, board, commission, committee, agency, officer, or employee, as the case may be, of the City.

(c) "City Code" is the Code of the City.

(d) "Council" is the City Council of the City.

(e) "Council member" is a member of the Council.

(f) "Departmental administrator" is the person in charge of a City department or function.

(g) "Government Code" is the California Government Code as it exists upon adoption of this Charter, or as thereafter amended.

(h) "Law" includes ordinance.

(i) "State" is the State of California.

(j) "Voter" is a legally registered voter.

Section 1101. *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 and may be redressed by civil action filed by the City. Such remedies shall not be mutually exclusive. The maximum fine or penalty for any violation of a City ordinance shall be the same as established by the general laws for a misdemeanor.

Section 1102. *Use of General Laws.* The use by this City of any part of any general law of the State of California shall not require the use of the entire law nor shall any limitations or restrictions contained in such law be binding

upon the City except to the extent incorporated by reference by the Council or required by the Constitution of the State of California.

Section 1103. *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.