

ties, however, not to exceed the number that may be fixed from time to time by the Council.

This amendment herein proposed shall be and shall be known and designated as amendment number four to the charter of the City of Oakland, State of California.

And whereas, said proposed amendments were published in a daily newspaper of general circulation in said city, to wit: the "Oakland Times," for more than twenty days; and whereas, said amendments were submitted by the legislative authority of said city, to wit: the City Council thereof, to the qualified electors of said city, at a special election previously duly called and thereafter held therein (at least sixty days after the publication of said proposals for twenty days in a daily newspaper of general circulation in said City of Oakland, to wit: in the "Oakland Times"), on the twenty-sixth day of January, eighteen hundred and ninety-five; and whereas, at such special election three fifths of such qualified electors of said city voting at such special election, did vote in favor of and did ratify each one and all of said amendments so proposed, and the same are now submitted to the Legislature of the State of California, for approval or rejection as a whole. Now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, a majority of all the members elected to each house voting for and concurring herein, that the said amendments to the charter of the said City of Oakland be and the same are hereby approved as a whole.

CHAPTER V.

Senate Concurrent Resolution No. 6, approving the charter of the City of Eureka, in the County of Humboldt, State of California, which was voted for and ratified by the qualified electors of said city, at a special election held therein for that purpose, in the City of Eureka, on the 26th day of January, 1895.

[Adopted February 8, 1895.]

WHEREAS, The City of Eureka, in Humboldt County, State of California, is now, and at all the time hereinafter referred to was, a city containing a population of more than three thousand five hundred, and not more than ten thousand inhabitants; and whereas, at a general municipal election, duly held in said city on Monday, June eighteenth, eighteen hundred and ninety-four, in accordance with law and the provisions of section eight of article eleven of the Constitution of this State, a Board of fifteen Freeholders, duly qualified, was duly elected in and by said city, and by the qualified electors thereof, to prepare and propose a charter for said city, which said Board of fifteen Freeholders did, within ninety days next after such election, prepare and propose a charter for said city, which said charter was, on

Preamble. the fourteenth day of September, eighteen hundred and ninety-four, signed in duplicate by all of the members of said Board of Freeholders, and was, on said last named day, returned, one copy thereof to the Mayor of said city, and one copy thereof to the Recorder of the County of Humboldt, in which said city is situated; and whereas, such proposed charter was then published in a daily newspaper of general circulation in said city, to wit: The "Daily Humboldt Standard," for more than twenty days, such publication having commenced within twenty days after the completion of said proposed charter and the return thereof to the Mayor, as aforesaid; and whereas, said charter was, within not less than thirty days after the completion of said publication, submitted by the legislative authority of said city, to wit: by the Common Council thereof, to the qualified electors of said city, at a special election, previously duly called, and thereafter held in said city on January twenty-sixth, eighteen hundred and ninety-five; and whereas, the returns of said election were duly canvassed by said Common Council of the City of Eureka, at its meeting held on Monday, January twenty-eighth, eighteen hundred and ninety-five, and said Common Council found as the result of said canvass, and did duly determine and declare, that there were cast at said election ten hundred and eighty-eight votes, eleven thereof being rejected, and six hundred and forty-nine votes being in favor of the ratification of said charter, and four hundred and forty-eight votes and no more being against the ratification of said charter; and that said charter had been duly ratified and adopted by a majority of all the qualified electors of said city voting at such election; and whereas, at such election a majority of the qualified electors of said city voting thereat did vote in favor of and did ratify and adopt said charter; and whereas, said charter as so ratified is now submitted to the Legislature of the State of California for its approval or rejection as a whole, without power of alteration or amendment, in accordance with the provisions of section eight of article eleven of the Constitution of said State. Said charter is in words and figures following, to wit:

CHARTER FOR THE CITY OF EUREKA.

ARTICLE I.

OF BOUNDARIES, RIGHTS, AND LIABILITIES.

Rights and liabilities. SECTION 1. The municipal corporation now existing, known as the City of Eureka, shall remain and continue a body politic and corporate, under the name and style of the City of Eureka, and by that name shall have perpetual succession; and may have and use a common seal, alterable at pleasure; and may purchase, receive, hold, and enjoy real and personal property within or without its boundaries, and sell, convey, let, mortgage,

and dispose of the same for the common benefit, and may determine and declare what are public uses, and when the necessity exists of condemning lands therefor, and what are the lands it is necessary to condemn; and may receive bequests, gifts, and donations of all kinds of property, wherever situate, in fee simple or in trust, for charitable or other purposes, and do all acts necessary to carry out the purposes of such bequests, gifts, and donations, with the power to manage, sell, lease, or otherwise dispose of the same in accordance with the terms of the gift, bequest, or trust.

Rights and
liabilities.

SEC. 2. The public buildings, lands, and property, all rights of property and rights of action, all money, revenues, and income belonging or appertaining to the City of Eureka, are hereby declared to be vested in said City of Eureka.

SEC. 3. The said City of Eureka shall continue to have, hold, use, and enjoy all public buildings belonging to the City of Eureka, and lands, wharves, waters, property, real and personal, rights of property, rights of action, suits, actions, moneys, revenues, income, books, documents, records, archives, claims, demands, and things in possession and action, of every nature and description, and shall be subject to all the obligations, debts, liabilities, dues, and duties of the existing municipality.

SEC. 4. Suits, actions, and proceedings may be brought in the name of the City of Eureka, for the recovery of any property, money, or thing belonging thereto, in law or equity, rights of, or contracts with, said City of Eureka, whether made, or existing, or accruing before or after the adoption of this charter; and all existing suits, actions, and proceedings in the courts or elsewhere, to which said city is a party, shall continue to be carried on by or against the said City of Eureka.

BOUNDARIES OF THE CITY.

SEC. 5. The boundaries of the City of Eureka are as follows: Commencing at the quarter-section post between sections thirty-five (35) and thirty-six (36), in township five (5) north of range one (1) west of Humboldt base and meridian, and running from thence north on the section line between sections thirty-five (35) and thirty-six (36), twenty-five (25) and twenty-six (26), and twenty-three (23) and twenty-four (24), in said township and range, to the ship channel in Humboldt Bay, as laid down on a map of the City of Eureka made by J. N. Lentell, and now on file in the office of the Recorder of Humboldt County, State of California, and which said channel is therein designated and called "Eureka Slough"; thence following the edge of said channel in a northerly, westerly, and southerly direction around Humboldt Bay towards the entrance thereto, to a point where a line running east and west through the center of section thirty-three (33), in said township and range, would intersect said ship channel; and thence running east on said line through the center of sections thirty-three (33), thirty-four (34), and thirty-five (35), in said township and range, to the place of beginning.

City
bound-
aries.

SEC. 6. The City of Eureka is hereby divided into five wards, numbered consecutively from one to five, inclusive, the respective boundaries of which shall be as follows, to wit:

First
Ward.

All that portion of the city described as follows: Commencing at a point where the center of "A" Street, if extended northerly, would intersect the city limits; running thence southerly along the center of said "A" Street, if extended, to the center of Fourth Street; thence easterly along the center of Fourth Street to the center of "F" Street; thence southerly along the center of said "F" Street to the center of Seventh Street; thence easterly along the center of said Seventh Street to the center of "J" Street; thence northerly along the center of said "J" Street to the city limits in Humboldt Bay; thence westerly along said city limits to the place of beginning, shall constitute the First Ward.

Second
Ward.

All that portion of the city described as follows: Commencing at a point where the center of "J" Street would intersect the city limits if extended northerly; thence southerly along the center of said "J" Street to the center of Seventh Street; thence easterly along the center of said Seventh Street to the center of Myrtle Avenue or Arcata Road; thence easterly along the center of said avenue or road to the city limits, as established by ordinance number one hundred and forty-one; thence north on the eastern boundary of said city to "Eureka Slough"; thence northwesterly and westerly along the city limits to the place of beginning, shall constitute the Second Ward.

Third
Ward.

All that portion of the city described as follows: Commencing on the south boundary of the city, as established by the said ordinance number one hundred and forty-one, at a point where the center of "F" Street intersects said boundary; thence northerly along the center of said "F" Street to the center of Seventh Street; thence easterly along the center of said Seventh Street to Myrtle Avenue or Arcata Road; thence easterly along the center of said avenue or road to the city limits as established by said ordinance number one hundred and forty-one; thence south on the eastern boundary of the city to the south boundary thereof; thence west along the south boundary line to the place of beginning, shall constitute the Third Ward.

Fourth
Ward.

All that portion of the city described as follows: Commencing at a point where the center of "A" Street, if extended northerly, would intersect the city limits; running from thence southerly, along the center of said "A" Street, if extended, to the center of Fourth Street; thence easterly along the center of said Fourth Street to the center of "F" Street; thence southerly along the center of said "F" Street to the center of Thirteenth Street; thence westerly along the center of Thirteenth Street, if extended westerly, to its intersection with the center of Cedar Street; thence west along the center of said Cedar Street to the ship channel or city limits in Humboldt Bay; thence northerly and easterly along said ship channel or city limits to the place of beginning, shall constitute the Fourth Ward.

All that portion of the city which is not included in the First, ^{Fifth} Second, Third, and Fourth Wards shall constitute the Fifth ^{Ward.} Ward.

And the Council of said city shall have power by ordinance to fix, establish, and change the boundaries of said wards whenever it may deem it expedient.

ARTICLE II.

ELECTIONS.

SEC. 7. Elections to be held in said city for the purpose of ^{Elections.} electing officers of said city and for all other purposes are of two kinds:

First—General municipal elections.

Second—Special municipal elections.

SEC. 8. General municipal elections shall be held biennially ^{General} on the third Monday in June, commencing with the third ^{elections.} Monday in June, eighteen hundred and ninety-five. At each general election there shall be elected a Mayor, five members of the Council, Assessor, Treasurer, Tax Collector, Police Judge, City Attorney, City Clerk, City Engineer, Superintendent of Streets, five School Directors, and five Trustees of the Free Public Library.

SEC. 9. Special municipal elections for all purposes design- ^{Special}ated in this charter shall be held on the days as fixed by the ^{elections.} Council therefor.

SEC. 10. All general and special municipal elections shall, ^{State laws} in all respects as nearly as may be, be held and conducted in ^{to govern.} accordance with the provisions of the laws of the State for the holding of general elections in effect at the time, and the Council shall make all the necessary arrangements for holding said elections in accordance therewith; and the canvass and the declaring of the result of all elections by the Council shall be in accordance with the provisions of said State laws.

SEC. 11. Special elections shall be held for the purpose of ^{Special} electing Assessor, Treasurer, Tax Collector, Police Judge, City ^{elections} Attorney, City Clerk, City Engineer, or Superintendent of ^{called for.} Streets, in case of a vacancy occurring in any of the said offices, and for other purposes not especially provided for. In the event of any such vacancy, such election shall be ordered and held without delay; *provided*, that the Council shall, in all such cases, have power to fill such vacancy until an election can be held.

SEC. 12. The Council shall have power to submit to the ^{Council} electors of said city at any election any question required to ^{may sub-} be submitted by the Constitution, the law, this charter, or by ^{mit ques-} ordinance; *provided*, that in case such question is required by ^{tions at} said Constitution, law, charter, or ordinance to be submitted ^{any elec-} at a special or other particular kind of election, it shall be so ^{tion.} submitted, and not otherwise.

SEC. 13. The Council of said city shall, by ordinance, order ^{Elections} the holding of all elections. Such ordinance shall specify the ^{to be} ^{called by} ^{ordinance.}

objects and time of, and the place or places within the limits of each ward for the holding of such election, and the names of the Inspectors, Judges of Election, Clerks, and Ballot Clerks for each ward or precinct of each ward, as the case may be, who must be residents thereof, to conduct the holding of and make returns of such election. Said ordinance shall be published in some daily newspaper printed and published in said city, for at least ten days prior to the time appointed for the holding of the election.

Returns filed where. **Canvass.** SEC. 14. Returns of all elections shall be made to the Council, who shall within ten days thereafter, either at a regular or special meeting, canvass the returns, and declare the result thereof, and order certificates of election to be issued by the City Clerk to the persons elected.

Time for elective officers to enter upon duties. SEC. 15. The officers elected at a general municipal election shall, after they have qualified as provided in this charter, enter upon the discharge of the duties of the offices to which they have been elected, on the second Monday in July next succeeding their election, and shall hold their offices for the term of two years, and until their successors are elected and qualified; except School Directors as hereinafter provided for, and except in case of an election to fill a vacancy at a special election, in which case they shall, after qualifying as herein provided, enter at once upon the discharge of the duties of the office, and shall hold office for the remainder of the term, and until their successors shall have been elected and qualified.

Officers previous to charter, to hold over. SEC. 16. The present officers of the city shall hold, continue to hold, and exercise their respective offices until the second Monday in July, eighteen hundred and ninety-five, or until the election or appointment and qualification of the first officers to be elected or appointed under this charter, with the powers and duties vested in and imposed upon them by the charter and the ordinances of the city under which they were elected.

Election precincts. SEC. 17. In establishing election precincts the Council shall make them as geographically compact as possible, and so that no precinct shall have more than two hundred electors therein.

Who shall vote. SEC. 18. Only such persons residing in the city whose names appear upon the Great Register of Humboldt County at the time of any municipal election shall be entitled to vote at such election; and to this end and extent, said Great Register is hereby adopted as the register of voters in and for the city. The Council shall cause the authenticated copies of such Great Register to be made and used at and for all municipal elections; *provided*, that in case a City Great Register is provided in pursuance of the provisions hereinafter contained, then such City Great Register shall be used instead of the Great Register of Humboldt County.

Qualifications of voters. SEC. 19. The qualifications of an elector at any election held in said city in pursuance of this charter, shall be the same as those prescribed by the laws of this State for electors at any general State election, in force at the time of such election.

SEC. 20. It shall be the duty of the Council, at the time the Board of Supervisors of the County of Humboldt are preparing for the printing of Great Registers, to provide for the printing of a sufficient number of such registers for the general and special municipal elections, to be held or likely to be held in the City of Eureka.

Duty of Council as to Great Registers.

SEC. 21. The certificates of election issued by the City Clerk must be authenticated with the seal of the city. No other authentication shall be necessary.

Certificates of election.

ARTICLE III.

LEGISLATIVE DEPARTMENT.

SEC. 22. The legislative power of the City of Eureka shall be vested in a Council of five members, whose term of office shall be two years.

City Council.

SEC. 23. One member of the Council shall be elected from each of the five wards of the city, and no person shall be eligible to the office of Councilman who has not resided in such city for one year, and in the ward from which he is selected at least six months next preceding his election, and if he fail to so continue a resident of such ward, his office shall, by reason thereof, become vacant; *provided*, that in case a re-districting or re-division of the city into wards be made, whereby the lines or boundaries of any wards are changed, the last provision in regard to residence shall not apply to any person whose residence has been changed thereby from the ward from which he was elected and in which he resided.

Number and qualifications of members.

SEC. 24. Any vacancy occurring in the office of Councilman shall be filled by appointment by the Mayor, and the person so appointed by him shall possess the qualifications hereinbefore prescribed for members of the Council, and shall hold office until the election and qualification of his successor, which election shall take place at the next succeeding general municipal election.

Vacancy.

SEC. 25. The Council shall meet in the City Hall of the city on the second Monday of July succeeding their election, and at such other times as may be designated by ordinance. If at any time a regular meeting falls on a holiday, such regular meeting shall be held on the following day. Special meetings may be called by the Mayor or three members of the Council. Three members of the Council shall constitute a quorum, and the affirmative vote of three members shall be necessary for the passage of an ordinance or the final transaction of any business, but a less number than three may adjourn from day to day, and compel the attendance of absent members in such manner and under such penalties as the Council may by ordinance prescribe.

Meetings.

SEC. 26. The Council shall be the judge of the election, qualification, and return of its own members. It shall elect one of its members, who shall be styled the President of the Council, and who shall preside at all meetings of the Council during the

President of Council.

- absence of the Mayor, and shall, in case of the sickness or inability of the Mayor, or his absence from the city, act as the Mayor of the city. The Council shall establish rules for its proceedings. It shall have power to punish its members for disorderly conduct committed in its presence, and may expel any member for malfeasance in office by an affirmative vote of four of its members. It shall have the power to compel the attendance of witnesses, and the production of all papers relating to any business before that body, and may punish disobedience of its subpoena, or contemptuous or disorderly conduct committed in its presence, by fine not exceeding fifty dollars, or imprisonment not exceeding ten days, or by both such fine and imprisonment.
- Powers of Council.** Sec. 27. The President of the Council, the Chairman of each committee, and each and every elective officer shall have the power to administer oaths and affirmations relative to any business brought before the Council, or under consideration by its committees or their respective departments.
- Oaths and affirmations.** Sec. 28. The Council of said city shall not, without the assent of two thirds of the qualified electors of said city, voting at an election to be held for that purpose, contract any debts or liabilities by borrowing money, loaning the credit of the city, or otherwise, which singly or in the aggregate shall at any time exceed the sum of ten thousand dollars. Any contract made in violation of the provisions of this section shall be void and of no effect.
- Debts over \$10,000 to be by vote of people.** Sec. 29. The meetings of the Council shall be held at the City Hall of the city; they shall be public, and a journal of its proceedings shall be kept by the City Clerk under its direction, and the ayes and noes shall be taken and entered in the journal in the final action upon the granting of franchises, making of contracts, the passage of any ordinance, ordering work to be done or supplies furnished, the ordering of assessments for street improvements or building of sewers, and in all other cases upon the call of any member.
- Place of meetings.** Sec. 30. The enacting clause of all ordinances shall be in these words: "Be it ordained by the Council of the City of Eureka, as follows."
- Enacting clause.** Sec. 31. No ordinance shall be amended by reference only to its title, but when any ordinance is amended, the section or sections thereof shall be reenacted at length as amended.
- Amending ordinances.** Sec. 32. Every ordinance shall embrace but one subject, which shall be clearly indicated in the title. In all cases where the subject is not so expressed in the title, the ordinance shall be void as to the matter not expressed in the title.
- One subject in each.** Sec. 33. No proposed ordinance shall be adopted except by vote taken by ayes and noes, and the names of the members voting for and against the same shall be entered in the minutes.
- Ayes and noes to be taken.** Sec. 34. When any bill is put upon its final passage and fails to pass, if a motion is made to reconsider, the vote upon such motion shall not be taken until the next regular meeting of the Council. No bill for the grant of any franchise shall be
- Reconsideration.**

put on its final passage within thirty days after its introduction.

SEC. 35. No ordinance shall be passed except by bill. Every bill after it has passed the Council shall be signed by the President thereof, and every bill which shall have passed the Council and have been thus authenticated, shall be presented to the Mayor for his approval. The Mayor shall return such bill to the Council within ten days (Sundays excepted) after receiving it. If he approve it, he must sign it, and the same shall then become an ordinance; but if he shall disapprove it, he shall return it, with his objections in writing, to the Council. If the bill is not returned with such approval or disapproval within the time specified, it shall take effect as if he had approved the same.

How ordinances become effective.

Duties of Mayor.

SEC. 36. When a bill is returned without the approval of the Mayor, the Council must cause the objections of the Mayor to be entered upon its journals and proceed to reconsider and vote on the same. If, after such consideration, the bill is again passed by an affirmative vote of not less than four members, it shall take effect as if the Mayor had approved the same. If the bill shall fail, on being so considered, to receive four affirmative votes, it shall then be finally lost. The vote shall be taken by ayes and noes, and the result shall be entered in the journal of the Council.

Proceedings upon a veto.

SEC. 37. All ordinances must be published in the manner prescribed by the Council.

Ordinances to be published.

SEC. 38. No ordinance passed by the Council shall take effect until ten days after its passage and approval, unless otherwise provided in the enactment.

In effect.

SEC. 39. The Council shall have power, by ordinance adopted at least one month prior to a general municipal election, to unite and consolidate certain offices by declaring that:

Council may consolidate certain offices.

1. The Assessor elected shall be ex officio Treasurer.
2. The City Clerk elected shall be ex officio Treasurer, or ex officio Treasurer and Assessor.
3. The City Clerk elected shall be ex officio Tax Collector or Assessor, or ex officio Tax Collector and Treasurer or Assessor.
4. The Tax Collector elected shall be ex officio Treasurer or Assessor.
5. The City Engineer elected shall be ex officio Superintendent of Streets.

SEC. 40. No contract for supplies, printing, advertising, stationery, maintenance of prisoners, fuel, street sprinkling, street repairs, or for lighting streets, public buildings, places, or offices, or for the supplying of water for the use of the municipality, in any of its departments, shall be made for a longer period than one year; nor shall any contract be made to pay for gas, electric lights, or any other illuminating material, nor for the supplying of water for the use of the municipality, in any of its departments, at a higher rate or rates than is charged to any other consumer.

Contracts for supplies, etc.

SEC. 41. The Council shall, during the first year after its organization under this charter, cause all ordinances then in

Classification of ordinances.

force to be classified under appropriate heads, and shall provide for the publication of the same in book form. Every officer of the city shall be entitled to one copy of such ordinances, without charge, and every citizen applying for a copy shall be entitled to the same at the cost of publication. The Council shall, every three years after the publication as herein provided, cause all the ordinances at that time in force to be compiled, and shall publish the same subject to the terms and conditions herein expressed. All such publications shall contain the charter with any amendments made thereto.

Legality of contracts. SEC. 42. All contracts must be in writing, executed in the name of the city and by an officer authorized to make the same. The form and legality of all contracts shall be submitted to and passed upon by the City Attorney. Every contract must be countersigned by the Finance Committee, numbered and registered in a book kept for that purpose.

Powers of Council. SEC. 43. The Council shall have power to pass ordinances:
 1. To establish or alter the grades of, and to open, lay out, alter, extend, close, straighten, widen, or otherwise improve or regulate streets, alleys, lanes, and sidewalks upon the same; determine the width of sidewalks and streets, and the grade of the same, and to provide for acceptance of the streets when constructed and completed in accordance with such regulations as the Council may adopt. Also to open, lay out, construct, alter, widen, extend, repair, and vacate walks, cross-walks, avenues, and thoroughfares in or over any plaza, park, or grounds belonging to or under the control of the city.

2. To regulate or prohibit traffic and sales in streets, highways, and public places; to prevent encroachment upon or obstructions to the same, and to require their removal.

3. To establish and maintain a pole line system in the city; to compel all telegraph, telephone, electric light, and other companies, corporations, firms, associations, or persons using wires to place and maintain their wires thereon, and to regulate the use and fix the rental thereof, and provide for the collection of the same from all corporations, companies, firms, associations, and persons using the same.

4. To regulate the erection of poles for or the laying of telegraph, telephone, and electric wires in and upon the public streets, or upon or over buildings; the erecting of gas and electric lights therein; the numbering of houses on the streets; the naming of the streets, avenues, public places, and thoroughfares; the use of the streets and sidewalks for sign-posts, awnings, awning posts, horse troughs, telegraph posts, telephone posts, electric light towers, electric light posts, and other purposes; the exhibition of banners, placards, or flags, in or across the streets or from houses or other buildings; public cries, advertising, ringing of bells, steam whistles, and other noises; and the use of the streets and public places for foot passengers, animals, vehicles, cars, and locomotives.

5. To establish a general and comprehensive system of sewers in the city, and to regulate the building and repairing thereof.

6. To provide for and regulate street pavements, cross-walks, curbstones, grades, gutters, sewers, and cleaning and watering of the streets. Powers of Council.

7. To regulate dispensaries, hospitals, markets, and other public institutions.

8. To provide for the construction, maintenance, regulation, and repair of bridges, wharves, docks, piers, chutes, slips, ferries, and public places.

9. To fix, regulate, and collect tolls, wharfage, and dockage.

10. To regulate the running, moving, and anchorage of steamboats, vessels, rafts, and other water craft within the waters of the city, and to prevent obstructions to the free navigation of such waters.

11. To make regulations for preventing and extinguishing fires, establishing fire districts, and determining the character of buildings that may be erected therein, and the nature of the materials to be used in the construction, alteration, or repair of such buildings, or in the repair or alterations of existing buildings within such limits, and for restricting the height of buildings or structures.

12. To declare what shall constitute a nuisance, and to abate and remove the same.

13. To provide and maintain a morgue.

14. To provide for conducting elections, establishing or changing election precincts, and appointing the necessary election officers.

15. To try and remove from office appointees against whom charges have been preferred; and to remove without the preferring of charges any appointee at any time when in the judgment of the Council the public service will be promoted, improved, or benefited thereby.

16. To prohibit or suppress all houses of ill-fame, all occupations, houses, places of amusement, exhibitions, and practices which are against good morals, and contrary to public order and decency, or dangerous to the public safety.

17. To regulate or prohibit the sale, keeping, storage, and use of powder, fireworks, dynamite, nitro-glycerine, and other explosives or combustible material and substances, the places of their manufacture, storage, and their transportation.

18. To regulate the maintenance of acid works, slaughter houses, wash houses, laundries, tanneries, livery stables, offensive trades, and all other manufactories, works, and business of every description that may endanger the public safety, health, or comfort, and to restrict the prosecution thereof to such fixed limits as may seem proper, or to exclude such works and business from the city.

19. To regulate the keeping and use of animals; to prevent or regulate the running at large of any animals; to establish a pound; to authorize the impounding of any animals found running at large, and to authorize the sale, disposition, or destruction thereof.

20. To provide for the public printing, and to provide suitable rooms and buildings for the Courts, Boards, and officers of the

Powers of
Council.

city, and such furniture, fuel, lights, books, and stationery, and other supplies of any kind, as are or may be necessary for the convenient transaction of public business.

21. To regulate the construction, repair, and use of sewers, sinks, gutters, wells, cesspools, and vaults; to compel the connecting, cleaning, or emptying of the same, and to designate the time and manner in which the work shall be done; to provide for the removal of all rubbish, garbage, refuse matter, and all material detrimental to the public health, and at such times as it will be best for the public good.

22. To prevent the throwing into any stream, creek, slough, bay, or any body of water, from vessels, wharves, or other places, any dirt, ballast, ashes, garbage, dead animals, or other materials that may obstruct the same or pollute the water thereof.

23. To regulate or prohibit the use of steam boilers, the location of telegraph, telephone, and electric light poles and wires, awnings, and the construction of entrances to cellars and basements from sidewalks.

24. To license hackney coaches, cabs, omnibuses, drays, carts, and other vehicles used for hire, and to regulate their stands and rates of fare, and to license or suppress runners for railroads, steamboats, taverns, or hotels.

25. To regulate the entrance to and exit from theaters, lecture-rooms, public halls, churches, and public buildings of every kind, and the number and construction of such entrances and exits, and to prohibit the placing of chairs, stools, benches, or other obstacles, in the halls, aisles, or open places therein.

26. To maintain and regulate a fire alarm, police telegraph, and police telephone.

27. To regulate and control the business of pawnbrokers, junk dealers, intelligence offices, and prescribe the mode of conducting the same.

28. To fix and determine annually the rates of compensation to be collected by any person, firm, company, or corporation in the city, for the use of water supplied to the city, or the inhabitants thereof, and to prescribe penalties for the violation of all ordinances passed in reference to matters contained in this subdivision.

29. To regulate the quality, capacity, and location of water and gas pipes, mains, and fire plugs, and to provide for and regulate the construction and repair of hydrants, fire plugs, cisterns, pumps, and such other appliances as may be requisite to utilize the distribution of water and gas in the streets, public places, and public buildings.

30. To regulate the speed and conduct of railroad trains and engines, and require railroad companies either to station flagmen, place gates or viaducts, or place sufficient automatic warning signals and signal bells at all such streets as it may deem proper.

31. To regulate or prohibit the making up of railroad trains on any of its streets, and the stopping of trains on street crossings.

32. To grant franchises permitting any person, firm, corpora-

tion or company to lay and maintain tracks, and to pass with steam railroads along, upon, and across, or elevated above, or placed below any streets of the city; *provided*, that the free use of said streets shall not be unnecessarily obstructed thereby; and such franchises shall be granted only after notice published for thirty days, and by ordinance passed by the vote of four members of the Council. Such grants shall be without prejudice to the rights of the owners of property to compensation for damages.

Powers of
Council.

33. The grant of a franchise shall be a delegation of the right to condemn private property for public uses upon compensation being made therefor as provided by law.

34. To grant the right to construct, and to regulate and control the construction thereof, to railroad corporations and companies, of pipes, tubes, conduits, signal bells, warning signs, wires, and other electric, telegraph, telephone, and mechanical appliances, in, along, over, and across the streets; *provided*, that said appliances be so constructed as not to interfere with the free use of the sidewalks and streets.

35. To require every railroad company or corporation to keep the streets in repair between the tracks, and along and within the distance of two feet upon each side of the tracks occupied by the company or corporation.

36. To provide for lighting the streets, alleys, public buildings and public grounds, and to construct, purchase, lease, own, control, maintain, and operate a system of lighting by artificial gas, natural gas, electricity, or other means of illumination; *provided, however*, no such construction, lease, or purchase shall be made unless first authorized by a vote of two thirds of the electors voting at any general or special election at which the proposition may be submitted.

37. To keep, and, at such time or times as the Council of said city may deem the same necessary for use at municipal elections therein, to cause to be printed, a register, in the manner and form as required by the provisions of chapter three of title two of the Political Code of the State of California, in which shall be entered the names of the qualified electors of the said city.

38. To require any lots or portions of lots within the city which may be covered with stagnant water a portion of the year to be filled up to such level or grade as will prevent the same from being so covered, and to assess the cost of such filling upon such real estate, and provide that it shall be a lien thereon.

39. To determine and impose fines, forfeitures, and penalties for the violation of any ordinance or any of the provisions of this charter, and to appropriate the same.

40. To make all needful rules to govern the official conduct and duties of all officers of the city whose duties are not defined by this charter; to impose additional duties upon those whose duties are defined; and to fix and regulate the charges and fees of all such officers, where the charges, fees, and duties are not otherwise fixed, and to compel the payment of all such charges and fees into the City Treasury.

Powers of
Council.

41. To make real estate in said city liable for the construction of sidewalks, crossings, and all other street improvements adjacent thereto, and provide for the forced sale thereof for such purposes.

42. To create, control, regulate, abolish, or prohibit cemeteries; to sell or lease lots in those created; to control and regulate interments within the city limits, and to provide for removing human remains from the city.

43. To provide and maintain a City Prison, and to provide for the care, custody, feeding, and clothing of city prisoners.

44. To provide for the proper employment upon any public work, or for the benefit of the city, of all persons convicted of crimes, vagrancy, or other misdemeanors.

45. To prevent and restrain any riot, or riotous assemblage, or disorderly conduct within said city.

46. To provide for supplying the city and its inhabitants with water, and to construct, purchase, lease, own, control, maintain, and operate its own water supply; *provided, however*, no such construction, purchase, or lease shall be made unless first authorized by a vote of two thirds of the electors voting at any general or special election at which the proposition may be submitted.

47. To regulate the sale and use of gas and electric lights, and fix and determine the price of gas and electric lights, and the rent of gas and electric light meters within the city, and regulate the inspection thereof; and to regulate telephone service and the use of telephones within the city, and to fix and determine the charges for telephones, and telephone service, and connections; and the removal and placing under ground of any and all telegraphs, telephones, or electric wires, or upon the pole line established by the city.

48. To grant franchises for the construction of street railroads on and along the streets of the city; *provided*, that whenever application is made for such franchises the Council shall, by resolution, cause a notice of such application to be published for thirty days, and shall in said notice specify the route along which it is proposed to construct such road, and shall offer to grant the franchise to the persons, company, or corporation that shall agree to pay semi-annually the largest per centum of the gross receipts of such road, according to a verified statement of the same; *and provided further*, that in all grants of franchises for street railroads it shall be made a condition that single fares of such road shall not exceed five cents, and that only such rails be laid down as are of the most approved rail pattern for street railways operated by horses, mules, cables, or other motors. The Council may reject all bids, and may refuse to grant a franchise for the proposed route; and in case no bids are made, may, in their discretion, grant a franchise for such period as may be deemed expedient. Franchises for street railroads to be operated by horses or mules shall not exceed twenty-five years.

49. To require any land or buildings to be cleansed at the expense of the owner or occupant; and upon his default may

do the work, and assess the expense upon the land or building, Powers of Council. and provide that it shall be a lien thereon.

50. To provide for licensing any or all business not prohibited by law; to establish and regulate the issuing and granting of municipal licenses, and the collection of license taxes.

51. To establish a City Hospital, and to provide for its maintenance.

52. To provide and maintain all public buildings, parks, or squares, necessary or proper, for the use of the city, and to acquire lands therefor, and for other public uses.

53. To provide for the execution of all trusts confided to the city.

54. To levy and collect taxes and assessments on all property within the city, both real and personal, made taxable by law for State or county purposes.

55. To offer rewards, not exceeding five hundred dollars, for the arrest and conviction of any person or persons who may have committed a felony in said city.

56. To establish and maintain such poorhouses, industrial schools, houses of correction or reformation, workshops, homes for confirmed inebriates, and such other institutions as may be deemed proper, and to provide for the support, maintenance, and management of the same.

57. To regulate the custody, leasing, and sale of all the property of the municipality, and such lost, stolen, or unclaimed property as may be in the possession of the police or other officers of the city.

58. To regulate all parades, processions, and public assemblages upon the streets, and to determine what parades, processions, and public assemblages thereon shall not be lawful, and to declare the same a nuisance.

59. To regulate and maintain a Fire Department; and to regulate and maintain a Police Department.

60. To make all ordinances, by-laws, rules, and regulations necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this charter or by general laws in said city.

61. To make and enforce all such local, police, sanitary, and other regulations as are not in conflict with general laws and provisions of this charter.

ARTICLE IV.

EXECUTIVE DEPARTMENT.—OF THE MAYOR.

Sec. 44. The Mayor shall be the chief executive officer of the city. He shall be at least twenty-six years of age, and shall have been a citizen of the State and a resident and qualified elector of the city for the five years next preceding the day of his election. Mayor, qualifications.

Sec. 45. The Mayor is the presiding officer of the Council, Duties. must sign the journals thereof, decide by his vote all tie votes, and must sign the warrants on the City Treasurer.

Duties of
Mayor.

SEC. 46. He shall vigilantly observe the official conduct of all public officers, and take note of the fidelity and exactitude, or the want thereof, with which they may execute their duties and obligations, especially in the collection, administration, and disbursement of the public funds and property; and the books, records, and official papers of all departments, boards, officers, and persons in the employ and service of the city shall at all times be open to his inspection and examination. He shall take special care to see that the books and records of the said departments, boards, officers, and persons are kept in legal and proper form; and any official defalcation or willful neglect of duty, or official misconduct which he may discover or which shall be reported to him shall be laid by him before the Council, City Attorney, or District Attorney of the county, in order that the public interests shall be protected, and the person in default be proceeded against according to law. He shall from time to time communicate to the Council, in writing, a statement of the affairs of the city, and shall recommend such measures connected with the public health, cleanliness, and ornament of the city, the improvement of the government and finances and other matters, as he may deem proper or beneficial to its interests. He shall see that the laws of the State, the provisions of this charter, and the ordinances of the city are observed and enforced. He shall appoint a competent person or persons, expert in matters of bookkeeping and accounts, to examine the books, records, condition, and affairs of every department, board, or officer, at least once in every year, and enforce such examination. Any person refusing to submit to or permit such examination, or purposely delaying or impeding the same, may be suspended from office by the Mayor and removed for malfeasance in office. He shall have a general supervision over all the departments and public institutions of the city, and see that they are honestly, economically, and lawfully conducted. He shall take all proper measures for the preservation of public order and the suppression of all riots and tumults, for which purpose he is authorized and empowered to use and command the police force, and if such police force is insufficient, it shall be his duty to call upon the Governor for military aid in the manner provided by law, in order that such riots, or tumults, may be properly and effectually suppressed.

SEC. 47. The Mayor may call special meetings of the Council. He shall be duly notified by the City Clerk of all special meetings of the Council when called by its members, and the time and place of all regular or special meetings of the standing or special committees thereof, and shall have the right and privilege of being present at all such meetings.

SEC. 48. The Mayor shall, at least once a month, together with the President of the Council and the City Attorney, count the cash in the City Treasury, and see that it corresponds with the books of the Treasurer, and report the result of such count to the Council.

SEC. 49. The Mayor shall see that all contracts and agreements with the city are faithfully kept and fully performed;

and to that end shall cause legal proceedings to be commenced and prosecuted in the name of the city against all persons, companies, or corporations failing to fulfill their agreements or contracts, either in whole or in part. It shall be the duty of every officer and person in the employ or service of the city, when it shall come to his knowledge that any contract or agreement with the city, or with any officer or department thereof, or relating to the business of any officer, has been or is about to be violated by the other contracting party, forthwith to report to the Mayor all facts and information within his possession concerning such matter; and a willful failure so to do shall be cause for the removal of such officer or employé, as in case of malfeasance in office.

SEC. 50. The Mayor shall have the general supervision of all city officers, elected or appointed. He shall have power to suspend any city officer for a dereliction, neglect, or non-performance of duty, and shall report the same to the Council. If the Council approve of the suspension, they shall declare the office vacant, or continue the suspension for such time as they may deem proper; and such vacancy shall be filled as provided for by the provisions of this charter.

SEC. 51. When a vacancy occurs in the office of Mayor, it shall be filled for the unexpired term by the Council, assembled for that purpose. The person selected shall possess the qualifications hereinbefore prescribed for Mayor, and a member of the Council during the term for which he shall have been elected or appointed shall be ineligible to fill such vacancy.

SEC. 52. The Mayor, by and with the consent of the Council, shall appoint all officers of the city, whose election or appointment is not otherwise provided for in this charter or by law. When a nomination is made to the Council, action shall be taken thereon within fifteen days thereafter; and in case the officer nominated is not confirmed, the Mayor shall within ten days thereafter nominate another, and may continue doing so until the place is filled. No member of the Council shall ever suggest, request the appointment of, appoint, or nominate any officer, clerk, or employé to any place in the city government, except to fill a vacancy in the office of Mayor, elect the President of the Council, and necessary election officers.

SEC. 53. The Mayor shall not, during the term for which he shall have been elected or appointed, hold any other office or be a member of any board or commission connected with the Federal, State, or City government, except ex officio Harbor Commissioner of the port of Eureka, and except also as in this charter otherwise provided. Nor shall he ever receive from the city, for any cause or reason, any other or greater compensation than the salary allowed him as Mayor.

SEC. 54. The Mayor may, when authorized by the Council so to do, appoint a clerk, to be known as Mayor's Clerk. The Mayor shall perform all such other duties as may be prescribed by law or ordinance.

ASSESSOR.

Assessor,
qualifica-
tions.

Duties.

SEC. 55. The Assessor shall have been a citizen of the State, and a resident and qualified elector of the city, for at least five years next before his election. It shall be his duty to prepare, on or before the first Saturday in May of each year, or at such other time as may be directed by ordinance, and present to the Council, with his certificate of its correctness, a list of all the real and personal property within the city taxable for State and county purposes, with a true valuation thereof, which said assessment list shall conform as near as practicable, when not inconsistent with the provisions of this charter, to the assessment list required by law to be made by the County Assessor for State and county purposes; to be present at the sessions of all Boards of Equalization mentioned in this charter; to furnish to said Board such information as may be required, and to perform such other services in reference to the assessments of property in the city, or otherwise appertaining to his office, as the Council shall require or direct. During the session of the Board of Equalization, the Assessor shall enter upon the assessment list all the changes and corrections made by the Board, and may assess and add to said list any property in such city not previously assessed. He shall make, or procure to be made, all necessary abstracts to be used in making up the assessment of property within the city, and, after the taxes have been duly levied by the Council, shall make the proper calculations, and extend upon the assessment book the amount of taxes due from each person, firm, or corporation, and deliver said book to said Council, so completed, on or before the second Saturday in May of each year, or such other time as may be directed by ordinance, and at the expiration of his term of office, he shall deliver to his successor in office all books, maps, plats, description of property, and all other things appertaining to his said office. In the assessment and listing of property for taxation, and in the collection of tax upon personal property not secured by lien upon real estate, and poll taxes, he shall have and may exercise the same powers as are conferred by law upon County Assessors, and shall receive therefor the same fees and compensation.

TREASURER.

Treasurer,
qualifica-
tions.

Duties.

SEC. 56. The Treasurer shall have been a citizen of the State, and a resident and qualified elector of the city, for at least five years next before his election. It shall be his duty to receive and keep all moneys that shall come to the city by taxation or otherwise, and to pay the same out on demands legally audited in the manner provided by law, and without such auditing he shall disburse no public moneys whatever, except the principal and interest on the municipal debt, when payable. He shall keep an account of all his receipts and expenditures, under such rules and regulations as may be prescribed by ordinance. He shall make a monthly statement to the Council of all his receipts and expenditures of the preceding month, and shall do

all things required of him by law, or ordinance of said city. As soon as suitable vaults and safes are provided, the Treasurer shall keep therein all moneys belonging to the city; he shall not thereafter, under any circumstances, deposit with or loan to any person, corporation, or bank, any of the moneys of the city, or allow the same (except in payment of demands against the city) to pass out of his custody.

TAX COLLECTOR.

SEC. 57. The Tax Collector shall have been a citizen of the State, and a resident and qualified elector of the city, for at least five years next before his election. It shall be his duty to receive and collect all city taxes, general and special; he shall also collect all city licenses, water rates, harbor dues, cemetery receipts, and such other branches of the city revenue, not otherwise herein provided for, as the Council may direct. He shall keep proper books, showing all moneys collected by him as Tax Collector, and also a book which shall contain a record of every deed given by or on behalf of the city for real estate sold for delinquent taxes or assessments, which book shall be properly indexed, and shall be at all suitable times subject to public inspection; and do and perform such other duties as may be required of him by law or ordinance of said city. He shall pay all moneys collected by him, as Tax Collector, into the City Treasury, weekly. The time and manner of collecting all licenses shall be provided for by the Council.

CITY ATTORNEY.

SEC. 58. The City Attorney shall have been an elector of the city at least two years next before his election. He shall be an attorney and counselor at law, duly admitted to practice by the Supreme Court of the State of California, and shall have actually been engaged in the practice of his profession for a period of at least five years next before his election. It shall be his duty to prosecute in behalf of the people all criminal cases arising upon violations of the provisions of this charter and city ordinances, and to attend to all suits, matters, and things in which the city may be legally interested; *provided*, the Council shall have control of all litigation of the city, and may employ other attorneys to take charge of any litigation, or to assist the City Attorney therein. He shall give his advice or opinion in writing whenever required by the Mayor, Council, Board of Education, or other city officers; he shall be the legal adviser of all city officers; he shall approve the form of all bonds given to, and all contracts made with, the city; he shall, when required by the Council or any member thereof, draft any and all proposed ordinances for the city, and shall do and perform all such things touching his office as by the Council or Mayor may be required of him.

CITY CLERK.

Clerk,
duties of.

SEC. 59. The City Clerk shall have the custody and be responsible for the corporate seal, and all books, papers, records, and archives belonging to the city, not in actual use by other officers, or otherwise by special provision committed to their custody; he shall be present at each meeting of the Council during its sessions, and keep a journal of all proceedings; he shall keep separate books, in which, respectively, he shall record all ordinances and contracts, and official bonds; he shall keep all his books properly indexed, and open to public inspection when not in actual use; he shall make out, sign, and deliver to the City License Collector all licenses other than building permits; he shall draw all warrants on the City Treasury, countersign the same, and perform such other duties as are, or shall be, imposed by this charter or by ordinance. He shall make no charge for taking affidavits or administering oaths in matters relating to the business of the city.

CITY ENGINEER.

Engineer,
duties of.

SEC. 60. In addition to other duties imposed upon him by this charter or by ordinance of the Council, the City Engineer shall:

1. Make all surveys, inspections, and estimates required by the Council.

2. He shall examine all public work done under contract, and report thereon in writing to the Council.

3. He shall, on application of any person owning or interested in real property in said city, for a survey or plat of such property, make and deliver the same upon the payment of his fees therefor.

4. He shall be the custodian of and responsible for all maps, plats, 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 a full index thereof, and all of which he shall turn over to his successor.

5. All maps, plats, profiles, field notes, estimates, and other memoranda or surveys, and other professional work, made or done by him, or under his direction or control, during his term of office, for the city, shall be the property of the city.

SUPERINTENDENT OF STREETS.

Superin-
tendent of
Streets,
qualifica-
tions and
duties.

SEC. 61. The Superintendent of Streets shall have been a citizen of the State, and a resident and qualified elector of the city, at least five years next before his election. He shall have the general care of and frequently inspect the streets of the city. He shall receive and investigate all complaints as to their condition, and shall have charge of the enforcement of all ordinances pertaining to street obstruction. He shall frequently inspect all public works pertaining to street improvements,

while the same are in course of construction; inspect and approve or reject all material used in such construction, whether done under contract or otherwise; and shall at once report to the Council, in writing, all deviations from contracts and use of improper material and bad workmanship in such works; and shall have power, pending investigation, to stop all work thereon. He shall perform such other duties as are herein elsewhere prescribed or imposed by ordinance. He shall devote his entire time to the duties of his office.

OFFICIAL OATHS.

SEC. 62. Every officer provided for in this charter shall, ^{Oaths.} before entering upon the duties of his office, take, subscribe, and file with the City Clerk, the following oath:

"I do solemnly swear (or affirm) that I will support the Constitution of the United States and the Constitution of the State of California, and that I will faithfully discharge the duties of the office of — to the best of my ability."

OFFICIAL BONDS.

SEC. 63. Every officer of the city, the amount of whose ^{Official} bond is named in this section, and every other officer required ^{bonds.} to do so by the Council, shall, before entering upon the duties of his office, and within ten days after notice of his election or appointment, or before the expiration of fifteen days from the commencement of his term of office when no such notice has been given, file his official bond and oath of office; said bond shall be made payable to the City of Eureka, be signed by at least two sufficient sureties, and be conditioned for the faithful performance of the duties of the office. All official bonds, except those of members of the Council, shall be approved or rejected by the Council by an order entered upon the minutes and by the indorsement of the word "Approved" or the word "Rejected" on the bond, with the date of the approval or rejection, signed by the City Clerk and presiding officer of the Council. The official bonds of the members of the Council shall be approved by the Mayor. All official bonds shall be filed and kept in the office of the City Clerk, and must also be forthwith recorded by him in a book kept for that purpose. The official bond of the City Clerk, after recording, shall be filed and kept in the office of the Treasurer. The Council may at any time require an additional amount or new sureties upon any official bond which it may determine insufficient, and must require an additional bond or new sureties whenever a surety thereon shall die, or become insolvent, or cease to be a resident of the State. If such additional bond or additional security be not given, the Council must declare the office vacant, and as soon as such declaration is made the office becomes vacant. No official bond shall be approved, unless the sureties thereon shall justify in the manner provided for in the Political Code for the justification of sureties on official bonds of county officers;

and all persons offered as sureties on official bonds may be personally examined on oath as to their qualifications by the officers whose duty it is to approve the bond.

Amount of
official
bonds.

The amounts in which the respective officers shall execute official bonds shall be as follows: The Mayor, five thousand dollars; the Assessor, five thousand dollars; the Tax Collector, ten thousand dollars; the Treasurer, forty thousand dollars; the City Attorney, two thousand five hundred dollars; the City Clerk, two thousand five hundred dollars; the City Engineer, two thousand five hundred dollars; the Superintendent of Streets, two thousand five hundred dollars; the Chief of Police, five thousand dollars; Captains and Sergeants of Police and policemen, one thousand dollars; Chief Engineer of Fire Department, two thousand five hundred dollars; City Physician, two thousand five hundred dollars; and members of the Council, two thousand five hundred dollars each.

OFFICIAL SALARIES.

Salaries.

SEC. 64. The compensation of the officers and employes of the city shall be per annum as follows: The Mayor, three hundred dollars; the Assessor, eight hundred dollars; the Treasurer, five hundred dollars; the Tax Collector, six hundred dollars; the Police Judge, seven hundred and fifty dollars; the City Attorney, six hundred dollars; the City Clerk, six hundred dollars; the City Engineer, eight dollars per diem during the time actually employed; the Superintendent of Streets, nine hundred dollars; the Chief of Police, twelve hundred dollars; Captains and Sergeants of Police, eight hundred and forty dollars; other members of the police force, eight hundred and forty dollars; Chief Engineer of the Fire Department, three hundred dollars; City Physician, two hundred and forty dollars; and each member of the Council, three hundred dollars. All salaries shall be payable in equal monthly installments. The salaries of all other officers, and compensation of all employes other than those herein named, except where otherwise expressly provided in this charter, shall be fixed by the Council.

SEC. 65. The Council may at any time, by ordinance for that purpose, increase or decrease the compensation of officers and employes as herein fixed; *provided*, no such change in the amount of compensation of any office held for a definite term shall take effect during the term of the then incumbent of the office.

SEC. 66. The compensation of the officers and employes of the Educational Department shall be paid out of the School Fund; of the Fire Department, out of the Fire Department Fund; of the Police Department, out of the Police Fund; and of other officers and employes, out of the General Fund.

SEC. 67. Whenever the Council consolidates and unites one or more offices, the person holding the office, and to which the other or others are made ex officio, shall receive the salary pro-

vided for that office, together with one half of the salary or salaries provided for the ex officio office or offices.

ANNUAL REPORTS OF OFFICERS.

SEC. 68. It shall be the duty of the Mayor, Assessor, Treasurer, Tax Collector, City Attorney, City Clerk, City Engineer, Superintendent of Streets, City Physician, City School Superintendent, Police Judge, and Chief of Police, each to present to the Council at its first meeting in January of each year, a report for the preceding year, ending the thirty-first day of December last, which shall show as follows:

1. The Mayor shall, in addition to his report as Mayor, inform the Council of the condition of the police force, the number of arrests made, the offense charged, and how disposed of, the penalties inflicted, and the amount of fines, and from whom collected; and to that end he may require such reports from the Police Judge and Chief of Police as he may deem necessary. of Mayor.
2. The Assessor shall in his report show the amount of personal property taxes collected by him, the number and amount of poll and street and alley taxes collected, together with the amount of any fees which he may have received on account of such collection in each case. of Assessor.
3. The Treasurer shall show, in his report, specifically the amounts of all indebtedness of the city; of money received by him during the year, the date of the receipt thereof, and from whom; the amount paid out, when and to whom; and the date and number of the demand on which the respective amounts are paid. of Treasurer.
4. The Tax Collector shall report the amount of money received, and on what accounts. of Tax Collector.
5. The City Attorney shall, in his report, present an abstract of all actions and proceedings in the Supreme and Superior Courts, where the city is an interested party; and shall show what cases have been disposed of during the year, and in what manner, and the condition of those remaining on the calendar. of City Attorney.
6. The report of the City Clerk shall show the number of licenses issued, and for what amount. of City Clerk.
7. The report of the City Engineer shall show the character, cost, and condition of all public works and improvements in course of construction during the year. of City Engineer.
8. The Superintendent of Streets shall report upon the condition of the streets of the city, and the improvements of the same during the year, and shall show what action was taken by him in the enforcement of ordinances pertaining to street obstructions, and in regard to deviations from contracts in the construction of public works. of Superintendent of Streets.
9. The City Physician shall show the condition of the health of the city during the year; the number and character of cases of contagious diseases in said city during said time; the number of deaths therefrom; the number of deaths from all causes; the number of births, and other matters of interest pertaining to his office. of City Physician.

of School Superintendent. 10. The report of the City School Superintendent shall show the number and condition of the public schools, the number of teachers, and their salaries, and the number of pupils in attendance.

of Police Judge. 11. The Police Judge shall report the number of cases commenced, their character and how disposed of; the number and character of cases then pending; the amount of fines imposed; the amount of such fines paid or collected, and what disposition he has made of the same.

of Chief of Police. 12. The Chief of Police shall report the number of arrests made, and by whom; the offenses charged, and how disposed of, and all money and property received from prisoners, and the disposition of the same.

ARTICLE V.

JUDICIAL DEPARTMENT—COURTS.

Courts. SEC. 69. The judicial power of the city shall be vested in a Police Court, and in such Justices' Courts as are or may be provided for by law.

Police Court jurisdiction. SEC. 70. The Police Court has jurisdiction of the following public offenses committed within the city boundaries:

1. Petit larceny;

2. Assault and battery not charged to have been committed upon a public officer in the discharge of his official duty, or with intent to kill;

3. Breaches of the peace, riots, affrays, committing willful injury to property, and all misdemeanors punishable by fine not exceeding five hundred dollars, or by imprisonment not exceeding six months, or by both such fine and imprisonment; and,

4. Of proceedings respecting vagrants, lewd or disorderly persons.

Same. SEC. 71. The Police Court also has jurisdiction:

1. Of all proceedings for the violation of any ordinance of the city, both civil and criminal;

2. Of any action for the collection of taxes and assessments levied for city purposes; or for the erection or improvement of any school house or public buildings; for the laying out or opening or improving any public street or sidewalk, lane, alley, bridge, wharf, pier, or dock; or for the purchase of or the improvement of any public ground; or for any and all public improvements made and ordered by the city within its limits, when the amount of the tax or assessment sought to be collected against the person assessed is less than three hundred dollars; but no lien upon the property taxed or assessed for the non-payment of the taxes or assessments can be foreclosed in any such action;

3. Of an action for the collection of money due to the city or from the city to any person, when the amount sought to be collected, exclusive of interest and costs, is less than three hundred dollars;

4. For the breach of any official bond given by any city officer, and for the breach of any contract, and any action for damages in which the city is a party or is in any way interested; and all forfeited recognizances given to or for the benefit or in behalf of the city; and upon all bonds given upon any appeal taken from the judgment of the Court in any action above named, where the amount claimed, exclusive of costs, is less than three hundred dollars;

5. For the recovery of personal property belonging to the city, when the value of the property, exclusive of the damages for the taking or detention, is less than three hundred dollars; and,

6. Of an action for the collection of any license required by any ordinance of the city.

SEC. 72. In all cases in which the Judge is a party, or in which he is interested, or when he is related to either party by consanguinity or affinity within the third degree, and in case of his sickness or inability, the Police Judge may call in a Justice of the Peace residing in the city to act in his place and stead.

SEC. 73. Police Courts are always open for the transaction of business, except on non-judicial days.

SEC. 74. Proceedings in the Police Courts in criminal actions for offenses not triable in such Courts must be had in conformity with the provisions of part two, title three, chapter seven, of the Penal Code.

SEC. 75. Proceedings in the Police Courts in criminal actions triable in such Courts are regulated in part two, title eleven, chapter one, of the Penal Code.

SEC. 76. Proceedings in the Police Courts in civil actions are regulated by part two, title twelve, of the Code of Civil Procedure.

ARTICLE VI.

REVENUE AND TAXATION.

SEC. 77. The Council shall annually fix the rate of taxation to be levied, and levy the taxes upon all property, both real and personal, in the city, necessary to raise sufficient revenue to carry on the various departments of the municipal government for the current fiscal year; *provided*, that the rate of taxation so levied shall not exceed in any year one dollar for each one hundred dollars upon the assessed value thereof, except for the payment of the principal and interest of the bonded debt of the city, if any.

SEC. 78. The Council shall, before fixing the rate of the annual city tax, establish by ordinance separate funds representing the several funded obligations of the city, if any, and the several departments requiring municipal expenditures, including a General Fund, and the percentage of said levy shall be named for each fund, and the whole amount of taxes and revenue of the city apportioned accordingly; and no transfers shall be made except of balances in excess, or from the General Fund to meet deficiencies, or to provide for the redemption of city bonds, if any.

Assessment, collection, etc.

SEC. 79. Except as in this charter otherwise provided, the assessment of property taxable in the city for municipal purposes, the equalization of assessments, the collection of taxes, the sale of property for unpaid taxes, and the redemption of property sold for taxes, shall be made and had in the same form and manner, and with like effect, as now or may be hereafter provided by law for the assessment of property, equalization of assessments, levy and collection of taxes, and sale of property for unpaid taxes for State and county purposes, and redemption thereof, and all provisions of law applicable to such assessment, equalization, levy, collection, and sale for State and county purposes are hereby applied to, and shall be the law governing such assessment, equalization, levy, collection, and sale for municipal purposes; and the respective officers of the city shall have, possess, and perform the same powers and duties in all matters concerning revenue and taxation for municipal purposes as are by law conferred or imposed upon county officers in matters concerning revenue and taxation for State and county purposes, and except as in this charter otherwise provided, and to that end—

First—All powers and duties so by law conferred or imposed upon the County Assessor are hereby conferred and imposed upon the City Assessor.

Second—All powers and duties so by law conferred or imposed upon the Board of Supervisors are hereby conferred or imposed upon the Council.

Third—All powers and duties so conferred or imposed upon the District Attorney are hereby conferred and imposed upon the City Attorney.

Fourth—All powers and duties so by law conferred or imposed upon the County Tax Collector are hereby conferred and imposed upon the City Tax Collector.

Fifth—All powers and duties so by law conferred or imposed upon the County Treasurer are hereby conferred and imposed upon the City Treasurer.

Sixth—All powers and duties so by law conferred or imposed upon the County Clerk, County Recorder, or County Auditor are hereby conferred and imposed upon the City Clerk.

Council to fix date of levy, payment, etc.

SEC. 80. The Council shall regulate by ordinance the date of making the annual tax levy; the time, manner, and place of payment of all taxes; when they shall become delinquent; the time when they shall sit as a Board of Equalization; the date of all sales of property for delinquent taxes; and the time, form, and manner of making and giving all notices, if any, relative to any of such subjects.

Assessor must make abstract.

SEC. 81. The Assessor must make the abstract provided for in section three thousand six hundred and seventy-eight of the Political Code. Should any such abstract or list be found to contain any instrument relating to lands situated partly within and partly without the city, it shall be the duty of the Assessor to determine the proportion of valuation of such instrument to be assessed in the city, and assess the same accordingly.

SEC. 82. The Assessor shall be governed as to the amount of taxes to be by him collected on personal property by the city tax rate of the previous year.

SEC. 83. Every tax due upon personal property is a lien upon the real property of the owner thereof; every tax due upon real property is a lien against the property assessed, and every tax due upon improvements upon real estate assessed to others than the owner of the real estate is a lien upon the land and improvements; and which said several liens attach as of the first Monday of March in each year at twelve o'clock m. ^{Tax made a lien.}

SEC. 84. Every male inhabitant of said city over the age of twenty-one years and under sixty years of age, except paupers, insane persons, and Indians not taxed, shall annually pay a poll tax of one dollar; *provided*, the Council may exempt the members of any volunteer fire company, or exempt firemen, from the payment thereof. ^{Poll tax.}

SEC. 85. The Council shall annually, at the same time and in the same manner that other taxes are levied and collected, levy and collect from every male inhabitant of said city, over the age of twenty-one years and under fifty-five years of age, road poll tax of two dollars; *provided*, the Council may exempt the members of any volunteer fire company, or exempt firemen, from the payment thereof. Said taxes shall be kept in a fund denominated "The Street and Alley Fund," and which shall be used exclusively for the streets and alleys of said city. ^{Road tax.}

SEC. 86. Whenever the Council shall determine that the public interest requires the construction, or acquisition, or completion of any permanent municipal building, work, sewer, property, water or light system, wharves, or improvements, the cost of which, in addition to the other expenditures of the city, will exceed the income and revenue provided for in any one year, they may, by ordinance, submit a proposition to incur a debt for such purpose, and proceed therein as provided in section eighteen of article eleven of the Constitution of this State and general law; *provided*, that such indebtedness shall not bear more than five per cent interest per annum, and that no bond issued therefor shall be sold for less than par value and to the highest bidder after advertising for sealed proposals therefor. Nor shall any such bonds be issued or sold during any one year in excess of the actual expenditures incurred in that year. ^{Special tax.}

ARTICLE VII.

EDUCATIONAL DEPARTMENT.

SEC. 87. The government of the School Department of the city shall be vested in a Board of Education, to consist of five members, to be called School Directors, and who shall receive no compensation. One School Director for each ward shall be elected by the qualified electors thereof at the regular municipal election, and shall hold office for a term of four years, and until ^{Board of Education.} ^{Members.} ^{Term.}

their successors are elected and qualified; *provided, however,* that the Directors elected at the first election after the adoption of this charter, for the odd-numbered wards, shall hold office for two years only.

Organization. SEC. 88. The School Directors shall meet upon the second Monday in July next after their election, and organize by electing one of their number President, whose term of office shall be two years. The Board shall hold regular meetings at least once in each month, at such time as shall be determined by its rules, and in the place provided for them by the City Council. Special meetings may be called at any time by the President or any two members of the Board. A majority of the members shall constitute a quorum for the transaction of business, and an affirmative vote of three members shall be necessary to pass any measure. The sessions of the Board shall be public, and its records open to public inspection. The Board may determine the rules of its proceedings, and the ayes and noes shall be taken when demanded by any member, and entered on the records of the Board. Any vacancy occurring in the Board shall be filled, until the next municipal election, by a majority vote of the remaining Directors, and in case of a tie vote the Mayor of the city shall have the casting vote. The appointee shall be a resident of the ward in which the vacancy occurred.

Meetings.

Rules.

Vacancy.

Powers and duties. SEC. 89. The powers and duties of the Board of Education are as follows:

1. To establish and maintain public schools, including kindergarten and high schools; to change, consolidate, and discontinue the same.

2. To manage and control the school property.

3. To employ, pay, and dismiss teachers, janitors, school census marshals, and such persons as may be necessary to carry into effect the powers and duties of the Board, and to fix, alter, allow, and order paid their salaries or compensation, and to withhold for good and sufficient cause, the whole or any part of the salary or wages of any person or persons employed as aforesaid; *provided,* that no election of a teacher or other person employed by the Board shall be construed as a contract either as to duration of time or amount of wages of such person.

4. To make, establish, and enforce all necessary rules and regulations for the government and progress of public schools, and for the investigation of charges against any person in the employ of the department, and to carry into effect the laws relating to education.

5. To establish and regulate the grade of schools and determine the course of study, the mode of instruction, and what text-books, other than those published by the State, shall be used in said schools; but any text-book adopted by the Board shall not be changed within a period of four years after its adoption.

6. To provide for the school department all necessary supplies, to wit: ink, pens, tablets, registers, blank reports, promotion cards, crayons, writing paper, rulers, pencils, diagrams,

maps, globes, chemical and mechanical apparatus, and certificates of graduation, fuel and lights, and incur such other incidental expenses as may be necessary for the welfare of the department.

Board of
Education,
powers and
duties.

7. To build, alter, repair, rent, and provide school houses, and to furnish them with proper school furniture, apparatus, and appliances, and to insure any and all school property.

8. To purchase, sell, lease, or exchange school lots; to take charge of any and all real estate and personal property that may have been, or that may be hereafter, acquired for the use and benefit of the public schools of the city, and to make, in the name of the city, conveyances of all such real estate belonging to the city and sold by the Board of Education; *provided*, that no real estate shall be bought, sold, or exchanged without the concurrence of four fifths of the members of the Board, and the consent of the City Council, evidenced by ordinance; *and provided further*, that the proceeds of such sale of real estate or personal property shall go into the General School Fund of the city.

9. To grade, fence, and improve all school lots.

10. To sue for any and all lots, land, and property belonging to or claimed by said School Department; and to prosecute and defend all actions at law, or in equity, necessary to recover and maintain the full enjoyment and possession of said lots, land, and property.

11. To establish regulations for the just and equal disbursement of all moneys belonging to the Public School Fund.

12. To prohibit any child under six years of age from attending the public schools.

13. To examine and allow, in whole or in part, every demand payable out of the school funds, or to reject any such demand, for good cause, of which the Board shall be the sole judge.

14. To admit non-resident children to any of the departments of the schools, at their discretion, upon the payment, at such time as the Board may direct, for tuition fees, to be fixed by the Board.

15. To dispose of, at public or private sale, such personal property as shall be no longer required by the department.

16. To exclude from the schools and school libraries all books, publications, or papers of a sectarian, partisan, or denominational character.

17. To furnish books for children of parents unable to furnish them; and all books so furnished shall belong to the city, and shall be kept in the libraries of the schools when not in use.

18. To use and apply the school funds of the city for the purposes herein named, and for no other purposes whatever.

19. And generally to do and perform such other acts as may be required by general law applicable to the city, and as may be necessary and proper to carry into force and effect the powers conferred on said Board, and to increase the efficiency of the public schools in the city.

SEC. 90. It shall be the duty of the Board to prescribe a course of study that will fit and prepare the students therein

Course of
study.

- to enter any of the departments of the State University. Such course shall be known as the High School course.
- Visit schools.** SEC. 91. Each member of the Board shall visit every school in the city at least once in each term, and examine carefully into its management, condition, and wants.
- City Superintendent of Schools.** SEC. 92. The Board of Education shall elect by ballot a City Superintendent of Schools, whose term of office shall be one year, unless sooner removed for cause by a vote of the majority of the members, after a full investigation. The City Superintendent of Schools shall give his time and attention to the duties of his office, subject to the regulation of the Board of Directors. He shall have all the privileges of a member of the Board, except the right to vote. He shall act as Secretary and bookkeeper of the Board, and perform all clerical duties required by said Board. In the absence of the City Superintendent of Schools, the Board may appoint one of its members to act as Secretary.
- Duties.**
- Qualifications of teachers.** SEC. 93. The City Superintendent of Schools and teachers of the public schools shall be experienced teachers, and shall possess the qualifications required by the Board of Education of Humboldt County, and such other qualifications as the Board of Education may prescribe.
- Oaths.** SEC. 94. The City Superintendent of Schools, and each member of the Board, shall have power to administer oaths and affirmations in all matters connected with the department.
- Contracts.** SEC. 95. All contracts for building shall be awarded to the lowest bidder therefor, furnishing adequate security, to be determined by the Board, after due public notice, published for not less than ten days in one daily paper of the city.
- Same.** SEC. 96. Any member of the Board of Education, or any person officially connected with the School Department, or drawing a salary from the Board, who, while thus drawing such salary, upon investigation by the Board, or by any special committee that may be appointed by the Council, shall be found to be interested directly or indirectly in, or to have gained any advantage or benefit from, any contract payments or any purchases of any kind which have been or are to be made in any part from moneys derived from the School Fund or raised by taxation, or otherwise, for the support of the public schools, shall forfeit his office, and the Board shall thereupon declare such office vacant.
- School tax.** SEC. 97. The Board of Education shall estimate the amount necessary, in their judgment, to carry on the public schools for the next school year, and shall report the same to the Council before the annual tax levy be made. And thereupon the Council shall levy a rate of tax for school purposes sufficient to raise the amount deemed necessary by the Council, not to exceed thirty cents on the one hundred dollars valuation of the taxable property of the city as assessed.
- Financial statement.** SEC. 98. The Board shall cause to be published in January and July of each year, in some daily newspaper printed and published in the city, a tabulated statement showing the income and resources of the School Department, and the general

expenditures for such school purposes, together with such other information as will show the general condition of the schools, and the work accomplished by the department for the previous six months.

SEC. 99. The Public School Fund of said city shall consist of all moneys received from the State and County School Fund; of all moneys arising from taxes which shall be levied by the City Council for school purposes; of all moneys arising from the sale, rent, or exchange of any school property; and of such other moneys as from any source whatever may be paid into the School Fund; which fund shall be kept separate and distinct from all other moneys, and shall only be used for school purposes, under the provisions of this charter. No fees or commissions shall be allowed or paid for assessing, collecting, keeping, or disbursing school moneys; and if at the end of the fiscal year any surplus remains in the School Fund, such surplus money shall be carried forward to the School Fund of the next fiscal year, and no part of the School Fund shall be for any purpose, or in any manner whatever, diverted or withdrawn from any such fund, except as in this chapter provided.

SEC. 100. All claims payable out of the School Fund shall be filed with the Secretary of the Board, and shall be approved by a majority of all the members elected to said Board, upon a call of ayes and noes, which shall be recorded. After claims have been approved, as herein mentioned, the Secretary of said Board shall draw a warrant upon the City Treasurer for the payment thereof, which warrant shall be signed by the President and countersigned by the Secretary. All demands for salaries of teachers and compensation of janitors shall be payable monthly in the same manner, without presentation of claims therefor.

SEC. 101. All demands authorized by this article, and by the Board, approved as aforesaid, shall be paid by the City Treasurer from the School Fund, upon presentation of the warrant therefor; *provided*, that the Board of Education shall not have the power to create any debts or liabilities in any one year to exceed the annual revenue or available means under the control of the Board, and justly applicable for school purposes for such year.

SEC. 102. The City Superintendent of Schools shall receive for his services a salary to be fixed by the Board of Education, and such salary shall be in full payment of such Superintendent for all services rendered by him as City Superintendent of Schools, and as ex officio Secretary of the Board of Education.

SEC. 103. The City Attorney shall be the attorney of the Board, and shall not receive any compensation for services rendered or to be rendered for the Board, other than or in addition to his salary as such City Attorney.

SEC. 104. The school year shall consist of forty weeks of actual schooling, exclusive of all holidays.

SEC. 105. The daily sessions of the schools shall continue for six hours, exclusive of noon intermission, and including the

recesses; *provided, however*, that no pupil under eight years of age shall be kept in school more than four hours a day.

Extraordi-
nary ex-
penses.

SEC. 106. In case of disaster from fire, riot, earthquake, or public enemy, the Board of Education may, with the approval of the Mayor and Council, incur extraordinary expenditures in excess of the annual limit provided by this charter for repair, construction, and furnishing of school houses; and the Council may, by ordinance, cause to be transferred to the School Fund from moneys in any other fund not otherwise appropriated, sufficient moneys to liquidate such extraordinary expenditures.

Property
rights.

SEC. 107. The Board of Education succeeds to all the property rights and to all the obligations of the School Trustees of Eureka School District heretofore existing.

ARTICLE VIII.

POLICE DEPARTMENT.

Chief of
Police.

SEC. 108. There shall be a Chief of Police, who shall be a qualified elector of the city, not less than twenty-five years of age, and who shall be appointed by the Mayor, by and with the consent of the Council, and shall hold office during the pleasure of the appointing power.

Duties and
powers.

SEC. 109. The Chief of Police shall have command and control of the police force, subject to the general supervision of the Mayor. He shall have power to suspend any policeman for disobedience of any lawful order, for the violation of the rules of the department, neglect of duty, drunkenness, or misconduct as a policeman; and he shall, upon suspending a policeman, promptly certify the fact, with the cause thereof, to the Mayor, who shall forthwith report the same in writing, together with the charges preferred against such policeman, to the Council, and if such policeman be found guilty by the Council, he shall be dismissed from the police force.

SEC. 110. The Chief of Police shall observe, and cause to be observed and enforced, all laws and ordinances within the city, and shall see that all lawful orders and processes of the Council, Police and Justices' Courts within the city are promptly executed. For the suppression of any riot, public tumult, disturbance of the peace, unlawful assembly, organized resistance to the laws or public authorities in the performance of their duties, or in arresting persons for public offenses, he shall have the powers that are or may be hereafter conferred upon Sheriffs by any law, and all his lawful orders shall be promptly executed by the police officers. In addition to the powers and duties herein enumerated, the Chief of Police shall have such other powers and perform such other duties pertaining to the Police Department as may from time to time be conferred or imposed upon him by ordinance.

SEC. 111. The Chief of Police shall keep a public office, to be provided by the Council, which office shall be kept open, and at which he, or a police officer designated by him, shall be in attendance at all hours, day and night. The Chief of Police

shall devote his entire time to the discharge of the duties of his office, and shall not absent himself from the city, without urgent necessity, unless in pursuit of persons who have committed public offenses within the limits of the city. If such absence from the city be upon any other than business immediately connected with his office, except on vacation (and then only by written consent of the Mayor filed with the City Clerk), he shall forfeit his salary for the time of such absence, and the proper amount shall be deducted from his next salary warrant by the City Clerk. He shall designate one of the policemen to attend constantly upon the Police Court, and to execute the orders and processes thereof; but any policeman shall have authority to execute the orders and processes of the Police and Justice's Court.

SEC. 112. There shall be a Captain of Police, selected from among the police force by the Mayor, by and with the consent of the Council, and who, in the absence of the Chief of Police, shall have command and control of the police force, and who shall perform such other duties and have such other powers pertaining to the Police Department, as shall be required of him by the Chief of Police, or from time to time be imposed or conferred on him by ordinance of the Council. The term of office of the Captain of Police shall be during the pleasure of the appointing power.

SEC. 113. In addition to the Chief of Police, there shall be a permanent police force, which shall consist of such number of policemen, not less than three and not exceeding one for every one thousand inhabitants, as the Council shall, from time to time, by ordinance, authorize to be appointed. The policemen shall be appointed by the Mayor, by and with the consent of the Council, and shall hold office during good behavior, unless removed for cause, or for the improvement of the public service, as in this charter provided. The Chief of Police may appoint from the police force a day and a night jailer, who shall be termed Sergeants of Police. No person shall be appointed to any position on the police force of the city unless he shall be a man of good moral character, and of good repute for honesty and sobriety, a citizen of the United States, and a resident and elector of the city for at least one year next preceding his appointment. Nor shall any person be so appointed who has ever been convicted of a felony, or who is unable to understandingly read and write the English language, or who is deficient in health, strength, or courage; and except those in service on the police force at the time this charter takes effect, every appointee hereafter shall be not less than twenty-five years or more than forty-five years of age, and must, before being appointed, present to the Mayor a certificate from the City Physician that the applicant is in sound health, and free from any physical disability that would incapacitate him for the duties of a policeman.

SEC. 114. Whenever the Council shall deem it expedient, a patrol system may be provided for the use of the Police Department, which system shall include horses, wagons, and all

electric or other appliances necessary for the operation of such system.

Eligibility. SEC. 115. Except as otherwise in this charter prescribed, the Mayor, in making appointments of members of the police force, shall be guided solely by the fitness of the applicant, and no person shall ever be appointed to, or removed from, the police force for or on account of partisanship, or for or on account of his political or religious opinions. No member of the Police Department shall take any part whatever in any political caucus or convention, nor be a member of any political club or committee, or take any part in any general or primary election, except to vote; and any officer, member, or employé in said department violating any of the provisions of this section shall forfeit his position.

No extra compensation. SEC. 116. No member of the police force shall be allowed to receive any money, gratuity, or compensation for any services he may render as an officer, except rewards which have been publicly offered for the apprehension and conviction of criminals, without the written consent of the Mayor, first filed with the City Clerk; and any member of the police force who shall violate this provision shall be at once removed from office. The members of the police force shall not follow any other profession, calling, or business, but shall devote their entire time to the performance of their official duties; nor shall they be allowed pay for any period during which they shall absent themselves from public duty, except for the yearly vacation provided for by general law.

Duties of police officers. SEC. 117. The members of the police force shall promptly and fully obey, enforce, observe, and caused to be obeyed and enforced, all lawful orders of their superiors, and all rules and regulations of the Police Department. They shall be prompt and diligent in the detection of crime, the arrest of public offenders with or without a warrant, the suppression of all riots, affrays, and disturbances of the peace, in the abatement of public nuisances, and the enforcement of the laws and city ordinances. It shall be the duty of each member of the police force to acquaint himself with the provisions of this charter, with all ordinances of the city, and with all laws of the State defining public offenses and regulating criminal proceedings.

Extra policemen. SEC. 118. Whenever the Council, by resolution, shall so direct, there shall be appointed by the Mayor, by and with the consent of the Council, two policemen in each ward of the city, who shall be known as extra policemen. Such extra policemen shall be resident electors of the ward for which they are appointed. Such extra policemen shall at all times be diligent in preventing and suppressing disturbances of the peace and in arresting public offenders with or without warrant, and they shall, whenever called upon, aid the Chief and regular police officers in making arrests and quelling disturbances. They shall be under the general control of the Chief of Police and shall report their acts to him, but shall not be assigned to regular service, nor be required to do regular patrol duty. Such extra policemen shall hold office during the

pleasure of the appointing power, and shall receive the same rate of pay as the regular policemen for the time actually engaged in the performance of their official duty. No extra policeman shall act as a special policeman, nor shall he be permitted to ask or receive any pay or compensation, from any source, for his services as policeman, other than the pay herein provided for.

SEC. 119. In addition to the regular and extra police force, ^{Special policemen.} the Mayor may at times when very large numbers of people, in addition to the permanent inhabitants, congregate in the city, appoint not to exceed fifteen special policemen, to serve not to exceed two weeks, who shall also receive the same rate of compensation for their services as is paid to regular policemen. The Mayor may also, by and with the consent of the Council, upon the petition of any person, firm, or corporation, appoint at any time a special policeman for special service, to be paid for by such person, firm, or corporation; *provided, however,* that the locality where such special policeman is to act shall be described in the warrant of appointment; *and provided further,* that no such appointment shall be made until the Council, by an affirmative vote of at least four members, authorize the appointment of a special policeman for such locality. The policeman so appointed shall not receive any pay from the city. All special policemen shall possess all the powers and discharge all the duties of regular policemen, and be under the direction and control of the Chief of Police, and be subject to and obey all rules and regulations of the Police Department. The term of office of any special policeman shall not extend beyond one year, nor shall such special policeman continue to act as such for a longer period than one year unless reappointed.

SEC. 120. The Council shall prescribe the badge of office and ^{Badge of office.} uniform to be worn by the members of the police force.

ARTICLE IX.

FIRE DEPARTMENT.

SEC. 121. The Mayor shall have supervision over the Fire ^{Fire De-} Department, and shall appoint, by and with the consent of the ^{partment.} Council, a Chief Engineer, Assistant Chief Engineer, Superintendent of the Fire Alarm System, engineers of steam fire engines, drivers, stokers, hosemen, and all other officers, members, and employes of the Fire Department; and all officers and members shall retain their positions during good behavior, unless removed for cause, or for the improvement of the public service as in this charter provided. No person shall be ap- ^{Qualifica-} pointed to any position in the Fire Department unless he be a ^{tions.} man of good moral character, and of good repute for honesty and sobriety, a citizen of the United States, and a resident of the city at least two years next preceding his appointment. Nor shall any person be so appointed who has ever been convicted of a felony, or who is unable to understandingly read

and write the English language, or who is deficient in strength, activity, and intrepidity; and every appointee shall be not less than twenty-one years or more than forty years of age, and must before being appointed present to the Mayor a certificate from the City Physician that the applicant is in sound health and free from any physical disability that would unfit him for such position.

Duties of
Mayor.

SEC. 122. The Mayor in making appointments of officers, members, or employes of the Fire Department, shall be guided solely by the fitness of the applicant, and no person shall ever be appointed to or removed from any position in the Fire Department for or on account of partisanship, or for on account of his political or religious opinions.

SEC. 123. The Mayor shall exercise general supervision over the Fire Department, and see that the officers, members, and employes faithfully discharge their duties, and that the laws, ordinances, rules, and regulations relating thereto are carried into effect; report to the Council any inefficiency, neglect of duty, or misconduct on the part of any officer, member, or employe in the department that may come to his knowledge; and he shall recommend to the Council the adoption of such ordinances, rules, and regulations as may be calculated to secure greater safety to life and property, and improve the discipline and efficiency of the Fire Department.

Duties of
City Council.

SEC. 124. The Council shall have full power and authority over the organization, government, and discipline of the Fire Department; prescribe the duties of the officers, members, and employes; prescribe the uniform and badge of office to be worn by them, and shall have control of all property and equipments pertaining to or belonging to the Fire Department. The said Council shall make all rules and regulations necessary to secure discipline and efficiency in the Fire Department, and any officer, member, or employe in said department guilty of violation of such rules and regulations, neglect of duty, disobedience of orders, absence without leave, or conduct injurious to the public peace or welfare, immoral conduct, or breach of discipline, shall be liable to punishment by reprimand, dismissal from the department, forfeiture of pay or the withholding thereof, when found guilty of the offense charged, by the Council, upon a trial held for that purpose; *provided*, that not more than thirty days' pay shall be forfeited or withheld for one offense; *and provided further*, that by affirmative vote of three members of the Council, any officer, member, or employe of the Fire Department may be dismissed at any time without trial, when in the judgment of said Council the public service or efficiency of the department will be improved thereby.

Members
must not
enter poli-
tics.

SEC. 125. No officer, member, or employe in the Fire Department shall take any part whatever in any political caucus or convention, nor be a member of any political club or committee, or take part in any general or primary election except to vote; and any officer, member, or employe in said department violating any of the provisions of this section shall forfeit his position.

SEC. 126. The Chief Engineer shall be the executive officer of the Fire Department, and it shall be his duty and that of the Assistant Chief Engineer to see that the laws, orders, rules, regulations, and ordinances concerning the department are observed and carried into effect; and he shall also attend to such duties as Fire Warden as may be prescribed by the Council, and see that all laws, orders, regulations, and ordinances to secure protection against fire are enforced.

SEC. 127. The Chief Engineer shall be responsible for the discipline of all officers, members, or employes of the Fire Department, and may suspend any officer, member, or employe for incompetency, insubordination, misconduct, or for any violation of the rules and regulations of said department, and shall, upon such suspension, promptly certify the fact, with the cause thereof, in writing, to the Mayor, who shall forthwith, in writing, report the same, together with the charges preferred, to the Council for their action.

SEC. 128. The Chief Engineer shall diligently observe the condition and workings of all the apparatus in use by the department, and report thereon in writing, at least once in each month, to the Council, and make such recommendations or suggestions relative thereto as may to him seem proper or necessary.

SEC. 129. The Chief Engineer shall make an annual report in writing to the Council, on or before the first meeting in January of each year, showing in detail the cost of maintenance and operation of the Fire Department, with the casualties, fatalities, conflagrations which have occurred, the estimated value of property destroyed, and amount of insurance thereon, if any, and a statement of supplies and apparatus received during the year past, and an inventory of all property of whatever kind and nature remaining and belonging to the department, and the condition thereof, together with a list of the probable supplies needed by the department, and an estimate of the amount of money necessary to meet the expenses of the Fire Department during the ensuing year, together with such suggestions and recommendations as may seem to him proper or expedient for the welfare and efficiency of said department.

SEC. 130. The Council may furnish the Chief Engineer with a horse and buggy, and provide for keeping the same.

SEC. 131. In the absence or inability of the Chief, the Assistant Chief Engineer shall attend to and perform all the duties of the Chief Engineer. The Assistant Chief Engineer shall have charge of the corporation house and yard, and custody of all apparatus, appurtenances, and supplies kept therein, and shall receipt for every article received, and keep a record of the same in a proper book to be kept for that purpose; and shall take a receipt for every article delivered by him to the department, and make a written report to the Chief Engineer once in each month, or oftener if required, showing in detail such receipts and deliveries, and shall do and perform such other duties as pertain to his office. No article whatever shall be delivered from the corporation house or yard to any officer,

member, or employé, except upon an order signed by the Chief Engineer.

Powers of
Engineer.

SEC. 132. The Chief and the Assistant Chief Engineer, while in the discharge of their duties, shall be vested with all the powers of arrest and detention vested in police officers. The Mayor, by and with the consent of the Council, shall have power to appoint, as necessity requires, a fire police patrol from among the members or employés of the Fire Department.

SEC. 133. The Chief, or in his absence the Assistant Chief Engineer, may, during a conflagration, cause to be cut down or otherwise removed, any building or structure when necessary for the purpose of checking such conflagration.

Equip-
ments.

SEC. 134. Until otherwise provided by the Council, there shall be attached to the Fire Department two steam fire engine companies, each to consist of one foreman, one assistant foreman, one engineer, one driver of engine, one stoker, one driver of hose cart, and eight hosemen. Also, one hook and ladder company, consisting of one foreman, one driver, one tillerman, and five hook and ladder men. Also, two hose companies, each to consist of one foreman, one assistant foreman, one driver of hose cart, and five hosemen. Also, a fire alarm system, to be under the immediate charge of a superintendent. Nothing in this section shall be so construed as fixing permanently the number of men comprising each company, but the same may be increased or diminished at any time, and may apply to one only, or to all the companies in the department, at the pleasure of the Council.

Members
of Depart-
ment must
devote
entire time
to duties.

SEC. 135. The Chief and Assistant Chief Engineers shall devote their entire time to the Fire Department, and shall not engage in any other occupation or business requiring their personal attention; and neither shall absent himself from the city without first obtaining permission from the Mayor in writing, which permit must be filed with the City Clerk; and in no case shall both the Chief and Assistant Chief Engineer be absent at the same time. *And it is further provided*, that the engineers of steam fire engines, the stokers and drivers thereof, also the drivers of hose carts and hook and ladder trucks, and tillermen, together with such other members or employés as the Council may from time to time designate, shall devote their entire time to the duties of the department, and shall at all times, day and night, remain at the engine houses or stations, except when granted a leave of absence by the Chief Engineer.

SEC. 136. There shall be provided suitable sleeping-rooms in the several engine houses for the use of the permanent members of the department; and there shall be a general office in one of the department buildings, where the Chief and Assistant Chief Engineers, and Superintendent of the Fire Alarm System shall make their headquarters daily during office hours, when not otherwise engaged in official duties.

Fire alarm
system.

SEC. 137. There shall also be attached to the Fire Department a fire alarm system, which shall be under the immediate charge of a Superintendent appointed from among the members of the department or its employés. It shall be his duty to

report to the Chief Engineer, in writing, at least once a month, the condition and workings of the system; and at any time when such system is not in perfect working order, the Chief Engineer must be immediately and fully advised thereof. The Superintendent shall make such other reports, and perform such other duties as may, from time to time, be prescribed by the Council. All electric light or power, telegraph, or telephone wires, erected or maintained in this city, shall be subject to the supervision and inspection of said Superintendent, and shall be located, laid, erected, and maintained only in such manner as may be approved by him, and so as not to endanger or interfere with the wires or apparatus of the fire alarm system.

SEC. 138. The Council may, by ordinance, and upon the recommendation of the Chief Engineer, enlarge the Fire Department by the purchase of chemical, electrical, steam, or other engines, hook and ladder trucks, hose carts, horses, hose, and other appurtenances or apparatus; purchase or erect other and necessary buildings; extend the fire alarm system, and increase the number of companies, officers, members, and employes at any time when in the judgment of said Council greater security against fire, loss of life and property demand it.

SEC. 139. Every claim against the Fire Department must first be certified to by the Chief Engineer before being presented to the Council for approval. The monthly payroll of the department shall be made up by the Chief, certified to by him, and presented to the City Clerk, who shall verify the same before passing it to said Council for approval.

SEC. 140. The foregoing sections of this article shall not apply to the Fire Department of said city so long as the same remains, as now, a volunteer fire department.

ARTICLE X.

HEALTH DEPARTMENT.

SEC. 141. There shall be a Health Department, under the management of a Board of Health. Said Board shall consist of five members, namely: the Mayor, who shall be ex officio a member and President of said Board, and the City Engineer, who shall be ex officio a member of the Board, and three citizens, who shall be appointed without regard to their political opinions by the Mayor, by and with the consent of the Council. The Mayor shall not have a right to vote unless in case of a tie, when he shall have the right to vote. Each appointed member of the Board shall be a duly licensed physician in accordance with the laws of the State of California, and a qualified elector of the city for two years immediately preceding his appointment, and shall serve without compensation.

SEC. 142. The term of office of the appointed members of the Board shall be for two years, and until their successors are appointed and qualified, said term to commence upon the second Monday in August; *provided*, that those members first appointed shall so classify themselves, by lot, that one of them

shall go out of office at the end of one year, and two at the end of two years. If any appointed member fails to qualify within ten days after his appointment, such appointment shall be void, and a new appointment shall be made.

Meetings. SEC. 143. Regular meetings of the Board of Health shall be held once a month, and special meetings when called by the President, or any three members, and all meetings shall be public. Three members shall constitute a quorum for the transaction of any business.

Powers. SEC. 144. Said Board of Health, subject to the ordinances of the city, shall have supervision of all matters pertaining to the sanitary condition of the city and public institutions thereof; and subject thereto, full powers are hereby given to said Board over all questions of foul or defective drainage, of the disinfection and sanitary cleaning of streets, alleys, cellars, cesspools, sewers, or nuisance of any description, and of low places within the city limits, calculated to receive and retain unhealthy deposits.

SEC. 145. The Board of Health shall adopt such forms and regulations for the use of physicians, undertakers, and superintendents of cemeteries, as in their judgment may be best calculated to secure reliable vital and mortality statistics in said city and prevent the spread of contagious and infectious diseases. They shall have power to prevent or forbid communication with infected families or houses.

SEC. 146. The Council shall, by ordinance or otherwise, provide for enforcing such orders and regulations as the Board of Health may from time to time adopt, and all expenses necessarily incurred by the Board of Health in carrying out the provisions of law and of this charter shall be provided for by the Council.

City Physician. SEC. 147. The Board of Health, within two weeks from the time of its organization, shall elect a City Physician, who shall also act as Health Officer and Secretary of the Board of Health.

Qualifications. Said City Physician shall not be a member of the Board of Health, and shall be an elector of the city, not less than thirty years of age, a licensed physician of not less than two years, and actually engaged in the practice of his profession therein.

Duties. He shall hold his office during the pleasure of the Board of Health, and must see that the laws and ordinances of the city in relation to the public health, and the regulations and orders of the Board of Health, are properly enforced. He shall keep a full record of all the transactions of the Board of Health, as well as all records appertaining thereto, and by himself or his deputy issue all permits for burials or removals in any of the cemeteries, and no interment shall be made therein unless said Health Officer is satisfied of the correctness and reliability of the certificate of death presented for his inspection. He shall have the powers of a police officer, and shall make an extended annual report to the Board of Health of the affairs pertaining to his office, including mortuary and other statistics, with such observations and recommendations in relation to the sanitary condition of the city as he may deem proper. It shall be his duty to examine and inspect all nuisances, privies, vaults, cesspools, buildings, and low places within the city limits with a

view to the enforcement of all the laws and regulations relating to sanitary matters, and to cause the arrest of, and vigorously prosecute, all persons violating any of said laws and regulations. Duties of Health Officer.

SEC. 148. The City Physician, as Health Officer, shall visit once in each quarter all public buildings and school houses in said city. During such visits he shall examine the manner in which they are lighted, ventilated, and heated, and particularly as to their sanitary condition.

SEC. 149. When a case of smallpox, Asiatic cholera, or yellow fever is reported to the Health Officer, he may visit the premises where the person is, and when satisfied that either of said diseases exist, he shall place a yellow flag or conspicuous notice on said premises, which shall remain during the continuance of the disease on said premises.

SEC. 150. The Health Officer may cause to be removed to a smallpox hospital or pesthouse any person in said city affected with smallpox, Asiatic cholera, or yellow fever. When a case of either of said diseases exists in any house, and the person so affected is not moved to said hospital or pesthouse, the Health Officer shall immediately place a quarantine flag on said premises, and may place a competent person in charge thereof, who shall see that a quarantine is strictly enforced so long as public safety requires.

SEC. 151. The Health Officer shall vaccinate, free of charge, all persons applying to him.

SEC. 152. Every member of the Board of Health and the Health Officer may administer oaths on matters connected with the Health Department. Oaths.

SEC. 153. Every physician in the city shall report to the Health Officer, in writing, every patient he shall have sick of typhus, ship, or yellow fever, Asiatic cholera, leprosy, smallpox, diphtheria, or scarlet fever, and every death from such disease immediately after it shall have occurred. Also, every householder in said city shall forthwith report, in writing or otherwise, to the Health Officer the name of every inmate of his or her house, whom he or she shall have reason to believe is sick of typhus, ship, or yellow fever, leprosy, cholera, or smallpox, and any deaths occurring at his or her house from such disease. Sanitary reports.

SEC. 154. The Health Officer shall report to the City Superintendent of Schools of said city the names and residences of every person sick of typhus, ship, or yellow fever, Asiatic cholera, smallpox, leprosy, diphtheria, or scarlet fever, or other contagious disease he may deem dangerous to the city health, and it shall be the duty of the City Superintendent of Schools of said city, when so notified of the residence of any person sick of any of the diseases enumerated, to refuse admittance to the public schools to any member of a family, one or more of whose inmates are sick of any of the foregoing diseases; *provided*, that the parties excluded shall be readmitted upon presenting a certificate from the Health Officer that there is no longer any danger from contagion.

SEC. 155. Whenever it shall be certified to the Board of Health by the Health Officer that any building, or part thereof, Destruction of infected building.

is unfit for human habitation by reason of its being so infected with disease, or from other causes, as to be likely to cause sickness amongst its occupants, said Board may issue an order, and cause the same to be affixed conspicuously on the building, or front thereof, and to be personally served upon the owner, agent, or lessee, if the same can be found, requiring all persons therein to vacate such building for the reasons to be stated therein, as aforesaid. Such building, or part thereof, shall within ten days thereafter be vacated, or within such shorter time, not less than twenty-four hours, as in said notice may be specified; but said Board, if it should become satisfied that the danger from the building, or part thereof, has ceased to exist, may revoke said order.

Quarantine regulations.

SEC. 156. The Board may proclaim such quarantines, and establish and declare such quarantine districts and grounds, and the boundaries thereof, as may, in their judgment, be necessary for the preservation of the public health; and may, when deemed necessary, require all vessels, railroad cars, or other public conveyances, before the same shall land or stop at any landing, depot, or stopping place in the city, to stop or touch at any or either of the districts, grounds, or boundaries so selected and established for quarantine purposes, and leave all such persons, with their stores and baggage, as in the opinion of the Health Officer or physician stationed at such quarantine sites, places, or boundaries shall be deemed proper on account of the existence or general report of Asiatic cholera, smallpox, or yellow fever.

SEC. 157. The said Board shall make such rules and regulations for the government of the quarantine or the health of the city as from time to time they shall deem necessary; and the physicians or Health Officers in charge of any quarantine station or place shall have power to make and enforce such regulations as may be necessary for the proper management thereof; and it shall be the duty of all persons in quarantine, and all agents, officers, policemen, or others employed by the city in and about said quarantine stations or places, to carry out and obey the same.

Record of births and deaths.

SEC. 158. The Board of Health shall cause to be kept a record of all births and deaths occurring in said city; such records must be kept in the Health Office, and shall be open for inspection by any person during office hours. All physicians and midwives in the city shall report to the Health Officer, on or before the fifth of each month, all births occurring in his or her practice during the previous month.

Interment of dead.

SEC. 159. No person shall deposit in any cemetery the body of any human being who has died in the city, or remove the same from within the limits of the city, without having first obtained and filed at the Health Office a certificate signed by a physician or coroner, setting forth as nearly as possible the name, age, sex, color, place of birth, occupation, date, locality, and cause of death of deceased, and obtain from the Health Officer a permit in writing therefor for burial or other purposes. Physicians, when deaths occur in their practice, must give the cer-

tificate herein mentioned, unless the physician believes the death to be a proper case for investigation by the Coroner. No body of a human being who has died within the limits of the city, and no body or remains of a deceased person exhumed or taken from any grave, vault, or other place of burial or deposit, within or without the city, shall be transported in or through the streets or highways of the city, unless the person or persons transporting such body or remains shall first obtain from the Health Officer a permit in writing therefor, which shall accompany the body or remains.

SEC. 160. The permits in the last section may be granted in the discretion of the Board of Health, under such general restrictions and conditions as the Board may prescribe. The Health Officer shall prepare a book of blank permits, in proper form and consecutively numbered, containing stubs, on which, as well as in the permit, shall be entered a record giving the name, age, sex, nativity, place of burial, and destination of remains to be transported or removed.

SEC. 161. In addition to the powers and duties in this article enumerated, the Board shall have such other powers and perform such other duties as may be prescribed by ordinance of the Council, or by general law.

ARTICLE XI.

WATERWORKS DEPARTMENT.

SEC. 162. If at any time the city shall become the owner of any water supply, or shall decide to construct such a system, the Mayor shall appoint, by and with the consent of the Council, two citizens of the city to be Water Commissioners, and they must not belong to the same political party. The City Engineer shall be ex officio a Water Commissioner. The appointed members shall hold their office for the term of two years; *provided*, that when first appointed they shall be appointed for one and two years, to be designated in the notice of appointment by the Mayor. Their compensation shall be fixed by ordinance by the Council.

SEC. 163. The Water Commissioners shall have full control and management of the water system of the city, and the collection of the revenue therefor, under such regulations by ordinance as the Council may from time to time enact. All contracts for work and materials must be made by said Commissioners in the manner provided in this charter for making contracts, and approved by the Council. And all payrolls and accounts for the same, before being paid by the Council, shall first be passed upon by the Commissioners, who shall thereupon certify them to the Council for payment.

ARTICLE XII.

PUBLIC LIBRARIES.

Library. SEC. 164. There shall be maintained in the City of Eureka free public libraries and reading-rooms as provided for by an Act of the Legislature of this State, entitled "An Act to establish free public libraries and reading-rooms," approved April twenty-sixth, eighteen hundred and eighty, and such other Acts of the Legislature as may be amendatory thereof and supplemental thereto.

SEC. 165. The public library and reading-room created and existing under the provisions of said Act, and known as the "Eureka Free Library," is hereby continued in existence, and shall be free of access to all residents of said city and the general public, subject to such rules and regulations for the government and management thereof as may from time to time be adopted by the Board of Trustees thereof; *provided*, that said Board shall not permit any of its books, journals, publications, or other property to be taken, carried, or removed, by any person, without the limits of said city.

SEC. 166. The Board of Trustees thereof shall consist of five members, one to be elected from each ward, by the qualified electors thereof, at the regular municipal election, and shall hold office for two years, or until their successors are elected and qualified.

ARTICLE XIII.

CONTRACTS.

Contracts. SEC. 167. The City of Eureka shall not be and is not bound by any contract, or in any way liable thereon, unless the same is made in writing by order of the Council, and the draft thereof approved by the City Attorney and the Council, and the same ordered to be and be signed by the Mayor, or some other person authorized thereto in behalf of the city; but the Council, by an ordinance, may authorize any officer, committee, or agent of the city to bind the city without a contract in writing for the payment of any sum of money not exceeding three hundred dollars. All bonds of any contractors with the city shall be approved by the Council.

ARTICLE XIV.

CLAIMS AND DEMANDS.

Claims and demands. SEC. 168. All claims and demands whatever against the City of Eureka, except interest coupons on bonds and bonds of the funded debt, shall be paid only on demands as herein provided for.

SEC. 169. Said demands, except demands payable out of the School Fund and Library Fund, shall be presented to the Council on forms and blanks to be provided by the City Clerk,

and shall be referred to its Committee on Finance. The said committee shall, by indorsement thereon, approve or reject the same, in whole or in part. The Council shall then consider the said demands, and the actions of said committee thereon, and shall, if the same be just and legal, approve the same; or may, if it so determine, approve in part or reject the whole. The action of the Council shall be indorsed thereon, with the date of such action, and certified by the signature of the President and City Clerk.

SEC. 170. Any such demand approved by the Council in whole or in part shall be delivered to the Mayor, who shall approve the same in whole or in part, or reject the same, and indorse such approval or rejection thereon, with the date thereof; *provided*, that the Mayor shall have no power to approve a demand for a sum larger than the sum in which it is approved by the Council. If the Mayor approve only in part, and for a less amount than approved by the Council, or reject any such demand, he shall return the same to the City Clerk, with his objections in writing attached thereto.

SEC. 171. All demands approved by the Mayor for the same amount as approved by the Council shall by him be delivered to the City Clerk, who shall thereupon draw a warrant therefor upon the City Treasury, and which shall be signed by the Mayor and countersigned by the City Clerk.

SEC. 172. Any demands returned to the City Clerk with the objection of the Mayor, shall again be considered by the Council, and if it shall again be approved by the Council by the same vote, and taken, recorded; and indorsed in the same manner as hereinbefore required, the said objection shall be thereby overruled. Any demand the objection to which of the Mayor has been overruled, shall be delivered to the City Clerk, who shall draw a warrant therefor, as if the same had been approved by the Mayor. If the Mayor object only to a portion of such demand, and such objection thereto shall be sustained by the Council, the same shall thereby be delivered to the City Clerk for his action thereon as hereinbefore provided.

SEC. 173. No demand can be approved, audited, or paid unless it specify each several item, with the date and amount thereof, nor unless it be subscribed by the claimant or by his, her, or its agent, and sworn to before some officer authorized to administer oaths.

SEC. 174. No payment can be made from the City Treasury, or out of the public funds of said city, unless the same be specially authorized by law or this charter, nor unless the demand which is paid be duly audited as in this charter provided. The term "audited," as used in this charter with reference to the demands upon the treasury, is to be understood to mean that said demands have been presented to, passed upon, and approved as herein provided, and this must appear upon the face of the paper representing the demand, or else it is not audited; *provided*, that the approval or rejection, in whole or in part, of a demand by the Committee on Finance of the Council is advisory only to the Council, and the rejection by said committee of a

Claims and demands. demand, in whole or in part, does not of itself prevent its being duly audited.

SEC. 175. No demand upon the treasury shall be allowed in favor of any person or officer in any manner indebted thereto, without first deducting the amount of such indebtedness, nor to any person or officer having the collection, custody of, or disbursement of public funds, unless his account has been duly presented, passed, approved, and allowed, as required by law or this charter; nor in favor of any officer who shall have neglected to make his official returns, or his reports in writing, in the manner and at the time required by law or this charter, or by the ordinances or regulations made in pursuance thereof; nor to any officer who shall have neglected or refused to comply with any of the provisions of this charter or ordinances of the city, or any Act of the Legislature regulating the duties of such officer, on being required in writing to comply therewith by the Mayor or the President of the Council; nor in favor of any officer for the time he shall have absented himself, without lawful cause, from the duties of his office during the office hours prescribed by this charter or by ordinance.

SEC. 176. The City Clerk must number and keep a record of all demands on the treasury which have been duly approved, showing the number, date, amount, and name of the original and present holder, on what account allowed, and out of what fund payable.

SEC. 177. Every lawful demand upon the treasury, duly audited as in this charter required, shall in all cases be paid on presentation and canceled, and the proper entry thereof be made, if there be sufficient money in the treasury belonging to the fund out of which it is payable; but if there be not sufficient money belonging to said fund to pay such demand, then it shall be registered in a book to be kept by the Treasurer for that purpose, showing its number, when presented, date, amount, name of original holder, and on what account allowed, and out of what fund payable; and being so registered, shall be returned to the party presenting it, with an indorsement of the word "Registered," dated and signed by the City Treasurer. All registered demands shall be paid in the order of their registration.

SEC. 178. All public moneys collected by any officer or employé of the city shall be paid into the City Treasury, without any deduction on account of any claim for fees, commissions, or any other cause or pretense; and the compensation of any officer, employé, or other person so collecting money, shall be paid by demands upon the treasury, duly audited as other demands are audited and paid.

SEC. 179. No suit shall be brought upon any claim for money or damages against the City of Eureka, its Board of Education, or the Board of Trustees of the Eureka Free Library, until a demand for the same has been presented as herein provided, and rejected in whole or in part. If rejected in part, suit may be brought to recover the whole. Nor shall suit be brought against said city upon any such claim or demand, if the same shall be

in whole approved and audited as provided herein; *provided*, that nothing herein contained shall be construed so as to deprive the holder of any demand of his right to resort to a writ of mandate, or other proceeding, against the said Council, or any Board or officer of said city, to compel it, or him, to act upon such demand or claim, or to pay the same when so audited.

ARTICLE XV.

MISCELLANEOUS PROVISIONS.

SEC. 180. All grants of franchises or privileges by the Council shall be awarded to the highest bidder in pursuance of the general laws of said State, nor shall any such franchises or privileges have any validity unless the person or persons to whom the same is made shall, within six months thereafter, actually and in good faith, and not colorably, commence the exercise or enjoyment of the same; *provided*, that where condemnation of property is necessary, condemnation proceedings commenced and diligently prosecuted shall be deemed the exercise of the franchise or privilege. Whenever any franchise or privilege shall have been in disuse, in whole or in part, for the period of one year, there being no legal impediment to the use thereof, it shall be deemed abandoned and forfeited to the extent of such disuse, and said franchise or privilege, or the part thereof, so in disuse, shall no longer be used or enjoyed. When, in the exercise of any franchise or privilege, use has been made in any way of any street or alley of the city, such street or alley shall be put in good repair, and all the materials or obstructions which have been placed therein in the exercise of such franchise or privilege shall be removed therefrom, at the expense of the person or company who has held such franchise or privilege, whenever the franchise or privilege is abandoned or falls into disuse.

Franchises
to highest
bidder.

SEC. 181. Any person, except as otherwise in this charter provided, holding a salaried office under this city, whether by election or appointment, who shall during his term of office hold or retain any office of profit or emolument under the government of the United States or of this State, or who shall hold any other office connected with the city, or with the County of Humboldt, shall be deemed thereby to have vacated the office held by him under the city government.

Prohibit-
ing hold-
ing two
offices.

SEC. 182. No member of the Council, and no officer or employé of the city, shall be or become directly or indirectly interested in, or with the performance of, any contract, work, or business, or in the sale of any article, the expense, price, or consideration of which is payable from the City Treasury, or in the purchase or lease of any real estate or property belonging to or taken by the city, or which shall be sold for taxes or assessments, or by virtue of legal process at the suit of the city. Any member of the Council, or any officer or employé of this city, violating the provisions of this section, or who shall be directly or indirectly interested in any franchise, right, or privilege granted by the city while he is such officer, member, or

Interest in
contracts.

employé, unless the same shall devolve upon him by law, shall forfeit his office, and be forever disqualified from holding any position in the service of the city; and all contracts made, or rights or franchises granted, in violation of this section shall be absolutely void.

City officers must not give or accept rewards for duties to be performed.

SEC. 183. No officer of the city shall be or become a surety on any bond given to the city, or to any person for the benefit of the city; nor shall any officer or employé of the city give or promise to give any person any portion of his compensation, or any money, or thing of value, or any position, in consideration of having been or being nominated, appointed, voted for, or elected to any office or employment under the city. No officer of the city shall, while in office, accept any donation or gratuity in money or any thing of value, either directly or indirectly from any subordinate employé, or from any candidate or applicant for any position under him. Any person violating the provisions of this section shall forfeit his office and employment under the city, and be forever disqualified from holding any position in the service of the city.

Records of office.

SEC. 184. All books and records of every office and department shall be open to the inspection of any citizen at any time during business hours. Copies and extracts from such books and records, duly certified, shall be given by the officer having the same in custody, to any person demanding the same, upon paying or tendering ten cents per folio of one hundred words.

Creating or discontinuing an office.

SEC. 185. No office shall be created in addition to those provided for by this charter, unless by ordinance regularly adopted by the Council. Whenever in the judgment of the Council no necessity exists for the continuation of any appointive office created or provided for by this charter, said Council, by an ordinance for that purpose, may discontinue such office.

Officers, deputies, etc., to be citizens of United States.

SEC. 186. All officers, deputies, clerks, assistants, and other employés of the city, and of the several departments thereof, must be citizens of the United States, and during their respective terms of office or employment must, with the exception of the City Superintendent of Schools, and teachers of the public schools, reside in the city, and where not otherwise provided for, must have been residents of the city one year next preceding their election or appointment. They, and each of them, shall perform such duties as may be required of them, respectively, by law, ordinance, or this charter, and shall only receive such compensation as may have been previously provided, and such compensation shall not be increased during the term of their respective offices or employment, except as in this charter provided.

When office to become vacant.

SEC. 187. 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 by taking the oath of office and filing his official bond, whenever such official bond is required, within the time required by this charter, or shall resign, or be convicted of felony or of malfeasance in office, or be adjudged insane, his

office shall be and become vacant, and such vacancy shall be filled as in this charter provided.

SEC. 188. All books, papers, plats, charts, records, files, and stationery, made, or made use of, by any officer or employé of the city, in the performance of his official duties, shall be deemed and considered as belonging to the city, and shall be delivered to his successor in office, who shall give duplicate receipts in writing therefor, one of which receipts shall be filed with the City Clerk.

Official
books, etc.,
are city
property.

SEC. 189. No officer or employé in any department of the city government shall ever be appointed or removed for or on account of partisanship, or for or on account of his political or religious opinions.

Religion,
etc.

SEC. 190. No Chinese shall ever be employed, either directly or indirectly, on any work of the city, or in the performance of any contract or sub-contract of the city, except in punishment for crime. Nor shall any provisions, supplies, materials, or articles of Chinese manufacture or production ever be used or purchased by or furnished to the city.

No
Chinese.

SEC. 191. All improvements, actions, proceedings, matters, and things not otherwise provided for in this charter shall be taken, had, and conducted under and in pursuance of the provisions of the laws of the State of California applicable thereto, in force at the time such improvements, actions, proceedings, matters, and things are taken and had.

General
laws gov-
ern cases
not speci-
fied.

SEC. 192. Whenever special meetings are called by the Council, Board of Education, or any other Board of the municipality, notice thereof shall be served on each member personally or by mail, addressed to him, at his place of residence; if by mail, the notice, postpaid, shall be deposited in the post office of the city, at least twenty-four hours before the time of meeting. At such special meeting, no subject shall be considered except that specified in the notice.

Special
meetings.

SEC. 193. It shall not be necessary, in any action, civil or criminal, to plead or prove the organization or existence of the corporation of the City of Eureka, nor the passage, existence, or validity of any ordinance, rule, resolution, or other regulation thereof; but the Court before which the proceedings shall be pending shall take judicial notice of this charter and of such ordinance, rule, resolution, or other regulation, and of the contents thereof, without proof, unless their validity is assailed, when the burden of proof shall be on the party assailing the same; and in all civil actions to which the city, or any officer of the city, is a party, either plaintiff or defendant, the adoption and contents of any ordinance, rule, resolution, or other regulation of the Council may be proven *prima facie* by the introduction of the original entry thereof on the records of the Council, by a copy thereof certified by the City Clerk to be a full, true, and correct copy of such original entry, or by the introduction of a printed copy published or purporting to have been published by authority.

Judicial
notice.

SEC. 194. All ordinances, rules, resolutions, and other regulations of the City of Eureka, in force at the time this charter

Effect of charter on previous officers, or finances, etc. takes effect, and not inconsistent therewith, shall continue in force until amended or repealed. All officers of the city heretofore existing shall, unless expressly continued in force by this charter, cease to exist at the time that this charter takes effect, and shall be supplanted by the officers herein provided for, and the incumbents of the offices so abolished shall surrender to the officers having like powers and duties, as provided by this charter, all moneys, bonds, contracts, books, accounts, records, files, furniture, and property of the offices so abolished. No business pending before any department or officer of the city at the time this charter takes effect shall be considered as lost, discontinued, or abandoned by reason thereof, but the same may be taken up, continued, transacted, and completed before the proper department or officer provided for by this charter.

First election of officers. Sec. 195. The Council of the present City of Eureka shall provide for the holding of the first election of officers under this charter; shall canvass the vote, declare the result, and approve the bonds of all officers elected at such election.

Charter in effect. Sec. 196. For the sole purpose of the election and qualification of the officers directed by this charter to be elected at the general municipal election this charter shall take effect immediately after its approval by the Legislature, and such election shall be managed and conducted in accordance with the general election laws of the State. For all other purposes this charter shall take effect on the second Monday of July, eighteen hundred and ninety-five.

CERTIFICATE.

Certificate. Be it known, that the City of Eureka, a city containing a population of more than three thousand five hundred and less than ten thousand inhabitants, on the eighteenth day of June, eighteen hundred and ninety-four, at a regular election, and under and in accordance with the provisions of section eight, article eleven of the Constitution of the State of California, did elect Peter Belcher, Josiah Bell, H. H. Buhne, Jr., J. S. Connick, David Evans, Franklin Ellery, W. H. H. Heckman, W. L. Heney, H. W. McClellan, W. H. McWhinney, A. J. Monroe, N. H. Pine, Denver Sevier, Henry Sevier, and E. W. Wilson, a Board of fifteen Freeholders, to prepare and propose a charter for said city; and we, the members of said Board, in pursuance of said provision of the Constitution, and within a period of ninety days after such election, have prepared and do propose the foregoing, consisting of fifteen articles and one hundred and ninety-six sections, as and for the charter of the said City of Eureka.

In witness whereof, we have hereunto set our hands this thirteenth day of September, Anno Domini one thousand eight hundred and ninety-four. Done in duplicate.

PETER BELCHER.
 JOSIAH BELL.
 H. H. BUHNE, JR.
 JOHN S. CONNICK.

DAVID EVANS.
 FRANKLIN ELLERY.
 W. H. H. HECKMAN.
 W. L. HENEY.
 H. W. McCLELLAN.
 WM. H. McWHINNEY.
 A. J. MONROE.
 N. H. PINE.
 DENVER SEVIER.
 HENRY SEVIER.
 E. W. WILSON.

Attest:
 FRANKLIN ELLERY,
 Secretary.

STATE OF CALIFORNIA, }
 County of Humboldt. } ss.

I, C. G. Stafford, Mayor of the City of Eureka, hereby certify that the foregoing charter is one of the duplicate copies of the same, delivered to me as stated in the preamble attached to and preceding said charter; that all the statements of said preamble are true.

C. G. STAFFORD,
 Mayor of the City of Eureka.

Attest: W. G. BONNER, City Clerk of City of Eureka.

NOW, THEREFORE, BE IT

Resolved by the Senate of the State of California, the Assembly Approval thereof concurring (the majority of all members elected to each house voting for and concurring therein), that said charter of the City of Eureka as presented to, and adopted and ratified by, the qualified electors of said city, be and the same is hereby approved as a whole, for and as the charter of the said City of Eureka aforesaid.

CHAPTER VI.

Assembly Constitutional Amendment No. 33, relative to amending the Constitution of State of California, by repealing sections four and five of article thirteen, and by amending section one of said article.

[Adopted February 14, 1895.]

The Legislature of the State of California, at its regular session, Preamble. commencing on the seventh day of January, eighteen hundred and ninety-five, two thirds of all the members elected to each of the houses of said Legislature voting in favor thereof, hereby propose that the Constitution of the State of California be amended by repealing sections four and five of article thirteen thereof, and by amending section one of said article, so as to read as follows: