

CHARTER
OF THE
CITY OF SAN DIEGO.

~ ONE ~

Charter for the City of San Diego.

PREPARED AND PROPOSED BY THE BOARD OF FIFTEEN FREEHOLDERS

Elected December 5th, 1888, in pursuance of the provisions of Section 8,
Article XI, of the Constitution of the State of California.

ARTICLE I.

Boundaries, Rights and Liabilities, Division into Wards, and Elections.

CHAPTER I.

OF BOUNDARIES, RIGHTS AND LIABILITIES.

SECTION 1. The Municipal Corporation now existing and known as "The City of San Diego" shall continue to be a municipal corporation under the same name, with the same boundaries that it now has, to-wit: All that tract of land known as the Pueblo Lands of San Diego included in the survey made in July, eighteen hundred and fifty-eight, by J. C. Hayes, United States Deputy Surveyor-General for the State of California, according to the field notes of said survey by said Hayes; and also all that portion of the Peninsula of San Diego, which lies North of a straight line drawn from the Southwest corner of the Pueblo Lands of San Diego, westward to the Light House on Point Loma; and the municipal jurisdiction of said City of San Diego shall extend to said limits and boundaries and over the tide-lands and waters of the Bay of San Diego, and into the Pacific Ocean to the extent of one marine league from the shore.

SEC. 2. The said Corporation shall have perpetual succession, may sue and defend in all Courts and places, and in all matters and proceedings whatever, and may have and use a common seal, and the same alter at pleasure, and may purchase, receive, hold and enjoy real and personal property within and without the City of San Diego, and sell, convey and dispose of the same for the common benefit; receive bequests, donations and gifts of all kinds of property within and without the City of San Diego in fee simple or in trust for charitable or other purposes and do all acts necessary to carry out the purposes of such gifts, bequests and donations, with power to manage, sell, lease, or otherwise dispose of the same in accordance with the terms of the gifts, bequests or trusts.

SEC. 3. The said Corporation shall be and continue vested with all the property, rights and rights of action of every kind now belonging to the City of San Diego and shall succeed to all the property of the present Board of Education of said City and shall be subject to all the liabilities now existing against said City or against said Board.

CHAPTER II.

OF WARDS.

SECTION 1. The said City shall be and is hereby divided into Nine Wards, as follows:

FIRST WARD.

SEC. 2. This Ward shall include all that portion of said City bounded as follows: Commencing at a point where the center line of Upas street in Middletown intersects the Bay of San Diego, thence northeasterly along the center of said street to a connection with the west end of Upas street in Horton's Addition; thence easterly, following the center line of said street to the west line of the City Park; thence north along said west line to the northwest corner of said Park; thence east along the north line of said City Park and along the north lines of Pueblo Lots number eleven hundred and twenty-eight and thirteen hundred and fifty to the eastern boundary of said City; thence northwesterly, following the eastern boundary of said City to a point where said boundary intersects the Pacific Ocean; thence southerly, following the shore line of said Ocean to the most southerly end of Point Loma; thence in a northeasterly direction, following the water line of said Point Loma, and the shore line of the Bay of San Diego to the point of commencement.

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SECOND WARD.

SEC. 3. This Ward shall include all that portion of said City within the boundaries as follows: Commencing at a point where the center line of Ash street in Middletown intersects the Bay of San Diego; thence northerly, following the shore line of said Bay to the center line of Upas street; thence northerly and easterly, following the center line of said Upas street, both in Middletown and Horton's Addition, to the west line of the City Park; thence south along the said west line of Park to the center line of Date street; thence west on center line of Date street to the center line of Fifth street; thence south on center line of Fifth street to center line of Ash street; thence west along the center line of Ash street to the Bay of San Diego or place of beginning.

THIRD WARD.

SEC. 4. This Ward shall include all that portion of the City bounded on the north by the center line of Ash street, from its intersection with the Bay of San Diego to center line of Fifth street; thence south on center line of Fifth street to center line of E street; thence west on center line of E street to the Bay of San Diego; thence north on shore line of said Bay to the center line of Ash street, or place of beginning.

FOURTH WARD.

SEC. 5. This Ward shall include all that portion of the City bounded as follows: Commencing at the center of the intersection of Ash and Fifth streets; thence north on center line of Fifth street to center line of Date street; thence east on center line of Date street to west line of the Park, thence north on said west line of the Park to the north boundary of said Park; thence east on said north Park line, and south line of Pueblo Lots No. 1127 and 1349 to the eastern boundary of the City; thence southerly along the said eastern boundary of the City to a point where the center line of D street extended will intersect the said eastern boundary; thence west along the center line of D street, so extended, to the eastern end of D street, as now opened, and west along the center line of D street to center line of Fifth street; thence north on center line of Fifth street to center line of Ash street, or place of beginning.

FIFTH WARD.

SEC. 6. This Ward shall include all that portion of the City bounded on the north by the center line of E street, from its intersection with the Bay of San Diego east to the center line of Fifth street; thence south on center line of Fifth street to Bay of San Diego; thence on the south and west by the Bay of San Diego.

SIXTH WARD.

Fifth SEC. 7. This Ward shall include all that portion of the City bounded as follows: Commencing at the center of intersection of ~~Fourth~~ and D streets; thence east on center line of D street extended, to eastern boundary of the City; thence southerly on said boundary to the center line of H street extended, to said boundary; thence west on center line of H street to center line of Fifth street; thence north on center line of Fifth street to center line of D street, or place of beginning.

SEVENTH WARD.

SEC. 8. This Ward shall include all that portion of the City bounded as follows: Commencing at the center point of intersection of H and Fifth streets; thence east on center line of H street extended, to the eastern boundary of the City; thence southeasterly on said boundary to the center line of N street extended, to the City boundary; thence west on center line of N street extended, to the Bay of San Diego; thence northwesterly along said Bay to the intersection of the center line of Fifth street with said Bay; thence along the center line of Fifth street to center line of H street, or place of beginning.

EIGHTH WARD.

SEC. 9. This Ward shall include all that portion of the City lying south of the center line of N street, from its intersection with the Bay of San Diego, east to the eastern boundary of the City; thence southerly to the southeast boundary of the City; thence westerly on the southerly boundary to the Bay of San Diego; thence northwesterly on the shore of said Bay to the intersection of the center line of N street, or place of beginning.

THREE

NINTH WARD.

SEC. 10. This Ward shall include all that portion of the City lying north of the southern boundary of the City known as the Peninsula of San Diego, bounded by the bay of San Diego and the Pacific Ocean.

SEC. 11. The jurisdiction of all wards bounded by the Bay of San Diego shall extend to the center of ship's channel at right angles with the shore line.

SEC. 12. The Common Council shall in the year 1892, and every five years thereafter, redistrict the City into nine wards, making the population in each ward as near equal as convenience will permit.

CHAPTER III.

OF ELECTIONS.

SECTION 1. Elections to be held in said city for the purpose of electing the officers of said city, and for all other purposes are of two kinds:

First—General Municipal Elections.

Second—Special Elections.

SEC. 2. General Municipal Elections shall be held in said city on the first Tuesday after the first Monday in April in each odd-numbered year for the purpose of electing all officers made elective by the terms of this Charter and for other purposes in this Charter provided.

SEC. 3. Special Elections for all purposes designated in this Charter shall be held on the days as fixed by the Council therefor.

SEC. 4. All General Municipal Elections and all Special Elections shall in all respects, as near as may be, be conducted and held in accordance with the provisions of the laws of the State for the holding of general elections in effect at the time; and the Common Council shall make all the necessary arrangements for holding said elections in accordance therewith; and the canvass and the declaring of the results of all elections by the Council shall be in accordance with the provisions of said State laws.

SEC. 5. 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. 6. It shall be the duty of the Board of Supervisors of the County of San Diego, when the great registers are printed, to provide for the printing of a sufficient number of such registers (in addition to the number required otherwise by law to be printed) for the general Municipal and Special Elections to be held or likely to be held in the City of San Diego, and it shall be the duty of the County Clerk of said County to furnish such registers in sufficient numbers when so required to the authorities of the City.

SEC. 7. All officers elected at a general Municipal Election shall take office on the first Monday of May next following such election.

ARTICLE ~~IV~~ ^{II}.

Legislative Department.

CHAPTER I.

OF THE COMMON COUNCIL.

SECTION 1. The legislative power of the City of San Diego shall be vested in two Houses of Legislation, which shall be designated the Common Council and shall consist of a Board of Aldermen and a Board of Delegates.

SEC. 2. The Board of Aldermen shall consist of nine members, who shall be elected by general ticket from the City at large.

SEC. 3. At the first election under this Charter nine members of the Board of Aldermen shall be elected. The five receiving the highest number of votes shall hold office for four years, and the other four for two years, and in case of a tie vote, the right to hold for two or four years shall be determined by lot. At each general municipal election thereafter, members of the Board of Aldermen shall be elected to succeed those whose terms are about to expire; and the members so elected shall hold office for four years.

SEC. 4. The Board of Delegates shall consist of two members from each Ward, who shall be elected at each general municipal election by the qualified electors of their respective Wards, and shall hold office for two years. Each member of the Board of Delegates must have been both an elector of the City, and an actual resident of the Ward for which he was elected, at least one year next preceding his election.

SEC. 5. No person shall be eligible as a member of either Board who shall have been convicted of malfeasance in office, bribery, or any other infamous crime, by the judgment of a Court; any such conviction during his term of office shall cause the forfeiture of his seat in said Board.

SEC. 6. The Boards shall meet in separate chambers. A majority of its members shall be a quorum for each Board, but a less number may adjourn from day to day, and compel the attendance of absent members in such manner and under such penalties as each Board may prescribe.

SEC. 7. Each Board shall—

1. Choose a President annually from its own members, who may be removed by the affirmative vote of not less than two-thirds of the members of such Board.

2. Establish rules for its proceedings.

3. Keep a journal of its proceedings, and allow the same to be published. The ayes and noes on any question shall, on the demand of any two members, be taken and entered therein.

4. Have authority to punish its members for disorderly or contemptuous behavior in its presence; and to expel any member by the affirmative vote of not less than two-thirds of its members, specifying in the order of expulsion the cause thereof.

5. Have power to compel the attendance of witnesses and production of papers pertinent to any business before such Board, or any of its committees.

SEC. 8. Each Board shall meet upon the first Monday of each month, or, if that day be a legal holiday, then upon the next day; and neither Board shall, without the consent of the other, adjourn for more than seven days, or to any other place than its regular place of meeting. The meetings of each Board shall be public.

SEC. 9. No member of either Board shall hold any other office, Federal, State, County or municipal, except in the National Guard or as a Notary Public, or be an employee of said city, or of either of said Boards, or be directly or indirectly interested in any contract with said City or with or for any Department or Institution thereof; or advance money or furnish material or supplies for the performance of any such contract; or furnish or become surety for the performance of any such contract; or directly, or indirectly recommend, solicit, advise, request or in any manner use his influence to obtain the appointment of any person to any office, position, place of employment under the City Government, or under any Department, Board or Officer thereof; but nothing in this section shall impair the right of a member to nominate and recommend any person for any office or position to be filled by appointment or election by the Common Council or the Board of which he is a member.

Upon taking office, each member shall make and file in the office of the Clerk an affidavit that he will faithfully comply with and abide by all the requirements of this section. A violation of

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any of the provisions of this section shall cause a forfeiture of his office.

SEC. 10. Every Legislative Act of said City shall be by Ordinance. The enacting clause of every ordinance shall be: "Be it ordained by the Common Council of the City of San Diego, as follows:" Any ordinance may originate in either Board, and when it shall have passed one Board may be passed, amended, or rejected in the other.

SEC. 11. No bill shall become an ordinance unless on its final passage in each Board at least a majority of all the members vote in its favor, and the vote be taken by ayes and noes, and the names of the members voting for and against the same be entered in the Journals.

SEC. 12. No amendment to any bill by either Board shall be concurred in by the other except by the affirmative vote of at least a majority of its members, taken by ayes and noes, and the names of those voting for and against the same shall be entered in the Journal of such Board. Reports of committees of conference shall be adopted in either Board only by the affirmative vote of at least a majority of its members, taken by ayes and noes, and the names of those voting for and against the same shall be recorded in the Journal.

SEC. 13. No ordinance shall be revised, re-enacted or amended by reference to its title; but the ordinance to be revised or re-enacted, or the section thereof amended, shall be re-enacted at length as revised or amended.

SEC. 14. When a bill is put upon its final passage in either Board and fails to pass, and a motion is made to reconsider, the vote upon such motion shall not be acted on before the next meeting of said Board. No bill for the grant of any franchise shall be finally passed within thirty days after its introduction.

SEC. 15. No ordinance shall take effect until ten days after its passage unless otherwise expressed in said ordinance.

SEC. 16. Every bill, after it has passed the two Boards shall be signed by the President of each Board in open session, in authentication of its passage. In signing such bill, he shall call the attention of the Board to the bill and that he is about to sign it; and if any member so request, the bill shall be read at length for information as to its correctness as enrolled. If any member objects that the bill is not the same as when considered and passed by the Board, such objection shall be passed upon, and if sustained, the President shall withhold his signature, and the bill shall be corrected and signed before the Board proceeds to any other business.

SEC. 17. Every bill which shall have passed the two Boards, and been authenticated as provided in the last section, shall be presented to the Mayor for his approval. The Mayor shall return such bill to the Board in which it originated within ten days after receiving it. If he approve it he shall sign it, and it shall then become an ordinance. If he disapprove it, he shall specify his objections thereto in writing. If he do not return it with such disapproval, within the time above specified, it shall take effect as if he had approved it. The objections of the Mayor shall be entered at large on the Journal of the Board in which such bill originated. Said Board shall, after five and within thirty days after such bill shall have been so returned, reconsider and vote upon the same; and if the same shall, upon reconsideration, be again passed by the affirmative vote of not less than two-thirds of the members of each Board, the Presidents of the respective Boards shall certify that fact on the bill, and when so certified, the bill shall become an ordinance with like effect as if it had received the approval of the Mayor; but if the bill shall fail to receive upon the first vote thereon in either Board an affirmative vote of two-thirds of the members, it shall be deemed finally lost. The vote on such reconsideration shall be taken by ayes and noes, and the names of the members voting for or against the same shall be entered in the Journals of each Board.

SEC. 18. All ordinances and resolutions shall be deposited with the Clerk, who shall record the same at length in a suitable book.

Ordinances of a general nature shall be published once in the City official newspaper.

CHAPTER II.

OF THE POWERS OF THE COMMON COUNCIL.

SECTION 1. Subject to the provisions, limitations and restrictions in this charter contained, the Common Council shall have power to pass ordinances:

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1. To make and enforce within the limits of said city all such local, police, sanitary and other laws and regulations as are not in conflict with general laws, or this charter.
2. To regulate and control the use of the streets, sidewalks, highways, roads and public places for any and all purposes; to prevent encroachments upon and obstructions to the same, and require the removal of any encroachments or obstructions thereon.
3. To regulate and control the use of the streets and sidewalks for signs, sign posts, awnings, awning posts, drinking fountains, horse troughs, urinals, all posts for the suspension of electric wires; for traffic and sale therein; for exhibiting banners, placards or flags in or across the same, or from houses or other buildings; and for all other purposes.
4. To regulate the cleaning and sprinkling of the streets, sidewalks and gutters, and prevent the depositing of ashes, offal, dirt, rubbish or garbage in the same.
5. To regulate the opening of street surfaces for the laying of gas or water mains, of telegraph or telephone wires; for the building and repair of sewers; for the erection of gas or electric lights, or for any other use or purpose.
6. To regulate the numbering of houses and blocks and the naming of streets, public places and thoroughfares.
7. In relation to street beggars, vagrants and mendicants, and the exhibition and distribution of advertisements or handbills along the streets or in public places.
8. In relation to intoxication, fighting, quarreling and vulgar language in the streets and other places, and in relation to carrying concealed weapons.
9. In relation to the construction, maintenance, repair and removal of public fountains, for the use of persons and animals on the streets and in other public places.
10. To regulate public assemblages and processions.
11. To restrain and prevent any riot, mob, noise, disturbance, or disorderly assembly or amusement, dangerous to persons or property in any street, house or place.
12. To permit the laying down of railroad tracks and running cars thereon, along any street or portion of a street, for the sole purpose of excavating and filling in a street or portion of the street or the adjoining land, for such limited time as may be necessary for such purpose and no longer.
13. To provide for lighting the streets, squares, parks and public places, buildings and offices; and for enclosing, improving and regulating public grounds.
14. To establish fire districts, and determine 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 alteration of existing buildings within such limits.
15. To prohibit, suppress, regulate or exclude from the city, or certain limits thereof, all houses of ill fame, prostitution and gaming; to prohibit, suppress or exclude from the city, or certain limits thereof, all occupations, houses, places, pastimes, amusements, exhibitions and practices, which are against good morals and contrary to public order and decency, or dangerous to public safety.
16. To regulate the manufacture, transportation, sale, disposition, storage and use of fire arms, firecrackers, fireworks, petroleum and all explosive and combustible material and substances; the manufacture of acids, and the maintenance of acid works, slaughter houses, brick kilns, tanneries, laundries, foundries, steam boilers, and factories using steam boilers, and all other manufactories, works and occupations of every description that may affect the public safety, health or comfort, and to exclude them from certain limits.
17. To protect the health, comfort and security of the inhabitants, and the safety and security of property and life; to exclude from certain limits, hospitals, institutions and places for the treatment of disease, or for the care of sick or insane persons; to regulate all noxious trades, and to restrict the prosecution thereof to such limits as may from time to time seem proper, or exclude them from said city; to make regulations for protection against fire, and to make such rules and regulations concerning the construction and use of buildings as may be necessary for the safety of the inhabitants; to provide for the examination, approval or disapproval of the plans and specifications of all buildings about to be constructed, and to prevent the construction thereof contrary to the provisions of any ordinance; to provide for the examination of all buildings and the removal thereof if found unsafe or constructed contrary to ordinance.

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18. To authorize the establishment and maintenance of crematories, to regulate the same and to exclude them from certain limits.

19. To declare what shall constitute a nuisance, and to provide for the abatement or summary removal of any nuisance.

20. To regulate hackney carriages and public passenger vehicles, and fix the rates to be charged for the transportation of persons or personal baggage; to regulate all vehicles used for the conveyance of merchandise, earth or ballast; to prescribe the width of the tires of all vehicles and the weight to be carried by said vehicles; and to regulate drivers, carriers, runners and solicitors.

21. To regulate the construction, repair, care and use of markets and market places, and of places of public amusement and public assemblage.

22. To regulate the construction, repair and use of vaults, cisterns, areas, hydrants, pumps and sewers.

23. To provide a public pound and pound keeper, with necessary assistants, and to fix a salary for the pound keeper and his assistants, which shall be paid only out of fines collected and paid into the treasury for the redemption of impounded animals; to prescribe fines for the redemption of animals duly impounded, and to provide for the collection of such fines and their payment into the treasury; to prevent animals from running at large and to provide for impounding or killing them when found running at large. To provide for the removal and disposition of animals or vehicles found unattended in any street or public place.

24. To provide suitable buildings, rooms or accommodations for all Courts, Departments, Boards and Officers, together with all necessary attendants, furniture, fuel, lights and stationery for the convenient transaction of business.

25. To provide and maintain a morgue.

26. To provide for places for the detention of witnesses separate and apart from places where criminals, or persons accused of public offences are imprisoned.

27. To regulate and provide for the employment on the streets and highways of said City of prisoners, and to make regulations requiring prisoners to be sentenced to such labor either in the chain gang or elsewhere, as the Common Council may deem expedient; to establish, maintain and regulate and change, discontinue and re-establish City jails, prisons, and houses of correction and other places of detention, punishment, confinement and reformation.

28. To purchase or acquire by condemnation such property as may be needed for public use.

29. To adopt, enter into and carry out means for securing a supply of water for the use of the city, or its inhabitants, or for irrigating purposes therein, and along the line of its water supply.

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

31. To fix and determine the rate or compensation to be charged and collected by any person, company or corporation in this city for the use of telephones; and determine the maximum rate or compensation to be charged by any person, company or corporation supplying gas, electric or other illuminating power in said city, and in making such rate it shall be upon the basis of yielding at least seven per cent. interest upon the amount of the capital invested.

32. To fix and determine in the month of February of each year, to take effect on the first day of July thereafter, the rates, or compensation to be collected by any person, company or corporation in this City for the use of water.

33. To regulate and impose a license tax upon public amusements, shows and exhibitions, pawnbrokers and railroad passenger cars; upon the manufacture, sale, transportation or storage of any combustibles or explosives; upon astrologers and fortune-tellers who practice their profession for hire; upon billiard tables, bowling alleys, shooting galleries, and other games or amusements kept or conducted for gain or hire; upon the sale at retail of tobacco, cigars, cigarettes, alcoholic and malt liquors; and upon all such other callings, trades, employments, business and places not prohibited by law, that may require special police surveillance, or that may be prejudicial to public morals and the general welfare.

34. To impose a license tax on dogs.

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35. To provide for the collection of licenses and municipal revenues and fix the amount thereof.

36. To prescribe fines, forfeitures and penalties for the breach of any ordinance and for a violation of any provision of this Charter; but no penalty shall exceed the amount of five hundred dollars or six months' imprisonment, or both.

37. To provide for the security, custody and administration of all property of said City.

38. To make rules and regulations for the government of all servants, employees, officers and departments, and to fix the fees and charges for all official services and to fix salaries and wages not otherwise provided by general laws or by this Charter.

39. To allow and order paid out of the various funds provided in this Charter, the sums respectively chargeable thereto, the allowance of which is not otherwise provided for.

40. To allow and order paid out of the general fund such sums, not to exceed five thousand dollars in any one fiscal year, as may be deemed necessary for the employment of special counsel.

41. To provide for the survey of streets and blocks of land within the limits of the City, and to declare such surveys official, and to compel all persons to conform to the streets as they are now, or may be hereafter lawfully established and declared official, or otherwise dedicated.

42. To provide in the annual tax levy for a special fund to be used in the construction of a general system of sewerage and drainage for said City.

43. To provide a common seal for said City, and from time to time to alter and change the same; and, also, to provide for seals for the several departments, boards and officers of said City, and for the Police Court, and for altering and changing the same.

44. To open, close, straighten or widen any street, road or highway; to open and lay out any new street or highway through public or private property, upon making compensation to all persons whose property may be taken therefor, or injuriously affected thereby, upon the conditions and in the manner by law and in this Charter provided; and in like manner to establish and change the grade of any street, road or highway. But no compensation shall be allowed for damage to gas or water pipes, railway tracks, telegraph or telephone posts or wires, or other property or thing laid above, along, in, or under any street, highway, park, place or other public property.

45. To regulate all street railroads, tracks and cars, and when and where necessary to compel the owners of two or more of such roads using the same street for any distance, to use the same tracks and to equitably divide the expense thereof, between the owners; to fix and establish, reduce and increase the fares and charges for transporting passengers and goods thereon; to regulate the rates of speed, and pass ordinances to protect the public from danger or inconvenience in the operation of such roads; to compel the owners of street railroads to pave and keep in repair the street between the rails, and also between their tracks, and for at least two feet on each side of the same, including all switches, turnouts and sidetracks.

46. To grant authority, for a term not exceeding twenty-five years, to construe street railways and lay down street railroad tracks upon or over any of the streets of said city upon which cars may be propelled by horses, mules, steam or other motive power, or by wire ropes running under the streets and moved by stationary engines, and on such conditions as may be required by law and provided by ordinance, and from time to time to establish, alter and regulate the rates of fare to be charged by any person, company or corporation to which such authority may be granted.

47. To allow any railroad company or corporation to enter said city and make its way to the water front at the most convenient point for public convenience; but no exclusive right, franchise or privilege shall be granted to such railroad company; and the use of all such rights, privileges and franchises shall at all times be subject to regulation by the Common Council. Every ordinance granting such right, privilege or franchise, shall be upon the conditions that said company or corporation shall pave and keep in repair the street between the rails of each track and also between the tracks and for at least two feet on each side of the same, including switches, turnouts and sidetracks and that said company or corporation shall allow any railroad company or corporation to which a similar right, privilege or franchise may be granted, to use in common with it the same track or tracks upon such terms as the Common Council shall determine.

48. To make appropriations allowed by law or this charter.

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

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50. To provide for the sale and conveyance, or lease of all lands now or hereafter owned by said city, not dedicated or reserved for public use; but all leases and sales shall be made at public auction after publication of notice thereof for at least three weeks. No sale shall be authorized, or any lease made for a longer term than two years, except by ordinance passed by the affirmative vote of two-thirds of the members of each Board.

51. To provide for the sale, at public auction, after advertising for five days, of all personal property unfit or unnecessary for the use of said City.

52. To provide for the purchase of property levied on under execution in favor of said City; but the amount bid on such purchase shall not exceed the amount of the judgment and costs.

53. To incur an indebtedness exceeding the revenue for any fiscal year in case of great public calamity or danger, such as earthquakes, conflagrations, pestilence, invasion, or any other great and unforeseen emergency. The ordinance for such purpose must be passed by the affirmative vote of two-thirds of the members of each Board; and be approved by the Mayor. Before or at the time of incurring such indebtedness provision shall be made for the collection of an annual tax sufficient to pay the interest on such indebtedness as it falls due, and also to constitute a sinking fund for the payment of the principal thereof, within twenty years from the time of contracting the same. No such indebtedness shall be incurred without the assent of two-thirds of the qualified electors of said City, voting at an election held for that purpose.

SEC. 2. A committee of three members from each Board shall constitute the Board of Equalization of said City, and shall meet at the time prescribed by this Charter, and organize by the election of one of their number as Chairman, and shall have the powers, and perform the duties concerning the equalization of taxes, given to County Boards of Equalization by the general revenue laws of the State. The City Clerk shall act as the Clerk of the Board of Equalization, and the Common Council shall provide for the compensation of the members of the Board of Equalization for the time that they are actually engaged in the equalization of taxes.

SEC. 3. The Common Council shall have power to make all rules and regulations necessary to carry into execution all powers vested by this Charter, or by law, in said City, or in any department or officer thereof.

SEC. 4. The Board of Aldermen and the Board of Delegates shall each have power to appoint from their members a committee consisting of three, to be denominated "Finance Committee," and to fill all vacancies in said committee. Each of said committees shall have power to investigate the transactions and accounts of all officers having the collection, custody or disbursement of public money, or having the power to approve, allow or audit demands on the treasury; shall have free access to any records, books and papers in all public offices; shall have power to administer oaths or affirmations, and to examine witnesses, and compel their attendance before them by subpoena. Said committees, or either of them, may visit any of the public offices, when and as often as they think proper, and make their examinations and investigations therein, without hindrance. It shall be the duty of such committees as often as once in every six months to examine the official bonds of all city officers, and depositories of the city funds, and inquire into and investigate the sufficiency and solvency of the sureties thereon, and report the facts to the Mayor. Such report shall specify each bond, with the sureties and the amount for which each surety is bound, and state whether or not they are deemed sufficient and solvent. Upon such report the Mayor shall act so as to protect the City, and may require new bonds when necessary, and he may suspend the officer until a sufficient bond is filed and approved. In the exercise of its functions, a concurrence of two members of either committee shall be deemed sufficient. Each of said committees shall keep a record of its proceedings, with the names of the witnesses examined, and a substantial statement of the evidence taken. If from the examination made by either of such committees, it shall appear that a misdemeanor in office, or a defalcation, has been committed by any officer, said committee shall immediately report to the Mayor, who, if he approve said report, shall forthwith suspend or remove such officer. Any police officer shall execute the process and orders of said committees, or either of them.

SEC. 5. The Common Council shall not grant any franchise for the construction of any wharf into the Bay of San Diego, except in the manner following, viz.: In addition to the requirements under the general laws, each and every ordinance

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each

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granting such franchise must receive the vote of at least two-thirds of the members of ~~such~~ Board and shall provide that work shall commence within six months and be prosecuted continuously, and shall be completed within one year thereafter. Said time shall not be extended for any cause, and unless so completed the franchise shall be forfeited.

SEC. 6. Every grant of a franchise, right or privilege, shall be subject to the right of the Common Council at any time thereafter to repeal, change or modify the said grant, and every ordinance making such grant shall contain a reservation of the right of the Common Council to repeal, amend or modify said ordinance.

SEC. 7. No exclusive franchise or privilege shall be granted for laying pipes or other conduits under any of the public streets or through any public place for the use of any telegraph, telephone or other mode of transmitting intelligence or electric or any motive power.

SEC. 8. The Common Council shall make no appropriation in aid of any corporation, person or society, unless expressly authorized by this Charter or the laws of the State.

SEC. 9. The Common Council shall not grant authority to construct a street railway or lay down street railroad tracks upon, or over any of the streets of said city except in the manner and on the terms following, viz:

Upon the application being made to the Common Council for authority to construct and operate a street railway along and upon any of said streets, the Common Council shall, by concurrent resolution, determine whether such franchise, or any part thereof, should be granted; and, after such determination, they shall cause notice of such application and resolution to be published for ten days and shall in said notice, specify the route over and along which they have determined to grant such franchise; and shall offer to grant the same to the person, company or corporation, who will pay the highest sum for the franchise.

Bidding for such franchises must be in accordance with the provisions of this Charter in relation to bids made to the Board of Public Works, so far as such provisions may be applicable, and the Common Council may reject any and all bids, and may refuse to grant a franchise for any part of the route for which the application was made.

SEC. 10. All claims for damages against the City must be presented to the Common Council and filed with the Clerk within six months after the occurrence from which the damages arose.

SEC. 11. No expenditure, debt or liability shall be made, contracted or incurred during any fiscal year that cannot be paid out of the revenues provided for such fiscal year. *Except as otherwise authorized in this Charter* The City shall not nor shall the Common Council, the Board of Education, or any Board, Department or officer, incur any indebtedness or liability in any manner, or for any purpose exceeding in any year the income and revenue provided for it for such fiscal year. All contracts, indebtedness or liabilities incurred contrary to the provisions of this section shall be void, and shall not be paid out of the treasury or constitute or be the foundation of any claim, demand or liability, legal or equitable, against said city. The words expenditure, indebtedness and liability herein used shall include official salaries and the pay of all employees of said city, or of any of its departments.

SEC. 12. No part of the income or revenue provided for any particular fiscal year shall be applied in payment of any indebtedness or liability incurred during any previous fiscal year, the sinking fund and the interest upon the bonded debt alone excepted.

SEC. 13. Except as otherwise authorized in this Charter, the Common Council, Board of Education or any other Board, Department, Committee or officer, shall not give one demand preference over another in the authorization, allowance or approval thereof; but demands shall be acted upon in the order in which they are presented.

SEC. 14. All ordinances or resolutions, appropriating money or for the incurring of indebtedness or liability against the treasury, introduced in either Board of the Common Council or in the Board of Education, or other department or authority, must, before being passed, be presented to the Auditor, and until he certifies in writing upon such ordinance or resolution that such appropriation can be made or indebtedness incurred without the violation of any of the provisions of this Charter, no further action shall be had upon the same.

SEC. 15. Neither the Common Council nor any officer, Board, Department or authority shall allow, make valid, or in any manner recognize any demand against the city, which was not at the time of its creation a valid claim against the same, nor shall they, or any

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of them, ever allow or authorize to be paid, any demand which, without such action, would be invalid, or which shall then be barred by any statute of limitation, or for which said city was never liable.

SEC. 16. All official advertising of the City of San Diego shall be done by contract.

Immediately after the organization of the City Government under this Charter, and every two years thereafter, the Clerk of the Common Council must publish a notice in a daily newspaper of said City for ten days, calling for proposals to do all of the advertising of said City, including the delinquent tax list. Said notice must state:

1. That the maximum rate that will be allowed for such advertising will be as follows: For each one thousand ems of type, set solid, if the publication is made *three times*, or less, \$2.25; if the publication is made *five times*, \$2.50; if the publication is made *ten times*, \$3; if the publication is made *fifteen times*, \$3.25; if the publication is made *twenty-one times*, \$3.50; if the publication is made *thirty times*, \$4.50. For the completed publication of the delinquent tax list, set solid, \$4 per one thousand ems. Any single notice less than one thousand ems to be considered one thousand ems.

2. That unusual headlines, and other artifices to increase space, will not be allowed.

3. That the bidder must be the responsible publisher of a newspaper in said City having a bona-fide daily circulation, and which has been regularly published in said City for at least two years immediately preceding his bid.

The award of said advertising shall in all cases be made to the lowest responsible bidder.

The newspaper to which the award of advertising is made shall be known and designated as the "city official newspaper."

No Board, Department, Officer or authority shall make any publication which is not expressly authorized by this Charter; and all publications so authorized shall be made in the city official newspaper, exclusively, unless otherwise expressly provided in this Charter.

Provided, That if no qualified bidder shall be willing to publish said advertising for the maximum rates herein specified; then such publication shall not be required, and publication by posting at the place of meeting of the City Council for the number of days required, shall be deemed sufficient.

ARTICLE III.

Executive Department.

CHAPTER I.

OF THE MAYOR.

SECTION 1. The Mayor shall be the chief executive officer of the city. He shall be elected by the qualified voters of the city of San Diego, at each general city election, and his term of office shall be two years.

SEC. 2. The Mayor 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 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 or 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 wilful neglect of duty, or official misconduct which he may discover or which shall be reported to him, shall be laid by him before the Common Council, City Attorney, or District Attorney, in order that the public interests shall be protected, and the person in default proceeded against according to law. He shall, from time to time, give the Common Council information in writing relative to the state of the city, and shall recommend such measures as he may deem beneficial to its interests.

SEC. 3. He shall see that the laws of the State and the ordinances of the City are observed and enforced. He shall appoint a competent person or persons, expert in matters of book-keeping 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 to 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. 4. He shall, at least once in three months, together with a majority of the Auditing Committee, count the cash in the city treasury, including as cash the balance found by them to be standing in the bank depository to the credit of the Treasurer at the time of said counting, and see that it corresponds with the books of the Treasurer and Auditor.

SEC. 5. He 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 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 any officer or department thereof, or relating to the business of any office, 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 employee, as in case of malfeasance in office. The Mayor shall give a certificate, on demand, to any person reporting such facts and information, that he has done so, which certificate shall be evidence in exoneration from a charge of neglect of such duty.

SEC. 6. When any person shall furnish to the Mayor a statement in writing, under oath, to the effect that he has cause to believe, and does believe, that any deputy, clerk, or employee under any officer or in any department, is incompetent or inefficient, or that there are more deputies, clerks or employees under any officer or in any department than are necessary, the Mayor shall at once investigate the matter, after notice to such deputy, clerk or employee and his principal, or the head of the department; and if the Mayor

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find the same to be true, he shall suspend or remove such deputy, clerk or employee.

SEC. 7. The Mayor shall appoint all officers whose election or appointment is not otherwise specially provided for in this Charter or by law. He shall have power to remove, for cause, any person holding office by his nomination or appointment; and in case of such removal shall give written notice thereof, stating the cause, to the person removed; and shall immediately notify the Common Council of his action, and the reasons therefor.

SEC. 8. The Mayor may call special sessions of the Common Council, or of either Board thereof, and shall communicate to them in writing when assembled, the objects for which they have been convened; and their action at such sessions shall be confined to such objects.

SEC. 9. When and so long as the Mayor is temporarily unable to perform his official duties, the President of the Board of Aldermen shall act as Mayor pro tempore. When a vacancy occurs in the office of Mayor it shall be filled for the unexpired term by the Common Council assembled in joint convention for that purpose; and any person possessing the necessary qualifications may be chosen Mayor at such election. A member of the Common Council, during the term for which he shall have been elected or appointed, shall be ineligible to fill such vacancy.

SEC. 10. The Mayor shall not receive, for any public service rendered by him during his term of office, any other or greater compensation than the salary allowed him as Mayor.

CHAPTER II.

OF THE CITY CLERK.

SEC. 1. The Common Council, in joint session, shall elect a City Clerk, who shall hold office for two years from the date of his election, unless sooner removed by resolution. His duties shall be to keep the corporate seal, and all books, papers, records and other documents belonging to the city, the custody of which is not in this Charter otherwise provided for; to attend all meetings of the Common Council and keep a journal of its proceedings, all its by-laws, ordinances and resolutions, and perform such other duties relating to his office as the Common Council and this Charter shall direct. He shall have power to take affidavits and administer oaths in all matters relating to the business of the city and shall make no charge therefor. The City Clerk shall have power to appoint a deputy, who shall, under his direction, have the same powers and perform the same duties as the City Clerk. The compensation of the City Clerk and his deputy shall be fixed by ordinance by the Common Council.

CHAPTER III.

OF THE AUDITOR AND ASSESSOR.

SEC. 1. The Auditor shall be appointed by the Mayor, subject to confirmation by the Board of Delegates. He shall be ex-officio Assessor. As Assessor he shall perform all the duties prescribed by this Charter, or by law, for assessing property in the city for purposes of taxation, and in relation to street improvements.

SEC. 2. As Auditor he shall number and keep a record of all demands allowed by him, showing the date of approval, amount and name of original holder, the number, on what account, and out of what fund payable. He shall be required to be constantly acquainted with the exact condition of the treasury. He shall on the first Monday of each month, or oftener if required, report to the Mayor the condition of each fund in the treasury. He shall keep a complete set of books for the city in which shall be set forth in a plain and business-like manner every money transaction of the city, so that he can at any time tell the exact condition of the city's finances. He shall make an annual report showing the source from which the city's revenues were derived and how expended. He shall issue all licenses and turn the same over to the Tax Collector for collection, and shall draw and sign all warrants upon the treasury, except as otherwise in this Charter provided. Every demand must, before it can be paid, be presented to the Auditor to be approved, who shall not approve the same unless the money is legally due and remains unpaid, and the payment thereof from the treasury of the city is authorized by law, and out of the proper fund. No demand upon the treasury shall be allowed by the Auditor in favor of any officer or

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other person, or any of their assigns, who is in any manner indebted to the city, without first deducting therefrom the amount of such indebtedness, nor in favor of any officer or other person, or his assigns, having the collection, care, custody or control of public funds, unless the accounts of such officer or other person have been presented, passed, approved and allowed as is or may be required by law; nor in favor of any officer or other person, or his assigns, who has neglected to make any oath required by law or ordinance or other regulation of the Common Council; nor in favor of any officer, or his assigns who has failed, to the knowledge of the Auditor, to do any duty imposed upon him by law or ordinance, or other regulation of the Common Council. The Auditor shall have authority to take affidavits and administer oaths necessary in the transaction of all city business.

SEC. 3. He shall keep publicly posted in his office a list of all persons receiving salaries or wages from the city, with the amount of monthly salary or wages received by each opposite his name, which list shall be revised and corrected by him monthly, and be at all times open to public examination.

SEC. 4. He shall perform such other duties as this Charter or the Common Council may direct; and may appoint such regular and temporary deputies, both as Auditor and as Assessor, as the Common Council may authorize, whose compensation shall be fixed by ordinance.

SEC. 5. The term of office of the Auditor shall be four years.

SEC. 6. Whenever, in the judgment of the Common Council, it shall be for the best interest of the city, the offices of Auditor and Assessor may be made separate, and the salary of each of said officers shall be fixed by the Common Council; and where separated, the Assessor shall be appointed by the Mayor, subject to confirmation by the Board of Delegates, and hold his office for the term of four years from the time of such appointment.

CHAPTER IV.

OF THE TREASURER AND TAX COLLECTOR.

SEC. 1. The Treasurer shall be ex-officio Tax Collector. As Tax Collector he shall perform the duties in this Charter and by the general laws of the State provided. As Treasurer he shall receive and pay out all moneys belonging to the city, and shall keep an account of all receipts and expenditures, under such rules and regulations as may be prescribed by ordinance; and shall do all things required of him by this Charter or any ordinance of said city. He shall not pay out any moneys belonging to the city, except upon legal demands, allowed, and audited in the manner provided by this Charter, or authorized by law.

SEC. 2. The Treasurer shall be elected in the same manner and at the same time as the Mayor, and shall hold office for two years.

CHAPTER V.

OF THE CITY ATTORNEY.

SEC. 1. The Common Council, in joint session, shall elect a City Attorney, who shall hold office for two years from the date of his election, unless sooner removed by resolution of each Board.

SEC. 2. It shall be the duty of the City Attorney 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, that the Common Council shall have control of all litigation of the City, and may employ other attorneys to take charge of any such litigation, or to assist the City Attorney therein. He shall give his advice or opinion in writing, whenever required by the Common Council, Mayor or other City officers; and shall do and perform all such things touching his office as by the Common Council may be required of him. He shall approve by endorsement in writing the form of all official or other bonds required by this Charter, or by ordinance of the Common Council, before the same are submitted to the proper authority for final approval, and no such bonds shall be finally approved without such approval by the City Attorney. He shall approve in writing the drafts of all contracts before the same are entered into on behalf of the City.

CHAPTER VI.

OF FEES AND COLLECTIONS.

SEC. 1. All fees and other moneys received or collected by any officer, agent or employee of the city shall be paid by such officer,

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agent or employee, each month, or as much oftener as the Common Council may require, into the city treasury for the use of the city; and no payment of salary shall be made to any officer; agent or employee who shall be in receipt of money payable to the city, until he shall have taken and filed with the Auditor an affidavit that he has paid into the city treasury all fees or other moneys theretofore received by him or collected; except that the Assessor may retain his fees for collection of personal property tax.

CHAPTER VII.

OATH OF OFFICE.

SEC. 1. Every officer provided for in this charter shall, before entering upon the discharge of 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."

CHAPTER VIII.

OF OFFICIAL BONDS.

SEC. 1. All salaried officers of this City, other than Mayor and members of the Common Council, must, before they can enter upon the discharge of their official duties, give approved bonds, conditioned for the faithful performance of such duties, with two or more sureties, which sureties shall be freeholders within this State and residents thereof, and worth the sums for which they become liable on such bonds, over and above all just debts and liabilities, in unencumbered property situated within this State, which is not exempt from execution and forced sale. All official bonds must be approved by a majority of the Auditing Committee in open session. The amounts of all such bonds shall be fixed by the Common Council by Ordinance; provided, that the following officers taking office for the first time under this Charter shall give bonds in the following sums:

City Clerk.....	\$ 5,000
Auditor.....	5,000
Assessor.....	5,000
Treasurer.....	20,000
Tax Collector.....	30,000
City Attorney.....	5,000
Police Judge.....	5,000
Each member of the Board of Public Works.....	15,000

CHAPTER IX

OF OFFICIAL SALARIES.

SEC. 1. The annual salaries of the officers, and the compensation of the employees of the City shall be as follows:

The Mayor.....	\$1,500
The Auditor and Assessor.....	2,400
The Treasurer and Tax Collector.....	1,800
The City Attorney.....	2,000
The Police Judge.....	1,500
Commissioner of the Board of Public Works (each).....	1,500
The City Engineer.....	2,000
The Chief of Police.....	1,800
The Chief Engineer of Fire Department.....	1,200
The Superintendent of Schools.....	1,500

And of all other officers and employees as may be fixed by the Common Council, and all salaries shall be payable monthly. The Common Council, in the month of January, 1891, and every four years thereafter, shall re-adjust and fix anew the amount of all official salaries provided for in this Charter.

CHAPTER X.

OF SUBORDINATES APPOINTMENTS AND REMOVALS.

SEC. 1. The Common Council shall have power to provide by Ordinance for the appointment by the different departments and officers of such number of clerks, employees and deputies as may be necessary to transact the business of such departments and officers, and also to provide the terms of service and compensation of such clerks, employees and deputies; but the Common Council shall have power to order their discharge whenever their services are no longer needed.

ARTICLE IV.
Judicial Department.
CHAPTER I.

OF THE POLICE COURT.

SECTION 1. A Police Court is hereby established in the City of San Diego to be held by the Police Judge elected at each general City election from the electors of said City to hold office for the term of two years and until his successor is elected and qualified. Said Court shall always be open, except upon non-judicial days, and upon such day, may transact criminal business only.

SEC. 2. The Police Court shall have exclusive jurisdiction of the following public offenses, committed within this city:

First—Petit larceny. When not included in a complaint or information charging grand larceny.

Second—Assault or battery, not charged to have been committed upon a public officer in the discharge of his official duty, or with intent to kill, or in such manner as to make the offense a felony.

Third—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.

Fourth—Of proceedings respecting vagrants, lewd or disorderly persons.

Fifth—Of all proceedings for violation of any ordinance of said city, both civil and criminal.

Said Court shall also have jurisdiction:

First—Of any and all suits to recover taxes, general or special, levied in said city for city purposes; and of all suits to recover any assessment levied in said city for the improvement of streets, avenues, levees, sidewalks, and public squares, and for the opening or laying out of the same, when the amount of said tax or assessment sought to be collected against the person, firm, or corporation assessed is less than three hundred dollars; *provided*, no lien upon the property taxed or assessed for the non-payment of the taxes or assessment is sought to be foreclosed by said suit.

Second—Of any action for the collection of money due to said city, or from the city to any person, firm, or corporation, when the amount sought to be collected is less than three hundred dollars.

Third—Of any action for the breach or violation 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 on all forfeited recognizances given to or for the benefit or in behalf of said city, and upon all bonds given upon any appeal taken from the judgment of said Court in any action above named, when the amount claimed, exclusive of cost, is less than three hundred dollars.

Fourth—Of an action 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.

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

SEC. 3. Any Justice of the Peace of said city who may be designated in writing by the Mayor thereof, for the purpose, shall have, power to preside in and hold the Police Judge's Court of said city in the cases in which the Police Judge is a party, or in which he is directly interested, or when the Judge is related to either party by consanguinity or affinity within the third degree; and also in the case of the sickness or temporary absence of the Judge, or his inability to act from any cause; and in all such cases, and during such sickness, temporary absence, or inability, the Justice so designated shall act as Police Judge, and shall have and exercise all the powers, jurisdiction, and authority which are or may be by law conferred upon said Court or Judge.

SEC. 4. The Judge of said Court shall also have power to hear cases for examination, and may commit and hold the offender to bail for trial in the proper Court, and may try, condemn, or acquit, and carry his judgment into execution, as the case may require, according to law; and to punish persons guilty of contempt of Court, and shall have power to issue warrants of arrest in case of a criminal prosecution for the violation of a city ordinance, as well as in a case of the violation of the criminal law of the State; also, to issue all subpoenas and all other processes necessary to the full and proper exercise of his powers and jurisdiction in all trials or examinations before the Police Judge.

SEC. 5. There shall be furnished, for the use of the Police Court, two dockets; one shall be styled the City Criminal Docket in which all the criminal cases shall be entered, and each case shall be alphabetically indexed; the other shall be styled the City Civil Docket, and it shall contain a record of every civil case which is prosecuted before said Court, and each case shall be properly indexed, and in all cases the docket shall contain all such entries as are required by law to be made in the Justice's docket; and in any case commenced or tried before the Court the docket must show what duties were performed by each officer, and the amount of fees due to the officer for such services, and the amount of money, if any, collected.

SEC. 6. Appeals from the Police Court may be taken to the Superior Court of the county in all cases cognizable by the Police Court, and such appeals shall be taken as in case of appeal from a Justice's Court.

SEC. 7. The City Attorney shall prosecute all cases for the violation of any lawful order, regulation, or ordinance of the City Council, and shall prosecute, conduct, and control all proceedings in cases mentioned in section 2 of this Article, both in the Police Court and on appeal therefrom to the Superior Court, but the District Attorney may attend and conduct all proceedings of the nature of a preliminary examination before said Police Court.

SEC. 8. In all cases when the Police Court is authorized to impose a fine or imprisonment, or both, upon persons convicted in said Court of any offense triable therein, the said Court may sentence the offender to be imprisoned in the city jail, if there be one established by the Common Council, if not, then until said Council shall designate and establish a city jail or prison, may sentence offenders to be imprisoned in the county jail; and in addition to imprisonment, may sentence offenders to be employed to labor in the city, under the direction of the Chief of Police, and in the manner prescribed by ordinance, for the benefit of the city, during such time of imprisonment, and may, in case of imposing a fine, embrace as part of the sentence that, in default of the payment of such fine, the defendant shall be imprisoned and required to labor for the benefit of the city as before provided, at the rate of two dollars a day, till such fine is satisfied. Offenders required to labor under the direction of the Chief of Police, shall, until the establishment of a city jail, be returned to the county jail at the end of each day's labor during their term of imprisonment, until a city jail shall be by the Common Council established. It is hereby made the duty of the officer having the control or charge of the county jail of the county wherein such city is situated, to receive and safely keep all persons imprisoned by any judgment or order of the Police Court, in accordance with the order of commitment, and to allow those to be removed from the jail, under the charge of the Chief of Police, who are required to labor for the benefit of the city, or whom the Police Judge may order brought forth for trial, and the keeper of the jail shall in no way be responsible for the safe keeping of such prisoners while so under the charge of the Chief of Police.

SEC. 9. The Court shall have a seal, to be provided by the city, and certified transcripts of the Police Judge's docket and the seal of his Court shall be evidence in any Court of the State of the contents of the docket; and all warrants and other processes issued out of said Court, and all acts done by said Police Judge under its seal, shall have the same force and validity, in any part of this State, as though issued or done by any Court of record of this State.

SEC. 10. The Police Judge shall, on the first Monday of each month, make to the Common Council a full report of all the cases tried in his Court for the preceeding month for that month, in which the city may be interested, and at the same time shall pay into the city treasury all fines and other moneys collected on behalf of the city for such month.

SEC. 11. The Chief of Police, or any policeman of said city, is hereby authorized, empowered, and directed to serve, execute, and return any and all notices, warrants of arrest, and all processes directed to him by the Police Judge of said city, and to arrest all persons accused, or guilty, of the violation of any city ordinances, or of any public offenses.

SEC. 12. The interest which any inhabitant of said city may have in a penalty for the breach of a by-law or ordinance of such city, shall not disqualify said inhabitant to act as Judge, juror, or witness, in any prosecution to recover the penalty.

SEC. 13. The proceedings prescribed for Justices of the Peace and Justice's Courts, in the Penal Code and the Code of Civil Procedure, shall be applicable to said Police Judge and Police Court, and all criminal proceedings shall be prosecuted in the name of the People of the State of California.

FIFTEEN
ARTICLE V.

Department of Public Works.

CHAPTER I.

OF THE BOARD OF PUBLIC WORKS.

SECTION 1. There shall be a Department of Public Works, under the management of three Commissioners, who shall constitute a "Board of Public Works." The Commissioners shall be appointed by the Mayor from among the qualified electors of the City, subject to the approval of the Board of Delegates. Their term of office shall be four years, and not more than two shall belong to the same political party. The Commissioners first appointed shall at their first meeting so classify themselves by lot that one of them shall go out of office in two years, one in three years, and one in four years.

SEC. 2. Immediately upon their appointment and qualification said Commissioners shall organize as a Board and elect one of their number President, who shall hold his office for the term of one year and until his successor is elected. Said Board shall elect a Secretary, who shall not be a member of said Board, and shall establish rules and regulations governing its proceedings, and for the regulation and conduct of its officers, clerks and employes, and may require bonds from any of its subordinates for the faithful performance of their duties. Such bonds must be approved by at least two of said Commissioners, and be filed with the Auditor.

SEC. 3. The Board shall hold regular meetings once in each week, and special meetings at such other times as it may appoint, or of which the President may give notice. The regular meetings shall be held on the day, and at an hour fixed by resolution entered upon its records. The meetings of the Board shall be public. Two members shall constitute a quorum, and the affirmative votes of two members shall be necessary to pass any order or resolution.

SEC. 4. The Secretary of the Board shall keep a record of its transactions, specifying therein the names of the Commissioners present at the meetings, and giving the ayes and noes upon all votes. Every order or resolution shall be recorded at length, and the record shall be approved by the Board. The Secretary shall cause the publication of all notices herein authorized to be published, and shall perform such other duties as the Board may from time to time prescribe.

SEC. 5. It shall, immediately upon completing its organization, take possession of and hereafter keep the custody of all maps, surveys, field notes, plans, specifications, contracts; all documents, books and papers; all machinery, tools and appliances, and all property belonging to the City, (not otherwise provided for in this Charter) or heretofore in possession of or under control of the City Surveyor, Street Commissioner, Sewer Inspector, Superintendent of Parks and Harbor-master; and shall compile such data or furnish such information as may be required by the Mayor, the Common Council or the Board of Education.

SEC. 6. The Board may appoint such employes as are herein provided for, or as may be authorized by the Common Council. The salaries of all officers, clerks and employes of the Board, except so far as the same are designated by this Charter, shall be fixed from time to time by the Common Council in its discretion, on recommendations by this Board.

SEC. 7. The Board shall have charge and superintendence of all public work of every kind, where not otherwise provided in this Charter, to be done for the City or for the Board of Education, or any other department, and also of the furnishing of all material and supplies for said City. It shall be the duty of the Board to vigilantly inspect all parts of the City and to recommend from time to time to the Common Council such work as it may deem necessary and proper.

SEC. 8. The Board shall have special charge, superintendence and control, subject to such ordinances as the Common Council may from time to time adopt, of the harbor and waterfront, and of all streets, sidewalks, highways, roads, bridges, wharves, parks and public places belonging to the City, or dedicated to public use, and of the improvement and

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repair thereof; of all sewers, drains, cess-pools, and the work pertaining thereto, or to the drainage of the City; of the cleaning of streets, and of all repairs upon all accepted streets; of the construction and repair of all public buildings, and the making of all public improvements for the City or under its authority, and of the repairs of such improvements; of all lamps and lights for the lighting of the streets, parks, public places, and public buildings of the City, and of the erection of all posts for such lamps and lights, and of all public works and improvements hereafter to be done by the City. The Board shall have exclusive authority to prescribe rules and grant permits in conformity with the ordinances of the City, for the moving of buildings through the streets thereof, and the building or placing of cellars or vaults under the streets or sidewalks and the construction of steps or other approaches to buildings upon the sidewalks, and of railings and fences enclosing areas upon the sidewalks; the putting up of signs and awnings; the location of steam boilers; the laying down and construction of railroad tracks in the streets; the erection of telegraph and telephone poles, and poles for electric lighting or other electrical purposes, and to restrict the number of such poles to one set on each side of the streets of the City; the construction of drains and sewers; the laying down and taking up of gas, steam and water pipes, pneumatic or other tubes and pipes, and sewers and drains, and determining the location thereof, and to prescribe such rules as shall prevent unnecessary damage to the streets by reason of the laying of said pipes, tubes and sewers, and which shall prevent the interference of the different systems; the use of the street or any portion thereof for the deposit of building material in front of a building during its construction or repair, or for any purpose other than such as ordinarily and properly belongs to the public from the dedication thereof to public use. The Board shall have full power to regulate and control, subject to the ordinances of the City, the anchorage of vessels in the harbor of San Diego or elsewhere within the limits of the City; the manner of using the streets, sidewalks, wharves, harbor, parks and public places, and to prevent and remove obstructions therefrom, and to cause the prompt repair of streets, sidewalks and public places when the same may be taken up or altered. The Board is authorized to collect, by suit or otherwise, in the name of the City, the expense of such repairs from the person or persons by whom such sidewalk or street was injured or torn up. The Board shall regulate, subject to the requirements of the Board of Health and the ordinances of the Common Council, the construction of sinks, gutters, wells, cess-pools and privy vaults, and compel the cleaning or emptying of the same, and regulate the time and manner in which the work shall be done.

SEC. 9. The Board shall appoint a Civil Engineer, who shall have at least ten years practical experience as such, who shall be designated City Engineer, and shall hold his office at the pleasure of said Board. He shall perform all civil engineering and surveying required in the prosecution of public works and improvements done under the direction of the Board, and shall certify to the progress and completion of the same, and do such other work pertaining to his profession as he may be directed to do by the Board, or by the Common Council, or by the general laws of the State of California. He shall possess the same power in the City in making surveys, plats and certificates as is, or may be from time to time given by law to the County Surveyor; and his official acts, and all plats, surveys and certificates made by him shall have the same validity and be of the same force and effect as are, or may be given by law to those of the County Surveyor. With the consent and approval of the Board the City Engineer may appoint such deputies, not exceeding the number that may be fixed by the Common Council, as the duties of his office may require. The deputies so appointed shall receive such salaries or compensation as may be fixed by the Common Council upon the recommendation of said Board, and they or any of them may be removed at pleasure by the City Engineer or by said Board.

SEC. 10. The Common Council shall by ordinance upon the recommendation of said Board, establish such fees and charges as may be proper for the services to be performed by the City Engineer and as are not inconsistent with the laws of the State, and may upon like recommendation, from time to time, change and adjust the same. Said Engineer shall require such fees in advance, to be paid to the Secretary of the Board for any official act or service demanded of him, and the money received for such services shall be turned over to the Treasurer and placed to the credit of the Street Fund.

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SEC. 11. The Board may, when they shall deem it necessary, appoint a Superintendent of Streets, whose duty it shall be to see that the laws, ordinances, orders and regulations, relating to public streets and highways be fully carried into execution, and that the penalties thereof are rigidly enforced. He shall superintend and direct the cleaning of streets and shall keep himself informed of the condition of all public streets and highways and also of all public buildings, lots and grounds of the city, and report the same to the Board, and shall perform such other duties as are hereinafter specified, or as may be required of him by this Board.

SEC. 12. All officers, employees and agents appointed by the Board shall hold office during the pleasure of the Board.

SEC. 13. All applications for establishing or changing the grade of any street or streets, the improvement of public grounds or buildings, the laying out, establishing, opening, closing, straightening, widening, or improvement of any street, road or highway, or the laying out and opening of any new street through public or private property, and for all public improvements which involve the necessity of taking private property for public use, or where any part of the cost or expense thereof is to be assessed upon private property, shall be made to said Board, and such work or improvement shall not be ordered or authorized until after said Board shall have reported to the Common Council upon said application.

SEC. 14. All public work authorized by the Common Council to be done under the supervision of the Board, and all work for which the Board of Education shall make requisition upon the Board of Public Works, and all contracts for materials and supplies in an amount exceeding three hundred dollars, required by the Common Council, or any of the departments of the City, not otherwise provided for in this Charter, shall be done under written contract except in cases of urgent necessity, as hereinafter provided. Before awarding any contract authorized by this chapter, the Board shall cause notice inviting sealed proposals therefor, to be posted conspicuously in its office and published for not less than five days; and in case the estimated cost thereof exceeds two thousand dollars (\$2,000), to be so posted and published for not less than ten days; except that when any repair or improvement, not exceeding the estimated cost of two hundred dollars (\$200) shall be deemed an urgent necessity by the Board, such repair or improvement may be made by the Board under written contract or otherwise, without advertising for sealed proposals.

SEC. 15. Said advertisement and notice shall invite sealed proposals, to be delivered at a certain day and hour, at the office of the Board, for furnishing the supplies and materials, and if for work to be done, the materials for the proposed work, or for doing said work, or both, as may be deemed best by the Board, and shall contain a general description of the work to be done, the materials or supplies to be furnished, the time within which the work is to be commenced and when to be completed, and the amount of bonds to be given for the faithful performance of the contract, and shall refer to plans and specifications on file in the office of the Board for full detail and description of said work and materials.

SEC. 16. All proposals shall be made upon printed forms to be prepared by the Board, and furnished gratuitously upon application, with a form for the affidavit hereinafter provided for, printed thereon. Each bid shall have thereon the affidavit of the bidder that his bid is genuine, and not sham or collusive, or made in the interest or on behalf of any person not therein named, and that the bidder has not directly or indirectly induced or solicited any other bidder to put in a sham bid, or any other person or corporation to refrain from bidding, and that the bidder has not in any manner sought by collusion to secure to himself an advantage over other bidders. Any bid made without such affidavit or in violation thereof shall be absolutely void, and also any contract let thereunder. If at any time discovery shall be made that a contract has been let to a bidder who has violated or evaded this oath the contract shall be cancelled and no recovery shall be had thereon, and the Board shall at once proceed as before to award a new contract. All proposals offered shall be accompanied by a check, certified by a responsible bank, payable to the order of the City Clerk, for an amount not less than five per cent of the aggregate of the proposal, and no proposal shall be considered unless accompanied by such check. No person, corporation or firm shall be allowed to make, file, or be interested

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in, more than one bid for the same work. If on the opening of said bids more than one bid appear in which the same person, corporation or firm is interested, all such bids shall be rejected.

SEC. 17. On the day and at the hour specified in said notice inviting sealed proposals, the Board shall assemble and remain in session for at least one hour thereafter, and all bids shall be delivered to the Board by the bidder or his agent while it is so in session, and within the hour named in the advertisement. No bid not so delivered to the Board shall be considered. Each bid as it shall be received shall be numbered and marked "filed" by the President and authenticated by his signature. At the expiration of the hour stated in the advertisement within which the bids will be received, the Board shall, in open session, open, examine and publicly declare the same, and an abstract of each bid shall be recorded in the minutes of the Board by the Secretary. Before adjourning the Board shall compare the bids with the record made by the Secretary, and shall, thereupon, at said time, or at such other time not exceeding twenty days thereafter, as the Board may adjourn to, award the contract to the lowest bidder, except as otherwise herein provided. Notice of such award shall forthwith be posted for five days by the Secretary of the Board in some conspicuous place in the office of the Board. The Board may reject any and all bids, and must reject the bid of any party who has been delinquent or unfaithful in any former contracts with the City, and all bids other than the lowest regular bid; and on accepting said lowest bid, shall thereupon return to the proper parties the checks corresponding to the bids so rejected. If all the bids are rejected, the Board shall return all the checks to the proper parties, and again invite sealed proposals, as in the first instance. The check accompanying the accepted bid shall be held by the Secretary of the Board until the contract for doing said work, as hereinafter provided, has been entered into, whereupon said certified check shall be returned to said bidder. If said bidder fails or refuses to enter into the contract to do said work, as hereinafter provided, then the certified check accompanying his bid, and the amount therein mentioned, shall be forfeited to the City, and shall be collected and paid into the Street Fund. Neither the Board of Public Works nor the Common Council, nor the Board of Education shall have power to relieve from or remit such forfeiture.

SEC. 18. If at any time it shall be found that the person to whom a contract has been awarded has, in presenting any bid or bids, colluded with any other party or parties for the purpose of preventing any other bid being made, then the contract so awarded shall be null and void, and no recovery shall be had thereon and the Board shall advertise for proposals for a new contract.

SEC. 19. All contracts shall be drawn under the supervision of the City Attorney and shall contain detailed specifications of the work to be done, the manner in which it shall be executed and the quality of the supplies, and material to be used. No change or modification in the plans or specifications shall be made after proposals for doing the work have been called for. Every contract entered into by the Board shall be signed by at least two of the members thereof and by the other contracting party. All contracts shall be signed in triplicate, one of which, with the specifications and drawings, if any, of the work to be done, and the materials to be furnished, shall be filed with the Board of Education when the work is done upon requisition of that Board, and in other cases with the City Clerk; one thereof with said specifications and drawings shall be kept in the office of the Board, and the other with specifications and drawings shall be delivered to the contractor. At the same time with the execution of said contract said contractor shall execute to said City and deliver to the Secretary of the Board a joint and several bond in the sum named in the notice for proposals, with two or more sufficient sureties to be approved by the Board, or shall deposit with the Secretary a certified check upon some solvent bank for said amount for the faithful performance of said contract. No surety on any bond shall be taken unless he be a resident and householder or freeholder within the State, and worth the sum specified in the bond over and above all just debts and liabilities exclusive of property exempt from execution; and each surety shall justify and make and sign an affidavit to that effect, of which affidavit a form shall be printed upon the bond. But when the amount specified in the bond exceeds three thousand dollars (\$3,000) and there are more than two sureties thereon, they may state in their affidavits that they are severally worth amounts less

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than that expressed in the bond if the whole amount be equal to two sufficient sureties. The contract for work shall specify the time within which the work shall be commenced and when to be completed as was specified in the notice inviting proposals therefor. Upon the recommendation of the Board the Common Council may extend said time; but in no event shall the time for the performance of said contract be extended by the Common Council more than ninety days beyond the time originally fixed for its completion. In case of failure on the part of the contractor to complete his contract within the time fixed in the contract, or within such extension of said time as is herein provided, his contract shall be void, and the Common Council shall not pay or allow to him any compensation for any work done by him under said contract.

SEC. 20. If the contractor who may have entered into any contract does not complete the same within the time limited in the contract, or within such further time as is hereinafter provided, said Board may relet the unfinished portion of said work, after pursuing the formalities hereinbefore prescribed for the letting of the whole.

SEC. 21. The work in this article provided for must be done under the direction and to the satisfaction of said Board; and all materials and supplies furnished must be in accordance with the specifications and be to the satisfaction of said Board, and all contracts provided for in this article must contain a provision to that effect, and also that in no case unauthorized by this Charter, will said City or any department or officer thereof, be liable for any portion of the contract price, or in case of the improvement of streets, for any delinquency of persons or property assessed. When said contract shall have been completed to the satisfaction and acceptance of said Board, it shall so declare by resolution, and thereupon said Board shall deliver to the contractor a certificate to that effect.

SEC. 22. The Commissioners of said Board shall not, nor shall either of them or any person employed in said department, be interested, directly or indirectly, in any contract for work, labor, supplies or material entered into by said Board; nor shall either of such Commissioners, officers or employes, be allowed to receive any gratuity or advantage from any contractor, laborer, or person furnishing labor or material for the same. Any contract made in violation of any of the provisions of this section shall be void, and the receipt of any such gratuity shall be cause for the immediate removal from office or from employment of the person so receiving it.

SEC. 23. All contracts for subsistence of prisoners must be given out annually by the Board of Public Works at a fixed price per day for each prisoner and person connected with the prison; and the advertisement for proposals shall specify each article required, the quality thereof, the quantity for each person, and the existing and probable number of persons to be supplied. All articles of food supplied for the prisons, hospitals, or other public institutions, must be sound and wholesome, and shall be subject to inspection and rejection by the Health Officer, and by the principal officer of the prison, institution or department for which the same are supplied, and the right to such inspection and rejection must be reserved in the contract therefor.

SEC. 24. No contract for lighting streets, public buildings, places or offices shall be made for a longer period than one year, nor shall any contract to pay for gas, electric light or any illuminating material at a higher rate than is charged to any other consumer, be valid. Demands for lighting public buildings shall be presented monthly to the Board or Department using or having charge thereof, and shall specify the amount of gas, electric light, or illuminating material consumed in such building during the month.

SEC. 25. When water is supplied by any person or corporation to said City, or to any Department, it shall not be paid for at more than the rate for the year established by the Common Council.

CHAPTER II.

OF THE IMPROVEMENT OF STREETS.

SECTION 1. All streets, lanes, alleys, places and courts in said City now open or dedicated, or which may hereafter be opened or dedicated to public use, and of which the grade and width have been legally established, shall be deemed and held to be open public streets for the purposes of this Article.

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SEC. 2. The cost and expense of all work or improvements done upon any part of said streets, lanes, alleys, places or courts, under the orders of the Common Council, shall be borne and paid for as follows.

First—The City shall pay out of the Street Fund the cost and expense of all work done on street crossings and intersections of streets that have been or may be accepted by said City, after the acceptance of the same, and of all repairs and improvements deemed of urgent necessity that may be made upon the public streets and highways; of all work done in front of, or that may be assessed to property owned by the City or any of the departments thereof; and of all work done in front of, or that may be assessed to property owned by the United States.

Second—The cost and expense of all grading, macadamizing, paving, planking, piling and capping any street or portion thereof, and of all curbs and gutters thereon, shall be assessed upon lands within the block or blocks adjacent thereto, as herein provided.

Third—The expense of all work on such portion of any street required by law to be kept in order by any person, company or corporation having railroad tracks thereon, shall be borne and paid for by such person, company or corporation. No assessment shall be levied upon any property, which, together with all assessments for street improvements that may have been levied upon the same property during the year next preceding, will amount to a sum greater than fifty per centum of the value at which said property was assessed upon the last preceding Assessment Book of said City.

SEC. 3. When any street or portion of a street, not less than one block, or any entire crossing, shall have been paved with stone or with such material as may be recommended by the Board of Public Works and approved by the Common Council by ordinance, throughout the entire width of the roadway thereof, and curbs of stone and sidewalks shall have been constructed thereon, and a brick sewer or ironstone pipe, or cement pipe, shall have been constructed as may have been adopted by said Board, the same shall be accepted by the Common Council upon the recommendation of said Board, and all improvements of said streets, except for sidewalks, shall thereafter be done at the expense of the City.

The Common Council shall not accept any sidewalk or incur any liability against said City for the construction or repair of any sidewalk, except in front of or with respect to public property.

SEC. 4. When application is made to said Board for any work or improvement, the cost and expense of which, or any part thereof, is to be assessed upon private property, the Board shall investigate the same; and if it determine that such improvement is expedient, it shall so report to the Common Council; and the Common Council shall not order any such improvement until the same has been recommended by said Board. The Board may also, except as herein prohibited, recommend any improvement, the cost and expense of which is to be paid by the City, though no application may have been made therefor; and must make, with said recommendation to the Common Council, an estimate of the expense, and in such case the Common Council may order the same done. When said Board shall recommend any work to be done on a street intersection or crossing, where the streets do not intersect each other at right angles, it shall in each such case determine what lots in the blocks adjacent to such intersection or crossing will be benefited by said work, and shall cause a map to be made on which shall be delineated the lots so to be benefited. Said map shall be transmitted to the Common Council with such recommendation.

SEC. 5. Before recommending to the Common Council the ordering of any work or improvement, the cost and expense of which, or any part thereof, is to be assessed upon private property, said Board shall pass a resolution of its intention to recommend the same, specifying the work to be recommended, and shall fix a day when it will take final action upon such resolution. Upon the passage of said resolution, and within ten days thereafter, the Secretary of said Board shall, without any further authority, cause a copy of said resolution to be published in the City official newspaper for a period of ten days.

Said Board shall cause to be conspicuously posted along the line of said contemplated improvement, at points not more than one hundred feet distance apart, notices, not less than three in all, of the passage of said resolution. Each of said notices shall be headed "Notice of

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Street Work," in letters of not less than one inch in length, and shall in legible characters state the fact of the passage of said resolution, its date, and, briefly, the work of improvement proposed, and refer to the resolution for further particulars.

SEC. 6. At any time within ten days after the first publication of said resolution of intention, the owner of, or any person interested in any lot liable to be assessed for the proposed improvement, may file with the Secretary of said Board his objection to said improvement, stating briefly the grounds thereof; and, if at any time within said period of ten days, the owners of a majority of the frontage of the lands liable to be assessed for said improvement shall file written objections to the same, the Board shall not recommend the ordering of said improvement, and shall not within three months thereafter pass any resolution of its intention to recommend the same, unless prior thereto it shall receive a petition therefor signed by the owners of a majority of the frontage of the lands liable to be assessed for said improvement.

Upon the day fixed in its resolution of intention for final action thereon, or at its next regular meeting, the Board shall consider and pass upon said objections. If the Board shall consider that the objections are sufficient it shall adopt a resolution to that effect, and shall not recommend the ordering of said improvement. If it shall consider that said objections are not sufficient, or if no objections are filed, the Board may recommend the ordering of said improvement, and must, with its recommendation, transmit to the Council all objections to such recommendation that may have been filed.

At the next regular meeting after receiving from said Board its recommendations of such improvement, or at such time within thirty days thereafter to which the hearing thereof by the Common Council may be postponed, the Common Council shall act upon such recommendation; and if any objections to the ordering of such improvement have been transmitted with said recommendation, they shall consider and dispose of said objections before passing upon said recommendation. If the Common Council shall consider the objections, or any of them sufficient, it shall so declare by resolution. If the Common Council consider the objections insufficient, it may by ordinance order the work or improvement done. Their action on said recommendation must in each case be certified to the Secretary of the Board of Public Works, and the Secretary shall thereupon enter the facts so certified in his records of street-work.

SECTION 7. When any work in or upon any public street shall have been completed according to contract, the Board shall make an assessment to cover the sum due for the work performed and specified in said contract, including all incidental expenses, in conformity with the provisions of this Article, according to the nature and character of the work; which assessment shall briefly refer to the contract, the work contracted for and performed, and shall show the amount to be paid therefor, together with any incidental expenses, the rate per front foot assessed, the amount of each assessment, the name of the owner of each lot if known to said Board, and if not known, the word "unknown" shall be written opposite the number or letter of each lot assessed, and shall have attached thereto a diagram exhibiting the street or street crossing on which the work has been done, and showing the relative location of each distinct lot to the work done, numbered to correspond with the numbers in the assessment, and showing the number of front feet assessed for such work. A mistake in the name of the owner shall not invalidate the assessment.

SEC. 8. After making said assessment said Board shall cause notice thereof to be published for five days and to be delivered to the occupant of each lot assessed, which notice shall state the day and hour when the Board will at its office take final action upon said assessment. If any of said lots are unoccupied said notice shall be posted in a conspicuous place upon said lot or lots.

SEC. 9. If the owner of any lot affected by said assessment is dissatisfied with the action of the Board as to said assessment, he may appeal to the Board of Aldermen at any time within five days after such final action by filing with the Secretary of the Board of Public Works a notice of such appeal, and thereupon the Secretary shall, within two days after receiving such notice of said appeal, transmit said assessment and diagram with said objections and notice of appeal to the Board of Aldermen, and said Board shall, in not less than ten days from the receipt thereof, consider and determine the sufficiency of said objections. If it shall determine that said objections are well taken, it shall direct the Board of Public Works to modify or change said assessment in the particulars wherein it is erroneous, and thereupon the like proceedings shall be had in making the assessment as in the first instance. If the Board of Aldermen shall determine that the objections to the assessment are not well taken, the Clerk of said Board shall certify such determination upon said assessment and return said assessment so certified to the Board of Public Works, and thereupon said assessment shall become final and conclusive.

When said assessment shall have so become final and conclusive, it, together with the diagram of the lots assessed shall be recorded in the book of assessments, to be kept in the office of the Board of Public Works for that purpose, and the record thereof shall thereupon be signed by the President and Secretary of said Board, and thereafter the assessment shall be a lien upon the respective lots assessed until the same is cancelled or discharged as provided in this Article.

SEC. 10. The expense incurred for any work authorized by this Chapter, except for such portion of any street as is required by law to be kept in order or repair by any person, company or corporation, having railroad tracks thereon, shall be assessed upon the lots and lands fronting thereon, except as herein otherwise specifically provided; each lot or portion of a lot being separately assessed, in proportion to its frontage at a rate per front foot sufficient to cover the total expense of the work.

SEC. 11. The expense of work done on all street crossings where the streets intersect each other shall be paid by the City out of the money in the street fund.

SEC. 12. The expense of all other work not herein specifically provided for shall be assessed according to such rules and regulations as the Board of Public Works may have prescribed prior to the recommendation of said work.

SEC. 13. In making an assessment, the Commissioners of Public Works shall act as a Board and the assessment shall be authenticated by the signatures of all of said Commissioners as "Commissioners of the Board of Public Works," and every assessment so authenticated and recorded in the book of assessments shall be prima facie evidence of the correctness and regularity of all proceedings of said Board and of the Common Council prior to the date of such record.

SEC. 14. Upon the recording of an assessment as aforesaid, the President and Secretary of the Board of Public Works shall sign a warrant for its collection and thereupon said assessment and diagram, with the warrant attached thereto shall be delivered to the Tax Collector of said city for collection, who shall immediately give notice thereof by publication for ten days. Said notice shall set forth in general terms, the locality and character of the work or improvement for which the assessment was made, and shall notify all persons interested that a warrant for its collection has been given to said Tax Collector, and that unless payment is made within thirty days from the first publication of said notice the property so assessed will be sold to satisfy said assessment.

SEC. 15. When the assessment upon any of the lots delineated on said diagram shall be paid, the Tax Collector shall write the word "paid" together with the date of payment, opposite the number of said lot upon the assessment, and shall give to the person paying the same a receipt therefor, showing upon which lot said payment was made. Upon presentation of said receipt to the Secretary of the Board of Public Works, he shall immediately enter upon the records of such assessment, the fact and date of such payment.

SEC. 16. After the expiration of thirty days from the first publication of said notice, the assessment therein named shall be delinquent, and within twenty days thereafter, the Tax Collector shall, after having published a notice for ten days, sell the lands upon which said assessments are delinquent. He shall add to the amount of the assessment on each lot its portion of the costs of advertising said sale. After making such sales the Tax Collector shall return the assessment and warrant, with a report of his doings indorsed thereon, to the office of the Board of Public Works, and the Secretary of said Board shall forthwith note, in the record of said assessment, and opposite to the number of each lot sold the fact of payment or of the sale of said lot by the Tax Collector, together with the date and the name of the purchaser. Said report of the Tax Collector shall be prima facie evidence of the correctness of all the proceedings taken by him in the matter of collecting said assessments.

SEC. 17. The general revenue law of the State in force at the time of said sale in reference to the manner of sale of property for delinquent taxes, the execution of certificates of sale and deeds therefor, the force and effect of such certificates and deeds, and the provisions of said laws, in relation to the redemption from tax sales, except as herein otherwise provided, shall be applicable to the proceedings for the sale of land for delinquent assessments.

SEC. 18. If, at said sale, no person shall bid the amount of said assessment with the aforesaid cost, the Tax Collector shall bid in the said lot for the amount of the assessment and cost in the name of the City of San Diego, and upon his filing a certificate of said sale with the Treasurer the Treasurer shall transfer the amount so bid from the general fund to the street fund, and shall forthwith notify in writing the Auditor of such transfer.

All moneys received by the Tax Collector in payment of any of said assessments shall be by him paid to the Treasurer, who shall place the same to the credit of the street fund. And all moneys arising from redemption of property purchased by the city for delinquent street assessments shall be paid into the general fund.

SEC. 19. When said sale is completed, the contractor shall present his demand for the work done under his contract to the Board of Public Works, which shall act upon the same. If said Board approve said demand or any part thereof, the same must then be presented to the Auditing Committee, and when audited by the Auditor, shall be paid by the Treasurer out of the street fund.

Provided, that at any time before said sale the Board of Public Works, under such regulations as it may establish, may allow partial payments to be made to the contractor, as the work progresses, not to exceed 25 per cent of the value of the work done by the contractor at that time.

SEC. 20. The Board of Public Works may at any time without any application therefor recommend to the Common Council to order the planking, paving or macadamizing of the portion of any street required by law to be planked, paved or macadamized by the person, company or corporation having railroad tracks thereon. Upon such recommendation the Common Council may, by ordinance, order such work to be done, and direct said Board to notify said person, company or corporation of the fact of the passage of such ordinance.

The Secretary of said Board shall thereupon forthwith in writing notify said person, company or corporation of the passage of said ordinance; and if said person, company or corporation shall not, within ten days after receiving said notice, commence in good faith to do said work, and prosecute the same diligently to completion, said Board of Public Works shall invite sealed proposals for doing said work in the manner provided in this Article; and all of the provisions of this Article in regard to such proposals, to the awarding of contracts, to the execution of contracts, and to the doing of public work shall apply to all similar proceedings taken under this section. On the completion of the work to the satisfaction of said Board, the contractor shall be entitled to recover from such person, company or corporation the contract price for the cost and expense of said work, together with incidental expenses, in an action instituted in a Court of competent jurisdiction. On the trial of such action the certificate of said Board of the completion of said work to its satisfaction shall be prima facie evidence of the regularity of all the proceedings prior thereto, and of plaintiff's right to recover in said action.

SEC. 21. No ordinance for the improvement of any street, other than for sewers, sidewalks and curbs, except for the improvement of the streets constituting or lying along the water front of said city, and except for such work as is provided for in the last preceding section, shall be passed by the Common Council without extending said improvement throughout the whole width of such street.

SEC. 22. Wherever in this Article the word "Street" occurs, it shall be held to include all streets, lanes, alleys, places and courts which have been, or may be hereafter, dedicated to public use, and whose grade and width has been legally established; and the grade of all intermediate or intersecting streets in any one block shall be deemed to conform to the grades as established at the crossings of the main streets.

The word "Improvement" shall be held to include grading, paving, planking, macadamizing, piling and capping; and the construction and repair of the sewers, cesspools, manholes, culverts, drains, sidewalks and curbs.

The term "Main Street" shall mean such street or streets as bound a block, and the term "street" shall include crossing.

The word "Block" shall mean the blocks known or designated as such upon the maps and books of the Assessor.

The word "Paved" shall include any pavement of stone, iron, wood or other material which the Council may, by ordinance, order to be used.

The term "Expense" shall include the price at which the contract was awarded, and the term "incidental expenses" shall include all expenses incurred in printing and advertising the work contracted for.

All notices and resolutions required in this Article to be published shall be published daily, in the official newspaper, as often as said paper is published.

All notices herein required to be served, whether by delivery or posting, may be so served by any male citizen of the age of twenty-one years, and his affidavit thereof shall be prima facie evidence of such service. The affidavit by the publisher of the official newspaper, or his clerk, of the publication of any notice required in this Article to be published shall be prima facie evidence of such publication.

SEC. 23. When any street shall have been graded, paved or otherwise improved in accordance with the terms of this Charter, and the cost of said improvements shall have been paid by the owners of the lots or lands adjacent thereto, and such grading, paving or other improvements shall have been accepted and established, no change shall be made in the grade of such street unless on the petition of one-fourth of the owners of property fronting on said street.

Upon the filing of said petition with the City Clerk, the Common Council shall refer the same to the Board of Public Works, which shall determine whether the improvements described would be a public benefit, and shall report its decision to the Common Council.

If the report of said Board should favor granting the request of the petitioners, the Council shall proceed in the manner hereinafter specified in the Chapter on the opening of new streets.

SEC. 24. In all cases where lands in said city shall be hereafter subdivided and laid out into blocks or plats, with lots, streets and alleys, or when new streets or public grounds shall be laid out, opened, donated or granted to the public by any proprietor, the map or plat thereof shall be submitted to the Board of Public Works for its approval, and if the Board approve the same, such approval shall be by it endorsed upon the said map or plat, and said map, with said approval, shall then be filed in the office of the County Recorder; and without such approval endorsed thereon no such map or plat shall be filed in the office of said Recorder, or have any validity; nor shall any street, alley or public ground hereafter opened and dedicated as such become or be a public street, or be subject to any public improvement or expense without such approval, endorsement and filing.

SEC. 25. Said Board shall cause to be made all urgent repairs upon the public streets that may from time to time be requisite for the public safety, and for that purpose may employ such laborers as may be necessary, and at such wages as may be from time to time fixed by the Common Council; but when the cost and expense of the repairs upon any street or a portion of a street shall exceed the sum of two hundred dollars, exclusive of materials to be furnished from the corporation material yard, the same shall be done under contract awarded in the manner provided in this Article.

SEC. 26. Said Board shall, from time to time, after it shall have been directed so to do by the Common Council by ordinance, invite proposals for supplying to said city such materials as may be required for the repair of the public streets, or for any improvement thereon, and such proceedings shall be had in awarding the contract therefor as are in this Article provided for awarding other contracts.

SEC. 27. The Common Council shall select some place in said city which shall be known as the Corporation Material Yard, wherein shall be kept all material, tools and implements to be used in cleaning and repairing the streets, or for any improvement thereon.

Said yard shall be in charge of the Superintendent of Streets, or such person as the Board of Public Works may designate, who shall have the custody of said tools and materials. He shall keep books of account, showing account of material received, for what purpose delivered, and amount on hand, when requested to do so by said Board.

CHAPTER III.
OF STREET IMPROVEMENT DISTRICTS.

SECTION 1. If the Common Council shall at any time deem it expedient and for the public interest in the matter of street improvements, proceedings may be had as follows :

SEC. 2. Whenever five or more freeholders shall petition the Common Council in writing for the creation of a Street Improvement District, the Common Council may authorize and empower the Board of Public Works to designate, subject to the approval of the Common Council, any portion of the City of San Diego a Street Improvement District. Such Street Improvement Districts shall be numbered, from "one" onward, in the order of their creation, and shall be accurately delineated upon the official map of the City by the City Engineer, and such map shall be kept on file, together with separate maps of each Street Improvement District, in the office of the Secretary of the Board of Public Works.

SEC. 3. Whenever twenty-five or more freeholders in any Street Improvement District shall petition the Board of Public Works in writing to have any or all of the streets within such District improved, it shall be the duty of the Board to consider such petition immediately, and to determine the nature and full extent of the improvement or improvements proper to be made ; and the Board shall thereupon notify the City Engineer of the nature of the work required to be done, and direct him to prepare detailed estimates of the entire cost of said work. As soon as the estimates of the City Engineer shall be completed, the Board of Public Work shall transmit the same, with its recommendation in the premises, to the Common Council.

If the Common Council shall approve the recommendation, it shall by resolution authorize the Board of Public Works to make the improvement or improvements.

All expenses of such street improvements shall be paid out of the Street Fund, as hereinafter provided.

SEC. 4. If the Common Council shall deem it necessary to incur an indebtedness for street work in any Street Improvement District in excess of the money in the street fund applicable to such work, it shall give notice of a special election by the qualified electors of the City, to be held to determine whether such indebtedness shall be incurred. Such notice shall specify the amount of indebtedness proposed to be incurred, the nature and extent of the improvement or improvements to be made, and the amount of money necessary to be raised annually by taxation for an interest and sinking fund, as hereinafter provided. Such notice shall be published for three successive weeks in the City official newspaper, and no other question or matter shall be submitted to the electors at such election. Every ballot in favor of incurring such indebtedness shall have the words : "Street Improvement—Yes," printed or written thereon, and every ballot against incurring such indebtedness shall have the words : "Street Improvement—No," printed or written thereon. If upon a canvass of the votes cast at such election it shall appear that not less than two-thirds of all the qualified electors voting at such election shall have voted in favor of incurring such indebtedness, it shall be the duty of the Common Council to pass an ordinance, providing for the issuance of bonds of the City of San Diego for the amount of such indebtedness, and for the payment of the same ; and in such ordinance provision shall be made for the levy and collection of an annual tax upon all the real and personal property subject to taxation within said City, sufficient to pay the interest on said bonds as it falls due, and also to create a sinking fund for the payment of the principal thereof within a period of not more than twenty years from the time of their issuance. It shall be the duty of the Common Council in each year thereafter, at the time when other City taxes are levied, to levy a tax sufficient for such purpose in addition to the taxes authorized to be levied for City purposes. Such tax, when collected, to be inviolably appropriated to the payment of the principal and interest of such indebtedness.

SEC. 5. The bonds issued under the provisions of the foregoing section shall be denominated, "Street Improvement Bonds of the City of San Diego, District No. —," and shall be issued in sums of not less than one hundred nor more than one thousand dollars ; they shall be signed by the Mayor and Treasurer of the city, and the seal of the city shall be attached thereto. Said bonds shall bear interest, to be fixed by the Common Council, not exceeding the rate of seven per cent per annum.

SEC. 6. The proceeds of the sale of said bonds shall be deposited in the City Treasury to the account of the Street Fund, and placed to the credit of the Street Improvement District for which the bonds were issued, and no payment shall be made from said proceeds, except to pay for the improvements in said Street Improvement District; and before auditing any demand upon said fund the Auditor must have from the Board of Public Works the certificate hereinafter required.

SEC. 7. Whenever the Board of Public Works shall be authorized by the Common Council to carry out street work in any Street Improvement District, the contract or contracts for such work shall be let and entered into as provided in sections 14 to 22, inclusive, of Chapter I of this Article.

SEC. 8. The contractor for any street work under this Chapter shall upon the completion of his contract present his demand for payment to the Board of Public Works, which shall act upon the same. The Board shall require from the City Engineer and Superintendent of Streets a certificate that the work has been performed according to the specifications and conditions of the contract before allowing any demand. If the Board approve such demand, or any part thereof, the President and Secretary shall so certify, and the demand must then be presented to the Auditing Committee, and, when certified by the Auditor, shall be paid by the Treasurer out of the Street Fund.

SEC. 9. After the street improvements in any Street Improvement district have been completed to the satisfaction of the Board of Public Works, it shall be the duty of said Board to assess the cost thereof upon the property within the Street Improvement District in the following manner, to-wit:

First—The Board shall deduct from the total cost of such work the expense of all improvements in the space formed by the junction of two or more streets, or where one main street terminates in or crosses another main street, and also the expense of all necessary street crossings or cross-ways. Such expense shall be wholly paid by the City.

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Second—The Board shall also deduct the expense of all improvements done in front of any property owned by the City of San Diego or the United States of America. Such expense shall be wholly paid by the City.

Third—The Board shall also deduct the expense of all improvements in the space in any street occupied by the track or tracks of any street-car or other railway line, and the space of two feet on each said of said track or tracks. Such expense shall be wholly paid by the person, company or corporation owning such track or tracks.

Fourth—The Board shall, after making the above provided deductions, divide the sum total of the remainder of the said street improvement expense by the total number of feet of land fronting upon the streets improved (less the frontage of City and Federal property, and the frontage of all property previously improved and accepted by the City), and shall assess each separate lot or portion of lot fronting thereon for the full amount of its proportion of the expense as herein ascertained and determined.

SEC. 10. The Board of Public Works shall make up a complete statement of the assessment for street improvements in each Street Improvement District, and such statement must show:

First—The nature and extent of the improvements made.

Second—The total cost of the improvements.

Third—The separate deductions and their total sum.

Fourth—The amount remaining after deductions.

Fifth—The total number of front feet (less the frontage of City and Federal property, and the frontage of all property previously improved and accepted by the City).

Sixth—The proportion of expense to each front foot.

Seventh—The amount due by each lot or part of lot.

Eighth—The name or names of the owner or owners of each lot or part of lot assessed; and, where the names cannot, after the exercise of due diligence, be ascertained, the property must be set down to "unknown owners."

The Board of Public Works shall procure suitable blanks upon which the assessment statement herein required shall be made out; said blanks shall be headed "Street Improvement Assessment, District No. —;" and said blanks shall also have space for the certificates of the City Engineer and Superintendent of Streets, that the street work for which the assessment is made has been performed according to contract and specifications, which certificates must be endorsed upon the statement.

SEC. 11. When the street improvement assessment statement herein required has been carefully verified, and properly attested by the President and Secretary of the Board of Public Works, the Board shall transmit certified copies thereof to each Board of the Common Council, and to the Mayor, Auditor, Assessor, Treasurer and Tax Collector.

SEC. 12. The Common Council, upon receipt of the street improvement assessment statement, shall declare by ordinance its approval of said street improvement assessment, and shall also declare in such ordinance the completion, and the acceptance by the City of the street improvements in that District. And all improvements thereafter made in said District in the nature of changes or reconstruction shall be made at the sole charge and expense of the City. Provided, that any damage caused to streets or sidewalks by the owners or tenants of property fronting thereon shall be repaired at the expense of the said property by the Board of Public Works, and the expense thereof shall become a lien upon said property, and collection thereof may be enforced by proceedings in the proper Court therefor.

SEC. 13. The ordinance of approval and acceptance, together with the statement of assessment by the Board of Public Works, shall be published in the City official newspaper five successive times; and upon the completion of such publication the assessment herein provided for shall become a lien upon the property so assessed until fully paid as hereinafter provided.

SEC. 14. The City Assessor shall keep a proper book for each Street Improvement District, in which he shall record without delay the assessment made against the property therein according to the provisions of this Chapter. He shall also record in said book the certificate of the Mayor, attested by the City Clerk, under the seal of the City, that the successive steps required by this Chapter have been duly taken, from the creation of the Street Improvement District up to and including the publication of the ordinance of approval and acceptance.

SEC. 15. Immediately upon the completion of said record of assessment, the City Assessor shall transmit a certified copy of the same to the City Tax Collector, who shall thereupon enter up in a proper book the assessments for street improvements as shown by said record, and shall keep an account of each separate lot or part of lot assessed therein, and of the payment or payments thereon, as hereinafter provided. The Tax Collector shall, within ten days after receiving the record of assessment from the City Assessor, publish a notice in the City official newspaper for thirty successive days, naming the Street Improvement District in which the assessment is due and the boundaries thereof, and streets or parts of streets included therein, and stating that he is ready to receive payment of the same, and the terms upon which payments may be made.

SEC. 16. The owner of any property assessed under the provisions of this Chapter shall have the option of making payment of the whole amount of or any portion of said assessment, either immediately or at any time within fifteen years from the date of the final publication of the Tax Collector's notice. Said assessment shall bear interest at the rate of ten per cent per annum until paid; but if the owner of the property shall elect to pay the whole amount of his assessment immediately he shall be allowed a deduction of seven per cent therefrom. Payment within thirty days from the date of first publication of the Tax Collector's notice shall be deemed immediate payment. Interest upon said assessment shall begin to run thirty days from the date of the first publication of the Tax Collector's notice.

SEC. 17. All receipts given by the Tax Collector for payments on account of street assessments must specify the number of the Street Improvement District, and each particular lot or part of lot on which payment is made, and must be separate and distinct from the general tax receipt; they must always state, where a partial payment is made, the amount still due upon the assessment. When final payment is made, the receipt must be in full satisfaction of the assessment lien; and the Tax Collector must forthwith certify such final payment to the Assessor, who shall immediately enter satisfaction of the lien in his record of assessments for street improvements.

SEC. 18. The Tax Collector must render to the Auditor on the first Monday in each month a statement of all moneys collected by him during the preceding month on account of street improvement assessments in each Street Improvement District.

SEC. 19. All moneys received for principal and interest on account of assessments for street improvements under this Chapter shall be paid by the Tax Collector into the City Treasury, and shall be apportioned as hereinafter provided.

SEC. 22. Any assessment for street improvements made under the provisions of this Chapter which shall remain unpaid at the end of fifteen years from the date hereinbefore prescribed, shall be delinquent; and the Tax Collector must publish a notice in the City official newspaper, once a week for three successive weeks, which must state the Street Improvement District in which the assessment is delinquent, and must describe the property assessed, and give the name or names of the owner or owners thereof, where known, and if unknown, must so state, and the amount of principal and interest due, following each name and description; and that unless payment is made thereof, he will sell the same at public auction, designating the time and place of sale. Within thirty days from the first publication of said notice the Tax Collector shall sell the land upon which said assessment is delinquent; and he shall add to the amount of the assessment and accrued interest, the costs of advertising and sale. After making such sale the Tax Collector shall report the same to the Auditor and Assessor, and shall make due entry of such sale, together with the date, and the name of the purchaser. The general revenue laws of the State in force at the time of said sale in reference to the manner of sale of property for delinquent taxes, the execution of certificates of sale and deeds therefor, the force and effect of such certificates and deeds, and the provisions of said laws in relation to the redemption of property so sold, except as in this Charter otherwise provided, shall be applicable to all proceeding under this section. If at said sale no person shall bid the amount of said assessment and accrued interest, with the aforesaid costs, the Tax Collector shall bid in the said land for the amount so due thereon in the name of the City of San Diego, and upon his filing a certificate of said sale with the Treasurer, the Treasurer shall transfer the amount so bid from the General Fund to the Street Fund, and credit the same to the Street Improvement District in which the assessment was made; and the Treasurer shall immediately notify the Auditor of such transfer.

SEC. 21. The City Treasurer shall charge against each Street Improvement District all moneys disbursed from the Street Fund for improvements therein, except such as are a charge against the City, or against any person, company or corporation owning the track or tracks of any street-car or other line of railway within such district; and shall credit the District with all moneys received for principal and interest of assessments for street improvements therein. All moneys so received shall be apportioned to the interest and sinking funds for the payment of the Street Improvement bonds issued in behalf of such District; and if, after such bonds have been fully paid, there shall remain any balance to the credit of the District, it shall be paid into the Street Fund.

CHAPTER IV.

OF THE OPENING OF NEW STREETS.

SECTION 1. When an application shall be made to the Common Council to straighten, widen, extend or change the grade of any established street, or for laying out, opening or establishing new streets or boulevards, signed by one-fourth of the owners of frontage of the lands upon the line of said street, or proposed street, and such improvement requires the condemnation of private property, the Common Council shall refer the same to the Board of Public Works, which shall determine whether in its judgment the said improvement, or any modification thereof, would be a public benefit, and shall report its decision to the Common Council. If the Common Council shall determine that the improvement described in the petition, or some modification thereof, would be of public benefit, it shall, by resolution, so instruct the Board of Public Works, giving in its resolution a general description of any modification it may deem expedient. The Board of Public Works shall then proceed to determine and define the lands to be taken, and the lands, if any, to be damaged by the proposed improvement, and the lands to be benefited and assessed for the expenses thereof. It shall, by resolution, define the lands necessary to be taken, and the lands, if any, to be damaged, and shall specify the exterior boundaries of the district to be benefited and assessed therefor. The Board shall thereupon publish for twenty days notice of the passage of its resolution, and requiring all persons interested in the lands to be taken or damaged, or in the district to be benefited, to present to the Board within the said twenty days accurate descriptions of the lots or parcels of land owned by them respectively, and to specify objections, if any they have, against the proposed improvement. Within ten days after said publication, or such further time as the Common Council may, by resolution, allow, the Board of Public Works shall, with the assistance of the City Engineer, cause to be prepared and presented to the Common Council a report of its action, embracing an accurate description of each lot, piece or parcel of land necessary to be taken or damaged, with the names of the persons to whom the several lots, pieces or parcels of land are respectively assessed upon the assessment roll of said city, and also a description of the exterior boundaries of the district to be benefited, and make a map clearly exhibiting the same as described. The City Engineer shall have the right, if necessary, to enter upon any of the said lands for the purpose of examination or survey.

Upon receiving the said report from the Board of Public Works, the Common Council shall, by resolution, adopt or modify the proposed improvement, and the district to be benefited thereby, or wholly reject the same. In case of modifying the same the matter shall be referred back to the Board of Public Works until the proposed improvement and the district to be benefited thereby, shall conform to the views of the Common Council; and the Common Council shall then pass a resolution declaring its intention to make the improvement and assessment for benefits. The resolution shall embody the descriptions as finally reported by the Board of Public Works, and the names of the owners of the several parcels of land, as reported by the Board. The resolution shall also specify a time within which objections to the proposed improvement may be made to the Common Council by owners of the land to be taken or damaged, or of the lands to be assessed for benefits, and a day for the hearing of such objections. The said resolution must be published for fifteen consecutive issues of the City official paper, during which time the owners must file their objections. On the day set for the hearing, or upon any day to which the same may be adjourned, the Common Council shall hear and pass upon the objections, and may dismiss the proceedings, or by ordinance resolve to proceed and order the improvement to be made. The ordinance by which the Common Council resolve to proceed with the improvement may refer to the resolution declaring its intention to make the improvement by its number without embodying the description, and shall order the improvement to be made by the Board of Public Works. The Common Council shall forthwith transmit to the Board of Public Works a copy of the said ordinance and of the resolution to make the improvement.

SEC. 2. Upon receiving the said copy of ordinance and resolution, the Board of Public Works shall, with the aid of the City Attorney, ascertain as accurately as possible the names of the owners to be made parties, and shall cause proceedings to be taken in the name of city to condemn as provided by law, under the right of eminent domain, the lands, or any interest therein to be taken or damaged for the said improvement.

The complaint may aver that it is necessary for the city to take or damage and condemn the said lands, or an easement therein, as the case may be, without setting forth the proceedings hereinbefore provided for; and the resolution and ordinance adopting and ordering the work to be done, shall be conclusive evidence of such necessity.

As soon as the amounts to be paid for the lands to be taken and the lands to be damaged shall, by the said proceedings, be finally ascertained and determined, the Board of Public Works and the Common Council shall proceed, as hereinafter provided, to apportion and collect the same by assessment upon the district to be benefited by the improvement.

SEC. 3. The Board of Public Works shall ascertain and determine as nearly as may be the entire cost of the improvement, including value of the lands, cost of condemnation, and expenses of all kinds attending the proceeding, and shall apportion and assess the whole amount of such value, costs and expenses upon the property within the district declared by the resolution of the Common Council to be benefited by the improvement, and shall assess each lot or parcel of land within the said district with its proportionate share of said amount, according to the benefits derived by it, in the judgment of the Board, from the said improvement.

SEC. 4. Within thirty days after the final determination of the amount to be paid, as aforesaid, or such further time as may be allowed by resolution of the Common Council, the Board shall make and hold, subject to inspection in their office, a report of assessments, exhibiting the sum of money to be paid to the owner or owners of each parcel of land to be taken or damaged, stating the names of the owners, as far as they can be ascertained, and describing accurately the several parcels of land within the district to be benefited, and the names of the owners thereof, as far as can be ascertained, and where the owners are unknown, stating the fact, but a mistake in the name or ownership shall not invalidate the assessment, and the sum of money which is assessed upon each particular parcel, and which should be paid by the owner thereof.

SEC. 5. Upon the completion of the said report the Board shall fix a day for hearing objections thereto, and shall give notice of such hearing by publication for not less than fifteen days.

SEC. 6. Upon the day fixed for the hearing, or upon any day or days to which the hearing shall be regularly adjourned by entry in its minutes, the Board shall hear any party interested upon any question touching the justice or equality of the assessment, or the regularity of its proceedings, and may confirm, or revise and modify the said assessment until it shall be adjudged to be fair and equal; and it shall then adopt such a report of assessments as it adjudges to be fair and equal, and transmit the same to the Common Council.

SEC. 7. The Common Council shall by ordinance confirm the report of the Board of Public Works, and order the completion of the improvement in accordance therewith, or it may, by resolution, refer the same back to the Board of Public Works, with instructions to modify the assessments, until it shall, by ordinance, finally adopt and establish such assessment as it shall adjudge to be fair and equal, and order the completion of the improvement in accordance therewith.

SEC. 8. This ordinance shall accurately describe the several parcels of land assessed, giving the names of the respective owners, as far as the same have been ascertained, and where the owners are unknown, stating the fact, and the sum of money which is assessed upon each particular parcel, and which should be paid by the owner thereof; but it may refer to the report of the Board of Public Works for description of the lands to be taken or damaged by the improvement.

The ordinance shall direct the sale of each parcel of land so assessed, or so much thereof as may be necessary to pay the amount of its assessment and expenses of sale, and the application of the proceeds of such assessment and sale to the payment of the expenses of sale, and the amount awarded to the owners of the lands to be taken or damaged by the said improvement.

SEC. 9. A copy of the ordinance shall be forthwith transmitted to the Board of Public Works for collection of the assessments. The said Board shall cause the ordinance to be published for thirty days, during which time the several owners may make payment to the Board of Public Works of the several amounts assessed against their lands, and the Board of Public Works shall, by notices, invite such payment.

SEC. 10. After the expiration of said thirty days the Board of Public Works shall prepare a delinquent list, exhibiting, by accurate description, the several parcels of land so assessed, upon which the assessments have not been paid, and the names of the owners of said parcels, as far as ascertained (and where the owners are unknown, stating the fact), and the amounts for which they are respectively assessed, and shall forthwith transmit the said delinquent lists, certified by the Secretary of the Board, to the Tax Collector, who shall proceed to collect the amounts appearing due thereon by sale, as in case of the collection of delinquent taxes, and pay over immediately to the Board of Public Works the amounts so collected. The deed of the Tax Col-

lector made after such sale, in case of failure to redeem, shall be prima facie evidence of the regularity of all proceedings thereunder, and of title in the grantee. It shall be conclusive evidence of the necessity of taking or damaging the lands taken or damaged, and of the correctness of the compensation awarded therefor.

SEC. 11. The moneys coming in to the Board of Public Works from the said assessment shall be applied by the said Board to the payment of the expenses of the assessment and of the several amounts determined to be due as compensation and costs for the lands taken or damaged, by payment into court on behalf of the owners. Upon such payment being made the title to the lands, or the interests therein, or the easement therein condemned, shall vest in the City of San Diego for the uses and purposes specified in the said improvement, and the Board of Public Works shall take possession of the same, and cause said improvement to be carried out and completed.

CHAPTER V.

OF THE SEWERAGE SYSTEM.

SECTION 1. The Board of Public Works shall assume the management and control of the present sewerage system of this city and shall from time to time make such recommendations to the Common Council relating to the extension or improvement of said system as they may deem proper.

SEC. 2. Said Board shall prescribe the location, form and material to be used in the construction and repair of all public sewers, manholes, sinks, cesspools or other appurtenances belonging to the sewer system, and of every private sewer emptying into a public sewer, and determine the place and manner of the connection.

SEC. 3. Before any public sewer shall be contracted for or built, the City Engineer shall cause to be prepared the necessary plans for the work and a profile showing the grades of the street and sewer and the depth of such sewer below the surface of the street and the height above mean high water mark as established by the United States Coast Survey and used as the city datum, and when such sewer is completed he shall cause a map to be prepared showing the size and location of manholes, basins, and branches for house connections and other appurtenances.

SEC. 4. No person shall connect with, or open or penetrate any public sewer or drain without first obtaining a permit in writing from said Board, and complying with the rules and regulations of said Board in reference thereto.

SEC. 5. No person shall connect with any public sewer, any private sewer or drain laid for surface, roof or yard drainage.

SEC. 6. Exhaust from steam engines, blow off from steam boilers, or water above 140 degrees Fahrenheit in temperature, shall not be discharged in any public sewer, or private sewers or drains connecting with the same.

SEC. 7. Said Board shall recommend to the Common Council such other rules and regulations concerning the public and private sewers and drains in said city and upon recommendation of said Board, the Common Council are authorized to pass an ordinance establishing the same and prescribing the penalties for any violation thereof.

SEC. 8. The Board of Public Works may appoint a Superintendent of Sewers, whose duty it shall be to see that all ordinances passed by the Common Council, and all rules and regulations established by the Board of Public Works, relating to sewers, are rigidly enforced.

SEC. 9. The Common Council may, upon the recommendation of said Board, by ordinance passed by the affirmative vote of two-thirds of each Board, authorize the purchase of any personal property or the acquisition by purchase or condemnation of any real estate which may be necessary for the construction of any sewer or the making of any improvement provided for in this Chapter. The title to all real estate purchased shall be taken in the name of said city.

SEC. 20. Said Board may, with the like approval of the Common Council, agree with the owners of any real estate, upon which it is deemed desirable to construct any sewer or other improvement relative to sewerage or drainage, upon the amount of damage to be paid to such owner for the purpose of such improvement and for the perpetual use of said real estate for such purpose.

SEC. 11. Said Board may, when authorized by ordinance of the Common Council, construct such sewers, reservoirs and pumping works on lands and made lands fronting on the Bay of San Diego, as may be necessary to carry out the general system of sewerage for said city.

SEC. 12. When, upon the recommendation of said Board of Public Works, the Common Council shall determine upon any improvement for the purpose of sewerage or drainage which necessitates the acquisition or condemnation of private property, and said board is unable to agree with the owner thereof upon the amount of compensation or damages to be paid therefor, or when such owner is in any way incapable of making any agreement in reference thereto, and in all cases in which said Board shall deem it most expedient, it shall, when authorized by the Common Council expressed by ordinance, have the right to cause said property to be condemned, and to institute proceedings for the condemnation of such property, or for the ascertainment of such damages in the manner, so far as the same is applicable, which is provided in this Article for the condemnation of real estate when necessary for the opening of any new street.

CHAPTER VI.
OF WATER COMMISSIONERS.

SEC. 1. If any time the City shall become the owner of any water supply or shall decide to construct a system of water supply, the Mayor shall appoint three citizens of the City to be Water Commissioners, no more than two of whom shall belong to the same political party, subject to confirmation by the Board of Delegates. And they shall hold their office for the term of three years; provided, that when first appointed they shall be appointed for one, two and three years, to be designated in the notice of appointment by the Mayor. Their compensation or salary shall be fixed by ordinance by the Common Council. One of said Commissioners shall be a duly qualified engineer, whose compensation shall be made accordingly.

SEC. 2. 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 Common Council may from time to time enact. But the fixing of water rates shall remain in the Common Council. All contracts for work and materials shall be made by said Commissioners in the manner provided in this Charter for the Department of Public Works. And all pay rolls and all accounts for the same shall first be passed upon by the Commissioners, who shall certify them to the Auditing Committee.

CHAPTER VII.
OF CITY PARKS AND PLAZAS.

SECTION 1. All parks, boulevards, plazas, squares or other public grounds, now open and dedicated to the public use, or which may hereafter be opened or dedicated to public use, shall be under the control and management of the Board of Public Works, with power to lay out, regulate and improve the same, subject to ordinance passed by the Common Council.

SEC. 2. Said Board may appoint a Superintendent of Parks, whose duty it shall be to see that the ordinances of the Common Council and the rules of the Board of Public Works are enforced, and to perform such other duties relating to parks, etc., as may be required of him by the said board.

CHAPTER VIII.
OF THE HARBOR AND WHARVES.

SECTION 1. The Common Council shall, unless otherwise prescribed by the laws of the state, exercise control and management of the harbor and water front of the City of San Diego, and shall by ordinance establish such rules and regulations as shall prevent any encroachment upon the tidal area of the same.

SEC. 2. The construction of all wharves which may be built by the city, and all repairs on the same, or other work done on the water front by the said city, shall be performed by the Board of Public Works, after proceedings had in the manner and form prescribed for the construction, improvement or repair of public buildings.

SEC. 3. The Common Council shall by ordinance regulate the tolls for wharfage, dockage and other charges and provide for the regulation of berths and landing of all steamers, sail vessels, barges or other water craft, and shall exercise such other control not herein specified as may not be inconsistent with the laws of the United States and of the State of California.

CHAPTER IX.
OF CEMETERIES.

SECTION 1. There shall be a Cemetery Commission, consisting of three members, to be appointed by the Mayor with the approval of the Board of Delegates from among the qualified electors of the city and they shall hold office for four years.

SEC. 2. Immediately upon their appointment they shall elect a President and Secretary from among their number and so classify themselves that one of their number shall go out of office in two years, one in three years and one in four years.

SEC. 3. Said Commission shall exercise a general supervision of the cemeteries of the city, but their duties shall especially consist in the entire control and management of Mount Hope Cemetery. All moneys derived from the sale of lots, and all fees coming into their hands as such Commission, shall be held in trust to be expended as may be deemed advisable by them for maintaining, beautifying and improving said grounds.

SEC. 4. The said Commission may appoint a Superintendent and such other employes as may be necessary to carry into effect the provisions of this Chapter, and may remove or suspend from office said Superintendent and other employes when they may deem proper.

SEC. 5. The members of said Board shall serve without compensation, and shall make a semi-annual report to the Mayor.

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ARTICLE VI.

Department of Finance.

CHAPTER I.

OF REVENUE AND TAXATION.

SECTION 1. On or before the first Monday of April in each year the Auditor shall prepare and transmit to the Common Council, accompanied with the estimates and reports of each department, which he shall require to be delivered to him from the heads of each department on or before the 20th of March in each year, an estimate of the probable necessities of the City for the current fiscal year, giving the amount required to meet the Interest and Sinking Funds for any and all outstanding bonded debts, together with the amount needed for salaries and probable wants of all the departments of the Municipal Government in detail, and showing the necessities of each of the several funds to be provided for in the treasury. The estimate shall also show, as nearly as may be, what amount of income and revenue is likely to accrue to the treasury, and be collected from fines, licenses and all other sources of revenue, exclusive of tax upon property, and shall give an estimate of what amount will be required to be levied and raised by tax upon all property in the City in order to meet the necessities of such fiscal year, said estimates to be based upon, where practical, the resources and expenditures of the preceding fiscal year; and at the same time, the Auditor shall also report to the Common Council the balance on hand in each fund.

SEC. 2. The Common Council shall, on or before the second Monday of May in each year, by ordinance, fix the rate of taxes to be levied, and levy the taxes upon all taxable property, both real and personal, in the City, necessary to raise sufficient revenue to carry on the different departments of the Municipal Government for the current fiscal year; provided, that the rate of taxes so levied shall not exceed in any year ninety cents for each one hundred dollars upon the assessment roll, except for the payment of the principal and interest of the bonded debt of the City.

SEC. 3. Except as in this Charter otherwise provided, the assessment of property taxable in the City for municipal purposes, the equalization of assessments and collection of taxes, and the sale of property for unpaid taxes, and the redemption of property sold for taxes, shall be made in the same 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 assessments, equalization, levy, collection and sale for State and County purposes, are hereby applied to and shall be the law governing such assessments, 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 or may be by law conferred or imposed upon County officers in matters concerning revenue and taxation for State and County purposes; and to that end—

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

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

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

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SEC. 4. It shall be the duty of the City Assessor to prepare, between the first day of January and the first day of April, in each year, and present to the City Clerk, with his certificate of its correctness, a roll of all the real and personal property within the city taxable for State and County purposes, with a true valuation thereof which said assessment roll shall conform, as near as practicable, when not inconsistent with the provisions of this Charter, to the assessment roll required by law to be made by the County Assessor for State and County purposes. Provided, That he must exact from each person a statement, under oath, setting forth specifically all the real and personal property owned by such person or in his possession or under his control at twelve o'clock M. on the first day of January in each year, such statement shall be in writing and conform as near as practicable to the provisions of Section Three Thousand Six Hundred and Twenty-nine of the Political Code of the State of California. The Assessor must be present at the sessions of all Boards of Equalization mentioned in this chapter, and furnish to said Board such information as may be required, and perform such other services in reference to the assessments of property in the city, or otherwise appertaining to his office, as the Common Council by ordinance or resolution may require. During the session of the Board of Equalization the Assessor shall enter upon the assessment roll any property in such City not previously assessed. 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, he shall have and may exercise the same powers as are conferred by law upon County Assessors, and receive therefor the same fees. Provided, That all railway property situated within the City, the value and assessment of which is fixed by the State Board of Equalization, as required by Section 3665 of the Political Code of this State, shall be assessed for taxation purposes within the City, at the amount of assessment as fixed by said Board; and whenever in October of each year, as by law required, the Board of Supervisors of San Diego County shall transmit to the Common Council a copy of its order stating and declaring the assessed value of such railway lying within the City, the said Council shall direct the City Clerk to record said order in its journals of proceedings, and said Clerk shall, on the first Monday of January in each year, furnish the City Assessor with a certified copy of such order so recorded, and said Assessor must enter said certified copy in and upon the Assessment Roll of the then fiscal year, and extend the value in accordance therewith, which value shall be the assessment of such railway property for taxation purposes for the said fiscal year.

SEC. 5. For taxation, assessment and all other purposes, the fiscal year shall begin on the first day of January.

SEC. 6. The terms "real" and "personal property" as used in this Charter shall have the same meaning as the same terms used in the revenue laws of this State; and all property subject to taxation aforesaid shall be assessed at its full cash value, which, in the judgment of the Assessor, it has at twelve o'clock M. on the first day of January, and the lien of the annual City tax levy shall attach at said hour.

SEC. 7. The Assessor must make the Abstract of Mortgages, etc., which stand of record unsatisfied at 12 o'clock M. of the first day of January, in manner as provided 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. 8. A committee of the Common Council selected as in this Charter provided, shall constitute a Board of Equalization, and shall, after the Assessor shall have completed and handed in his assessment roll to the City Clerk, and after five days' notice published in the official newspaper of this City, hold meetings to hear and determine all complaints respecting the valuation of property as fixed by the Assessor in such roll; *provided, however,* that before raising any assessment, the Board shall notify the person interested by letter deposited in the Postoffice or express, post paid, and addressed to such person at least three days before action taken, of the day fixed when the matter will be investigated. Any member of said Board shall have power to administer oaths and affirmations in the

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matters before said Board, and the sessions of said Board shall be held from time to time, as in its notice specified, for the period of two weeks, and no longer.

SEC. 9. Within three days after the Board of Equalization shall have completed their duties, the City Clerk must deliver to the Auditor the Assessment Roll so equalized, with all changes and corrections made by the Board of Equalization entered therein, and accompany the same with his affidavit as provided in Section Three Thousand Six Hundred and Eighty-two of the Political Code of California, and said Auditor shall add up the columns of valuation and enter the total valuation of each description of property in the roll, and the total value of all property assessed and listed thereon; and thus equalized and added up, the Auditor shall on the first Monday of May thereafter deliver it to the Common Council. As soon as the Common Council have declared and levied the taxes, in any year, as in Section 3 provided, the City Auditor shall carry out, in a separate money column in the list the amount of taxes assessed against each individual, firm, company, corporation, or unknown owner, and add and put down the aggregate of all taxes as shown by the list; and as thus carried out, the Auditor shall certify to its correctness, and on or before the first Monday of June thereafter deliver it to the City Tax Collector, and shall charge him with the amount of taxes so footed up, and take his receipt therefor.

SEC. 10. The annual tax levied as hereinbefore provided shall become due and payable on the first Monday of June in each year, and all persons paying such tax between said first Monday and the first day of July following shall be entitled to a deduction of five per cent. upon the total tax paid by them; and all persons so paying said tax between the first days of July and August of each year, shall be entitled to a reduction of three per cent. upon total tax paid; and all persons so paying said tax between the first days of August and September of each year, shall be entitled to a reduction of two per cent. upon total tax paid; and all persons paying such tax between the first days of September and October of each year shall be entitled to a reduction of one per cent. upon the total tax paid; all persons paying such tax between the first day of October and the fourth Monday in November shall pay the full tax as levied, and upon the fourth Monday in each November at six o'clock P. M. all unpaid taxes are delinquent, and the Tax Collector must then collect for the use of the City an addition of five per cent.

SEC. 11. The Tax Collector on receiving the Assessment Roll, certified by the Auditor, shall give notice by publication in the City official paper that City taxes are payable, when and where the same can be paid, and set forth in said notice the full wording of the preceding Section relative to reductions, and also state when such taxes will become delinquent; said notice shall be published within three days after the receipt of said roll, and be published in each issue of said paper for the period of thirty days; and said Collector shall proceed at once to collect the taxes specified in said roll, allowing the reductions mentioned in the preceding Section, and pay the same over to the City Treasurer monthly, taking his receipt therefor.

SEC. 12. On the second Monday in December of each year the City Tax Collector must deliver to the City Auditor a complete delinquent list of all persons and property then owing taxes; and in the list so delivered must be set down in numerical or alphabetical order all matters and things contained in the Assessment Roll and relating to delinquent persons or property; and shall at the same time make a statement to said Auditor, under oath, showing: First—All moneys collected by him on account of property tax between the first Monday in June and first day of July. Second—All moneys so collected between July 1st and August 1st. Third—All moneys so collected between August 1st and September 1st. Fourth—All moneys so collected between September 1st and October 1st; and shall file with the Auditor the Treasurer's receipts for such moneys and take the Auditor's receipt therefor.

SEC. 13. The Auditor must carefully compare such delinquent list with the Assessment Roll, and if satisfied that it contains a full and true statement of all taxes due and unpaid, he must foot up the total amount of taxes so remaining unpaid, credit the Tax Collector therewith, and also credit the Collector with the reductions allowed taxpayers in Section 11, as ascertained by and from the sworn statement of the Collector

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and Treasurer's receipts filed as provided in the preceding section, and make a final settlement with him of all taxes charged against him on the Assessment Roll.

SEC. 14. After settlement with the Tax Collector, as prescribed in the preceding section, the Auditor must charge the Tax Collector with the amount of taxes due on the delinquent tax list, with the five per cent. added thereto, and within three days thereafter deliver the list, duly certified, to such Tax Collector.

SEC. 15. On or before the first Monday in January of each year the Tax Collector must publish the delinquent list, which must contain the names of the persons and a description of property delinquent, and the amount of taxes and costs due, opposite each name and description, with the taxes due on personal property, added to taxes on real estate where the real estate is liable therefor, or the several taxes are due from the same person. To said list must be appended, and with it published a notice that unless the taxes delinquent, together with the costs and percentage are paid, the real property upon which such taxes are a lien, will be sold at public auction, and designating therein the time and place of such sale, which must take place in or in front of the City Collector's office, and not less than twenty-three nor more than twenty-eight days from the first publication.

SEC. 16. Said list must be published once a week for three consecutive weeks in the City official newspaper or supplement thereto, and when such publication is completed, and before commencing the sale, the Tax Collector must file with the City Clerk a copy of the publication, with his affidavit attached thereto, that it is a true copy of the same, that the publication was made in said newspaper, or a supplement thereto, stating its name and place of such publication, and the date of each appearance; such affidavit shall be *prima facie* evidence of all the facts therein stated.

SEC. 17. The Tax Collector must collect, in addition to the taxes due on the delinquent list, and five per centum added thereto, fifty cents on each lot, piece or tract of land, separately assessed, and on each assessment of personal property, which must go to the city.

SEC. 18. On the day fixed for the sale, or on some subsequent day to which he may have postponed it, the Tax Collector, between the hours of ten o'clock A. M. and three o'clock P. M., must commence the sale of the property advertised, commencing at the head of the list, and continuing alphabetically, or in the numerical order of lots and blocks, until completed.

SEC. 19. He may postpone the day of commencing the sale, or the sale from day to day; but the sale must be completed within three weeks from the day first fixed.

SEC. 20. The owner or person in possession of any real estate offered for sale for taxes due thereon may designate in writing, to the Tax Collector prior to the sale, what portion of the property he wishes sold, if less than the whole; but if the owner or the possessor does not, then the Collector may designate it, and the person who will take the least quantity of the land, or in case an undivided interest is assessed, then the smallest portion of the interest and pay the taxes and costs due, including fifty cents for the duplicate certificate of sale, is the purchaser.

But in case there is no purchaser in good faith for the same, as provided, on the first day that the property is offered for sale, then when the property is offered thereafter for sale, and there is no purchaser in good faith for the same, the whole amount of the property assessed shall be struck off to the City of San Diego as the purchaser, and a duplicate certificate delivered to the City Auditor and filed by him in his office, and a like certificate filed in the office of the City Clerk. No charge shall be made for the duplicate certificate when the City is a purchaser; and in such case the Tax Collector shall make an entry—"Sold to the City"—on the Delinquent List opposite the tax, giving number of Certificate of Sale, and he shall be credited with the amount of such tax in his final settlement with the Auditor; a redemption from the sale to the City above provided may be made by any person in interest in the same manner as provided by law for redemption of land sold to the State and County taxes; *provided*, that the estimate for such redemption must be made by the City Auditor, instead of County Auditor, and the receipt for money paid for such redemption

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must be given by the City Treasurer, instead of County Treasurer; and upon the production of such receipt and estimate, the City Clerk shall write upon the proper certificate, as filed in his office, the word "Redeemed," giving date, and by whom redeemed. The Auditor's fee for such estimate shall be Two Dollars; the Clerk shall receive no fee for marking certificate redeemed. The Auditor's fee, as herein provided, as well as the amount required to redeem, shall be paid to the Treasurer by person redeeming; and said fee shall be apportioned to the Salary Fund of the City.

SEC. 21. After receiving the amount of the taxes and costs, the Tax Collector must make out in duplicate a certificate, dated on the day of sale, stating (when known) the name of the person assessed, a description of the land sold, the amount paid therefor, the name of the purchaser, that it was sold for taxes, giving the amount and year of the assessment, and specifying the time when the purchaser will be entitled to a deed.

SEC. 22. The certificates must be signed by the Collector, and one copy delivered to the purchaser, and the other filed in the office of the County Recorder of San Diego County.

SEC. 23. The Tax Collector, before delivering any certificate, must in a book enter the description of the land sold, corresponding with the description in the certificate, the date of sale, purchaser's name, and amount paid, regularly number the descriptions on the margin of the book, and put a corresponding number on each certificate. Such book must be open to public inspection without fee during office hours, when not in actual use.

SEC. 24. On filing the certificate with the County Recorder, the lien of the City vests in the purchaser, and is only divested by the payment to him or to the City Treasurer for his use, of the purchase money and fifty per cent. thereon.

SEC. 25. A redemption of the property sold may be made by the owner, or any party in interest, within twelve months from the date of the purchase; and until tax deed is applied for in the manner prescribed by Section 3785 of the Political Code of California.

SEC. 26. On receiving the Certificate of Sale, the Recorder must file it, and make an entry in a book similar to that required of the Collector. On the presentation of the receipt of the person named in the certificate, or of the City Treasurer for his use, of the total amount of redemption money, the Recorder must mark the word "Redeemed," the date, and by whom redeemed, on the certificate, and in the margin of the book where the entry of the certificate is made.

SEC. 27. If the property is not redeemed within the time allowed by law for its redemption, the Tax Collector, or his successor in office, must make to the purchaser, or assignee, a deed of the property, reciting in the deed substantially the matters contained in the certificate, and that no person has redeemed the property during the time allowed for its redemption. The Collector shall collect from the purchaser three dollars for making such deed; *provided, however*, that no such deed shall be made until the notice is given that a tax deed will be applied for, and such notice duly served as prescribed by Section Three Thousand Seven Hundred and Eighty-five of the Political Code of California relating to property sold for State and County taxes. Whenever any property is sold to the City it shall not be necessary to post or serve any notice as required under the provisions of this section, but the City shall be entitled to a deed at any time after the term for redemption has expired, whenever called for by resolution of the Common Council; *provided*, that in all cases where the City has received a deed the right to redeem shall be continued as provided in Section 3,817 of the Political Code.

SEC. 28. The matters required by Section 22 to be recited in the Certificate of Sale must be substantially recited in the Deed, and such Deed duly acknowledged or proved is *prima facie* evidence that:

First—The property was assessed as required by law.

Second—The property was equalized as required by law.

Third—The taxes were levied in accordance with law.

Fourth—The taxes were not paid.

Fifth—At a proper time and place the property was sold, as prescribed by law, and by the proper officer.

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Sixth—The property was not redeemed.

Seventh—The person who executed the Deed was the proper officer.

Eighth—Where the real estate was sold to pay taxes on personal property, that the real estate belonged to the person liable to pay the tax.

SEC. 29. Such Deed duly acknowledged or proved is (except as against actual fraud) conclusive evidence of the regularity of all other proceedings, from the assessment by the Assessor, inclusive, up to the execution of the Deed, and conveys to the grantee the absolute title to the lands described therein, free from all incumbrances.

SEC. 30. The Assessment Roll, or delinquent list, or a copy thereof certified by the City Auditor, showing unpaid taxes against any person or property, is *prima facie* evidence of the assessment, the property assessed, the delinquency, the amount due and unpaid, and that all the forms of law in relation to the assessment and levy of such taxes have been complied with.

SEC. 31. On the third Monday of March, in each year, the Tax Collector must attend the office of the Auditor with the Delinquent List and the Auditor must then carefully compare the list with the assessments of persons and property not marked "paid" on the Assessment Roll, and when taxes have been paid, must note the fact in the appropriate column in the Assessment Roll. The Auditor must then administer to the Tax Collector an oath, to be written and subscribed in the Delinquent List, that every person and all property assessed in the Delinquent List on which taxes have been paid, either by sale for taxes or otherwise, has been credited in the list with such payment. The Auditor must then foot up the amount of taxes remaining unpaid and credit the Tax Collector with the amount, together with the five per cent. thereon, and have a final settlement with him; and the Delinquent List must remain on file in the Auditor's office.

CHAPTER II.

OF FINANCIAL ADMINISTRATION.

SECTION 1. There is hereby created an Auditing Committee, which shall consist of the Mayor, President of the Board of Aldermen, President of the Board of Delegates, City Attorney and Auditor. The Mayor shall be Chairman of this Committee, the Auditor shall be Secretary of the same, but in the absence of either at meetings of the Committee, a temporary chairman and secretary can be chosen by the Committee to act. The Auditing Committee shall hold stated meetings once in each month, and can adjourn from time to time. It shall be the duty of this Committee to examine, allow, and order paid or reject and disallow all claims, demands, and bills of whatever nature (except monthly salaries of City officers, as fixed by this Charter), which may be presented against the City, and the Auditor shall not draw a warrant for any bill unless the same has been approved by a majority of the whole Auditing Committee. Three members of this Committee shall constitute a quorum for the transaction of business, but a less number can meet and adjourn from time to time.

SEC. 2. All demands, bills and claims which may arise against the City, including the pay roll of all employees of the City, whether under regularly monthly salary or not (except salaries of City officers as fixed by this Charter), shall be duly verified as hereinafter provided, and be filed with the Secretary of the Auditing Committee, who shall file and number the same in the order of presentation, and refer the same to the Auditing Committee for action, whose duty it shall be to allow or reject the same, in whole or in part, and if allowed designate the particular funds from which they are to be paid, and endorse upon the back of each bill the date of its allowance or rejection, the amount allowed for and also the section of the Charter, number of ordinance, number of contract, resolution or order, under which the said bill or demand was authorized or contracted for. These endorsements to be verified by the signatures of the Chairman and Secretary of the Committee.

SEC. 3. All demands, bills and claims against said City shall be made out in the following form and subscribed and sworn to before the Auditor or some officer authorized to administer oaths, to-wit:

To.....Dr.

Dr.

To Sundries as per items attached.....
--	-------	-------

ss.

Subscribed and sworn to before me

this.....day of.....18...

..... Auditor.

..... Deputy.

shall be attached thereto, and made a part thereof.

SEC. 4. The Secretary of the Auditing Committee shall attend all meetings of said Committee and keep a correct record and journal of the proceedings of the Committee.

SEC. 5. The Auditor, in addition to all other duties imposed upon him, shall apportion all moneys paid into the Treasury of the City, in accordance with the annual tax levy and ordinances of the City imposing and apportioning license taxes, fines, etc., and draw all warrants upon the Treasury for salaries as fixed by the Charter, and for all demands and bills as allowed and ordered paid by the Auditing Committee. He shall keep a Cash Book, which shall show, at all times, the amount of moneys received into the Treasury, by whom paid in, and on what account, and show all moneys paid out, giving number and date of warrant paid, and show the balance of cash in the Treasury. He shall keep in Ledger form a just and correct account with the various funds of the City, and shall, on or before the 10th day of each month, submit to the Common Council by filing with the City Clerk an abstract of his accounts with said funds for the preceding month, which shall show the numbers and dates of warrants drawn upon said funds, the amounts thereof, the names of the parties receiving the same, and whether for labor or material furnished, the balances of cash in each fund, and shall show the amount of moneys received into and paid out of the Treasury during said month, which abstract and statement must be subscribed and sworn to by said Auditor. The Auditor shall also keep a registry of all bills, claims and demands which are filed with him as Secretary of the Auditing Committee, which shall be in the following form :

REGISTER OF BILLS PRESENTED.

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The Auditor shall also keep a Warrant Book, from which all warrants must be issued, said book to contain stubs to all warrants issued, giving the number, date, amount, to whom, upon what fund, and for what said warrants are drawn, and said warrants shall be numbered, commencing with each fiscal year, from "one" up.

SEC. 6. The Auditor shall issue all licenses to the Tax Collector, and for that purpose shall keep License Books from which to issue such licenses, said books to contain stubs to all licenses issued, which shall show the number of each license issued and the amount, and he shall charge such Collector with the licenses so issued; and shall, monthly, have a settlement with the Tax Collector on account of same, giving said Collector credit for all licenses unsold and returned; and for moneys paid into the Treasury on account of licenses sold.

SEC. 7. The Auditor and his bondsmen shall be jointly, severally and personally responsible and liable for any damage resulting to the City on account of any illegal or fraudulent claim for which a warrant may be issued.

SEC. 8. The City Treasurer shall, in addition to all other duties imposed upon him, keep like cash and book accounts and ledger accounts, as required to be kept by the Auditor, and shall make reports to the Common Council on the tenth days of March and September, in each year, of all moneys received into and paid out of the various funds of the City. The Treasurer shall, on the first Monday of August, December and April of each year transmit to the Auditor a full statement under oath showing the full amount of taxes, percentage, interest and costs received by him on account of redemption of property sold to the City on account of taxes, and also show the amount of Auditor's fees on account of same which he has received. The Auditor upon receiving such statement shall forthwith apportion said amounts to the various funds in accordance with the tax levy of the then fiscal year, except the Auditor's fees, which shall be apportioned to the Salary Fund, and also excepting the percentage and costs, which shall be apportioned to the General Fund, and a statement of this apportionment shall be filed with the Treasurer, and the Treasurer shall forthwith cover said moneys into the Treasury, and receipt to the Auditor for the same. The Treasurer shall keep a book in which he shall enter all warrants paid by him, showing the numbers and amounts; this book shall be known as the "Paid Warrants Book." On the first day of each month the Treasurer shall turn over to the Auditor all warrants paid by him during the preceding month; the Auditor and Treasurer shall carefully compare the warrants so turned over with the entries upon the "Paid Warrants Book," and if satisfied that the same are correct as entered in said book, the Auditor shall receipt to the Treasurer for said paid warrants by writing his receipt therefor in said book immediately following the month's entry of such warrants. Upon payment of any warrant the Treasurer shall cancel the same by stamping upon its face the word "paid" in bold capital letters, followed by date of payment.

The Treasurer shall issue receipts in duplicate to all persons paying money into the Treasury, one of which receipts must forthwith be filed with the Auditor.

SEC. 9. The following funds are hereby established:

1. "Fire Department Fund," upon which all warrants must be drawn for Fire Department supplies and expenses whatsoever.
2. "Salary Fund," from which all salaries of City Officers and their deputies, including regular policemen, must be paid.
3. "Police Department Fund," from which must be paid all expenses of the Police Department, except salaries of regular policemen.
4. "Street Fund," from which must be paid all expenses for street repairs, street sprinkling and cleaning, highway and bridge repairs, and all other street improvements not otherwise provided for in this Charter.
5. "Harbor and Wharf Fund," from which must be paid all expenses for wharf building and repairs, and for all harbor improvements.
6. "Sewer and Drainage Fund," from which all expenses for sewer and drainage construction and repairs must be paid.
7. "School Fund," from which must be paid all salaries of teachers in the City Public Schools, and all expenses of such schools, together with all expenses of repairs to school buildings, school furniture, and other necessary expenditures by the Board of Education, including the erection of school buildings and purchase of sites therefor.

TWELVE.....

8. "Street Light Fund," from which must be paid all sums for lighting the City by electric light, gas, etc.

9. "Park Improvement Fund," from which must be paid all expenses for Park and boulevard improvements, such as construction and building of drives, boulevards, and planting of trees and other improvements.

10. "Public Health Fund," from which must be paid all expenses of the Health Department, including scavengers, and all expenses in disposing of garbage, etc.

11. "Library Fund," from which must be paid all expenditures made and ordered by the Board of Library Trustees of the San Diego Public Library.

12. "Public Building Fund," from which all expenditures for public buildings of the City (other than school buildings) must be paid.

13. "Office Fund," from which all expenditures for furniture, fuel, stationery, books, etc., furnished to the City officers and departments must be paid.

14. "General Fund," from which must be paid appropriations, and general expenses not payable from other funds.

The Common Council may from time to time establish such other Funds as they may deem necessary, and shall establish and continue in force all Interest Funds, Bond Funds, Bond Redemption Funds and other funds now or hereafter established for the payment of all interest upon, and the payment of all bonded indebtedness of said City; and the percentage of each annual tax levy shall be named for each fund and the whole amount of taxes and revenue of the City apportioned to said several funds accordingly; and no transfer shall be made from one fund to another except as otherwise provided in this Charter, unless by a vote of the Common Council, by ayes and noes, recorded in the journals of proceedings; and in no case shall any moneys be transferred from the School Fund or Library Fund to any other fund.

The Common Council shall by ordinance determine and designate to what funds shall be apportioned all moneys arising from the levy of all license taxes in the City, provided, that none of such moneys shall be apportioned to either the School Fund, Library Fund, or to any of the bond funds, interest funds or bond redemption funds of the City.

SEC. 10. All moneys arising from fines imposed and collected under the City ordinances, shall be apportioned and paid into the following funds of the City: One-half thereof to the Police Department fund and the other half into the Street Fund.

SEC. 11. All officers of the city who collect moneys on account of taxes, licenses, fines, and from other sources which belong to the City, except moneys collected by the Treasurer on account of redemption of property sold to the City for taxes, must make monthly settlements therefor on or before the first Monday in each month, and to that end, shall make a statement to the Auditor, subscribed and sworn to before him, showing from what sources the same are collected and the total amount collected, and forthwith pay said amount to the Treasurer and take his receipt therefor, in duplicate, one of which receipts must be filed with the Auditor. The Auditor, upon filing the Treasurer's receipt, must forthwith apportion the money so paid in to the several funds to which it belongs, and file with the Treasurer his statement of such apportionment.

SEC. 12. The Common Council must not for any purpose contract debts or liabilities, except in pursuance of law, nor shall such indebtedness or liabilities exceed in any fiscal year the income and revenue provided for such year, without the assent of two-thirds of the qualified electors of the City, voting at an election to be held for that purpose, nor unless before or at the time of incurring such indebtedness provision shall be made for the collection of an annual tax sufficient to pay the interest on such indebtedness, as it falls due, and also to constitute a sinking fund for the payment of the principal thereof within twenty years from the time of contracting the same, and proceed in accordance with the section following, providing how bonded debts may be created. Any indebtedness or liability incurred contrary to this provision shall be void; and all contracts, authorizations, allowances, payments and liabilities to pay, made or attempted to be made in violation of this provision, shall be absolutely void and shall never be the foundation or basis of a claim against the Treasury of said City; and all officers of said City are charged with notice of the condition of the City Treasury and extent of the claims against the same.

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SEC. 13. The Common Council may contract bonded indebtedness (other than bonds and indebtedness contracted and created for street paving and street improvements as in this Charter provided), as follows: Said Common Council shall by order duly passed, by ayes and noes, recorded in its journals of proceedings, specify the particular purpose for which the indebtedness is to be created, and the amount of bonds which is proposed to be issued. The Common Council shall then provide for submitting the question of the issue of said bonds to the qualified electors of the City at a special City election to be called by the Common Council for that purpose, and none but qualified electors of the City shall be permitted to vote thereat, and it shall be held as nearly as possible in conformity with the general election laws of this State. Notice shall be given of such election by publication in the City official newspaper for three weeks prior thereto. The ballots shall be printed, "For the issue of bonds" or "Against the issue of bonds." If two-thirds of the electors of the City so voting at such election shall vote in favor of issuing bonds, and not otherwise, the Council may proceed to issue the amount of bonds specified, in manner as follows: Said bonds to be in sums of not less than one hundred dollars nor more than one thousand dollars each, having not more than twenty years to run, and bearing interest at a rate per annum not exceeding seven per cent., payable semi-annually; the said bonds to be payable and redeemable at any time at pleasure of the city, which said bonds shall be substantially in the following form:

No. _____
The City of San Diego, in the State of California, for value received, promises to pay.....or bearer, at the office of the Treasurer of said City, on the first day of.....in the year.....or at any time before that date, at the pleasure of the City, the sum of.....dollars, gold coin of the United States, with interest at the rate of.....per cent. per annum, payable at the office of said Treasurer semi-annually, on the first day of.....and ...in each year, on presentation and surrender of the interest coupons hereto attached.
In testimony whereof, the said City by its Common Council has caused this bond to be signed by the Mayor of the City, and attested by the Auditor, with the corporate seal of said City hereto attached, thisday of.....in the year.....

+++++
CORPORATE SEAL
+++++.....Mayor.

Attest : Auditor.
And the interest coupons shall be in the form following, and signed by the Auditor:

No. _____
The Treasurer of the City of San Diego, California, will pay to the holder hereof on the.....day of.....in the year.....at his office in said City, the sum ofDollars, gold coin, for interest on City Bond No. _____

.....Auditor.
Whenever bonds issued under this Charter shall be duly executed, numbered consecutively, and sealed, they shall be delivered to the City Treasurer and his receipt taken therefor, and he shall stand charged on his official bond with all bonds delivered to him, and the proceeds thereof. The Treasurer shall then proceed to sell said bonds, for not less than par, under the direction of the Common Council, and for the best available price; and whenever said bonds, or any portion thereof are sold, he shall report the fact to the Auditor, stating under oath to whom sold, and for what price, and the Auditor shall at once apportion the moneys arising from such sale to the proper fund in the Treasury, filing a statement of such apportionment with the Treasurer. The Common Council shall have the power, and must create and name the fund or funds of the City into which the moneys arising from sale of bonds shall be paid. And before or at the time of issuing said bonds, the Common Council shall, by ordinance, provide for the levy and collection of a tax, to be levied and collected at the same time and in the same manner as other City taxes, sufficient to pay the annual interest upon the bonds, issued and out standing, and such proportion of the principal thereof, that at the end of five years the sum raised from such levies shall equal at least twenty per cent. of the bonds issued; at the end of nine years at least forty

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per cent. of the amount, and at or before the date of maturity of the bonds shall be equal to the whole amount of the principal and interest. And the Common Council must annually thereafter levy such tax in sufficient amount to comply with the provisions of this section and the ordinance of the Council aforesaid; and the moneys arising from such levies shall be known as the "Special Charter Bond Fund No. —," and shall be used for the payment of bonds and interest coupons, and for no other purpose whatever. Whenever the amount in the hands of the Treasurer belonging to said fund, after setting aside the sum required to pay interest maturing before the next levy, is sufficient to redeem one or more bonds, he shall publish a notice in the City official newspaper for the period of ten days specifying that he is prepared to pay said bond or bonds, giving the number of bond or bonds to be paid, and date of issue of said bond or bonds; and if not presented for payment within forty days after date of said notice, that the interest will cease, and the amount due thereon for principal and interest will be set aside for payment of same whenever presented. If said bonds are not so presented interest shall cease, and the amount due thereon be set aside as specified in said published notice. The bonds selected for redemption shall be determined by lot.

SEC. 14. The Auditing Committee, or a special committee appointed by the Common Council for that purpose, shall have the right and power, separately or collectively, and with the aid of an accountant selected by the Mayor, to examine the books of the Treasurer at any and all times, and shall have the right to inspect and count all public moneys under the Treasurer's control or on deposit elsewhere.

SEC. 15. It shall be the duty of the City Clerk upon the first Tuesday of January in each year, or within five days thereafter to cause notice to be given by public advertisement for five successive days in the City official newspaper, that sealed proposals will be received from any bank of deposit in the City of San Diego, as to the terms and conditions upon which they will receive and disburse the public moneys of said City; such proposals shall be received up to the time to be specified in the notice. The proposals to be made shall specify the rate of interest per month estimated upon the daily balances that will be allowed upon such deposits of public moneys. Such sealed proposals shall be publicly opened by the Clerk, in the presence of the Board of Aldermen, at its first meeting after the expiration of the time for receiving proposals. The bank offering the highest rate of interest shall be appointed the depository of public moneys. The Board of Aldermen shall thereupon cause a contract in writing to be drawn providing for the proper payment of all warrants drawn upon the City Treasurer, so long as there is sufficient money in the fund upon which such warrant is drawn, and sufficient money to the credit of said City on deposit in said bank to pay the same; and providing also for the full accounting of all moneys so deposited, and the repayment of the balance on deposit at the end of the term for which said contract shall be made to the City Treasurer, or other person authorized by the Common Council to demand and receive the same. The Board of Aldermen shall have the power to require such other provisions to be inserted in such contract as it shall deem best for the interest of said City. The contract, when approved by the Board of Aldermen, shall be signed, in behalf of the City, by the Mayor. Such depository thus selected shall give a bond, with two or more sureties, who shall not be stockholders in such Bank, in a sum to be fixed by the Board of Aldermen, not less than one hundred thousand dollars, conditioned for the faithful keeping and proper disbursement of all such moneys; said bond to be approved by the Mayor and Board of Aldermen. Upon approval of such bond, and the signing of such contract, the Common Council, by resolution, shall direct the City Treasurer to deposit each day when said bank is open for transaction of business with the bank thus selected, all public moneys of said City by him collected or received. For each such deposit the Treasurer shall take the receipt of the bank, and from and after the deposit of such money in said bank the Treasurer and his bondsmen shall no longer be liable therefor. Should the City Treasurer refuse or neglect at any time to comply with the orders of the Common Council as to the deposit of such moneys, he shall be liable upon his official bond, in an action brought thereon, by and in the name of the City of San Diego, for the full amount of the interest which the corporation should have received upon such moneys during such time as he shall retain the possession or control of such moneys; and in addition thereto he may be proceeded against by said City, in its own name, by mandate brought against him under the laws of this State, applicable thereto, to compel such deposits to be made.

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ARTICLE VII.
Educational Department.
CHAPTER I.

OF THE BOARD OF EDUCATION.

SECTION 1. The government of the School Department of the City of San Diego shall be vested in a Board of Education, composed of eighteen persons, two of whom shall be elected from each ward, and each of whom shall have been for two years a resident of this city, who shall be styled Members of the Board of Education. They shall serve without salary. They shall hold office for four years, or until their successors shall be elected, provided that one member from each ward, of the first Board only, to be determined by lot, shall serve but two years.

SEC. 2. The Board of Education shall choose by ballot one of their number President; they shall hold stated meetings at least monthly, and special meetings as they may decide. The Superintendent of Schools shall be ex-officio Clerk of the Board, and shall keep a faithful record of all their proceedings. Nine members shall be a quorum for the transaction of business, but a less number may adjourn from time to time. No action can be taken without the concurrence of at least nine members. All sessions shall be public, and all records of their official acts open to public inspection at all proper times. Any vacancy in the body shall be filled by the Board from the electors of the ward in which the vacancy has occurred until the next general city election.

The Board shall have sole power—

First—To establish, maintain, change and consolidate public schools in this city, and determine the limits of the districts thereof.

Second—To appoint and employ a Superintendent of Schools who has for two years been a teacher in some public school in the United States. To employ and dismiss teachers, janitors, census school-marshals, mechanics, laborers and other persons as may be necessary to carry into effect the powers and duties of the Board.

Third—To fix a schedule of annual or monthly salaries for teachers and janitors, and compensation for other employees; provided, that persons employed by them shall be subject to dismissal for good and sufficient cause, such dismissal to be in effect the termination of any contract with the person so employed.

Fourth—To make, establish and enforce all necessary and proper rules and regulations for the government of the public schools, and teachers thereof, and pupils therein, and for carrying into effect the laws relating to education. To make rules defining the duties of the superintendent and teachers. Also, to establish and regulate the graded schools and determine what text-books, course of study and mode of instruction shall be used in all of said schools; provided, however, that no text-books shall be set aside and discarded and be replaced by text-books, other than those that are authorized by law and published under the authority of this State, until after three years from the date of their adoption and use in the public schools of this city.

Fifth—To provide for the School Department water, fuel, lights, blanks, blank books, printing, stationery and other necessary aids and conveniences as are demanded to meet the educational requirements of the city.

Sixth—To rent and provide school houses and to furnish the same with suitable desks, seats, apparatus and school appliances, and to insure the same.

Seventh—To control and manage all the school property of the City of San Diego, necessary for conducting the public schools therein; but no lease or exchange of the same shall be made without authority of the Common Council.

Eighth—To prohibit any child under six years of age from attending the public schools; but may establish Kindergarten schools for the tuition of children between the ages of four and six years; and may to provide for Kindergarten instruction in the primary schools.

Ninth—To admit non-resident children to any of the schools upon the payment of a fee to be fixed by the Board.

Tenth—To suspend or expel pupils for misconduct.

SEC. 3. No teacher shall be employed in any of the public schools without having a certificate issued under the provisions of this Charter. For the purpose of granting the certificates required, the Board shall appoint a City Board of Examination. The City Board of Examination shall consist of the School Superintendent, who shall be President, and four other persons, residents of this city, at least two of whom shall be experienced teachers. The members of the City Board of Examination, other than the Superintendent, shall receive for their services such compensation as may be fixed by the Board of Education.

SEC. 4. The City Board of Examination shall have power:

(1.)—To adopt rules and regulations not inconsistent with the laws of this State for its own government, and for the examination of teachers.

(2.)—To examine applicants, and to prescribe a standard of proficiency which will entitle the person examined to a certificate.

(3.)—To grant City certificates of three grades:

First—High school certificates, valid for six years, and authorizing the holder to teach any primary, grammar or high school in this city.

Second—City certificates, first grade, valid for four years, and authorizing the holder to teach any primary or grammar school in this city.

Third—City certificates, second grade, valid for two years, and authorizing the holder to teach any primary school in this city.

Fourth—Without examination to grant certificates and fix the grade thereof to the holders of State life diplomas, State educational diplomas, State Normal School diplomas, State University diplomas (when recommended by the faculty of the University), State certificates, City certificates granted in other cities of this State, county certificates granted in the County of San Diego, and life diplomas, and State Normal School diplomas of other States.

Fifth—To revoke or suspend for immoral or unprofessional conduct, profanity, intemperance, or evident unfitness for teaching on the part of the holder, any certificate granted by the Board.

Examination of teachers must be held semi-annually, at such times as the Board may determine.

SEC. 5. 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 Common 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.

SEC. 6. The public school fund of this city shall consist of all moneys received from the city, county and State school funds; of all moneys arising from taxes which shall be levied by the Common Council for school purposes; of all moneys arising from the sale, rent or exchange of school property, and of such other moneys as may from any source whatever be paid into said 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 Chapter. No fees or commissions shall be allowed or paid for assessing, collecting or disbursing of 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 for any purpose or in any manner whatever be diverted or withdrawn from said fund, except as in this Chapter provided. All moneys of this fund shall be deposited with the City Treasurer, and the same shall be drawn only by warrant signed by the President and Clerk of the Board and duly audited by the Auditor.

SEC. 7. It shall be the duty of the Board of Education, or a committee thereof, to visit and examine each school at least once each month, and cause to be observed such general rules for the regulation, government and instruction of the schools, not inconsistent with the laws of the State, as may be established by the Board.

SEC. 8. All claims payable out of the school fund shall first be filed with the Clerk of the Board, and shall be approved by a majority of the whole Board, and certificate of such approval shall be endorsed thereon by the President of the Board. All demands of salaries of teachers, and compensation of janitors shall be payable monthly, without presentation of claims therefor.

SEC. 9. It shall be the duty of any and all officers of the county of San Diego, having any official disposition of the school fund of this city, to cause to be deposited with the City Treasurer of the city all State and county moneys coming under their control that have been appropriated to the city, or the school districts thereof, as soon as the same have been received by them.

SEC. 10. All contracts, supplies or purchases to be made by the authority of the Board exceeding in amount two hundred dollars (\$200) shall be given to the lowest bidder for the same, after three days' publication in the official paper of the city has been made, soliciting

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from the public bids therefor, the Board reserving the right to reject any bid. The Board shall not have authority to contract any debts or obligations of any kind that may exceed in amount in any one year the income or revenue provided for the school fund of such year.

SEC. 11. The President, and any President pro tem. of the Board, shall have power to administer oaths and affirmations concerning any demand upon the school fund, or any other matter affecting the School Department that may be presented for the official action of the Board.

SEC. 12. The Board shall cause to be published in January and July of each year, in the official paper of the city of San Diego, a tabulated statement showing the income and resources of the School Department and the general expenditures for such school purposes, together with information as to the condition of the schools, number of teachers employed, attendance of pupils, and other statistics that may show to the public the labors of the department for the previous six months.

SEC. 13. The Board shall direct the Superintendent of Schools to make to them monthly reports concerning the work of his department and the general efficiency of the schools.

SEC. 14. The Board shall have full authority to sell such personal property used in the School Department as may no longer be required for use, and deposit all moneys so acquired with the City Treasurer to the credit of the school fund.

SEC. 15. The Board shall have the power, if they shall so determine, to designate a member of the Board of Examiners, who is not a teacher in their employ, who must visit the public schools in the city at least once in each year, and examine each and every class and report as to the efficiency of the teachers thereof.

SEC. 16. The Board of Education shall report to the Common Council, before the annual tax levy be made, the amount necessary to carry on the public schools for the next school year, and thereupon the Common Council shall levy a rate of tax for school purposes sufficient to raise the amount reported as necessary by the Board of Education, not to exceed thirty cents on the one hundred dollars' valuation of the taxable property of the city as assessed, and such tax shall be in addition to all other amounts levied for city purposes.

SEC. 17. The Board of Education may by resolution make a requisition upon the Board of Public Works for plans, specifications and estimates for any new school-house, stating the location of the proposed house, the date on which it should be completed, the amount of money in the school fund available for the purpose, and other information that may enable the Board of Public Works to prepare the necessary plans, specifications and estimates of cost for such school-house. If such plans, specifications and estimates are approved by the Board of Education they shall be endorsed "Approved," with the date of such approval, by the President and Secretary thereof, and returned to the Board of Public Works, who shall proceed without delay to have said school-house constructed in accordance therewith. On completion of such school-house the Board of Public Works shall notify the Board of Education, who shall thereupon examine the same, and if built in accordance with the plans and specifications approved by them, and within the estimated cost thereof, shall accept, pay for and take possession of the same.

SEC. 18. The Board of Education may also by resolution make a requisition upon the Board of Public Works for the purchase by them for the City of lands sufficient for a school house site, specifying the general location desired, and the character of the school house proposed to be erected thereon: and thereupon the Board of Public Works shall advertise for proposals in the usual manner, and shall contract for the purchase of such site as then shall deem the best for the least cost; which contract shall be valid only when approved by the Board of Education, and the purchase, and payment therefor shall thereupon be consummated by said Board of Education.

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ARTICLE VIII.

San Diego Public Library.

SECTION 1. The Public Library and Reading-Room, known as the "San Diego Public Library" is hereby continued in existence, and shall be free of access to all citizens and residents of said city, subject to such rules and regulations for the government and management thereof as may at any time be adopted by the Board of Directors of said Library, hereinafter provided.

SEC. 2. The Board shall determine annually the amount of money required for the support of the public library, and for carrying into effect all the provisions of law in reference thereto; and in pursuance of this provision, the Board shall, on or before the twentieth day of March in each year, submit in writing to the Auditor a careful estimate of the whole amount of money required from the city for the above purposes, and the Common Council shall in each year, fix a sufficient percentage of taxes to be levied and collected on the taxable property in the city, not to exceed five cents on each one hundred dollars of the value of all real and personal property of the said city, as assessed for city purposes, for the purpose of establishing and maintaining said library, and purchasing or leasing such real and personal property, books, papers, publications, furniture and fixtures, and erecting such buildings as may be necessary therefor. No indebtedness exceeding the amount of the annual levy for this purpose shall be incurred in any one year; provided, this limitation shall not be construed to prevent the incurring of indebtedness for permanent improvements to be liquidated by the proceeds of municipal bonds issued by the City of San Diego in accordance with the general laws of the State for the purpose of defraying the cost of such improvements.

SEC. 3. The Mayor shall immediately after his qualification under this Charter, appoint a Board of five Directors, subject to confirmation by the Board of Delegates, for said library, who shall serve without compensation, and be known as the "Board of Directors of the San Diego Public Library," and who shall be chosen from the citizens at large, male or female, without regard to their political opinions, but with reference to their fitness for said office, and not more than one member of the Common Council shall be at any one time a member of said Board. Said Directors shall hold office for two years, and thereafter the Mayor shall appoint, as before, Directors to take the place of the retiring Directors, who shall hold office for two years, or until their successors are appointed and qualified. Any vacancy occurring shall be filled by the Mayor, subject to confirmation by the Board of Delegates, for the balance of the unexpired term.

SEC. 4. Said Directors shall, immediately after appointment, meet and organize by the election of a president from one of their number. The Librarian shall be clerk of the Board, and shall keep a record of their proceedings.

SEC. 5. The Board of Directors shall have power to make and enforce all such by-laws, rules and regulations as may be necessary for the administration, government and protection of such library, reading-room and property; to determine the number of officers and assistants to be appointed for such library and reading-room, and to determine and define their duties; to fix the salaries and wages of such employees; to appoint a Librarian and necessary assistants, and such other employees as may be necessary, and, for good cause, to remove them; to control and order the expenditure of all moneys at any time in the Library Fund, and order the drawing and payment of all moneys out of said fund for such expenditures or liabilities as are herein authorized, subject to the general provisions for the payment of demands on the City Treasurer, contained in this Charter; (except in the purchase of books, and the Board is hereby authorized to expend for books the sum of not to exceed \$500 at any one time without advertising for bids); to purchase or lease all necessary real property whereon to construct and thereon to construct a library building or buildings, or to lease appropriate rooms, or a building, or buildings, for such library, and to have the general supervision, care and custody of the grounds, rooms or buildings constructed, leased or set apart for that purpose, and generally to do all that may be necessary to carry out the spirit and intent of this Charter in establishing a public library and reading-room; provided, that all moneys received for such library shall be deposited in the treasury of the city, to the credit of the Library Fund, and shall be kept separate and apart from other moneys of the City, and shall be drawn from said funds upon demands authenticated by the signatures of the president and clerk of the

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Board. All libraries and reading-rooms heretofore established by said City, and all property, real and personal, thereto belonging, shall be turned over to the charge, custody and administration of the Board of Directors, with like powers and liabilities as if such library had been established under this Charter.

SEC. 6. The library and reading-room shall be forever free to the use of the inhabitants of the city, and persons sojourning therein, always subject to such reasonable rules and regulations as the Board of Directors may adopt, and said Board may exclude from the use of said library and reading-room any and all persons who shall wilfully violate such rules, and said Board may extend the privileges and use of such library and reading-room to persons residing outside the city, upon such terms and conditions as said Board may, from time to time, by its regulations prescribe.

SEC. 7. Any person desiring to make donations of money, securities or other personal property or real estate, shall have the right to vest the title to such money, personal property or real estate so donated in "The Board of Directors of the San Diego Public Library," hereby created, to be owned, held and controlled by such Board when accepted, according to the terms of the deed, gift, devise or bequest of such property; and, as to such property, the Board shall be held and considered to be a special trustee thereof for the City. The title of all real property that may be purchased shall likewise be taken by said Board in its name as such special trustee; and the City of San Diego may, in its discretion, by ordinance, set apart and order to be held by the City for library purposes, any part of the real property of the City not otherwise appropriated.

SEC. 8. The Common Council shall have power to pass ordinances imposing suitable penalties for the punishment of persons committing injury upon such library, or the grounds or the property thereof, and for injury to or failure to return any book belonging to such library.

ARTICLE IX.
Police, Fire and Health.
CHAPTER I.

OF THE POLICE DEPARTMENT.

SEC. 1. The Police Department shall be under the management of a Board of Five Commissioners, four of whom shall be appointed by the Mayor and confirmed by the Board of Delegates, from among the qualified electors of the City, no more than two of whom shall be members of the same political party.

The Mayor shall be ex-officio President and a member of said Board.

SEC. 2. The term of office of said Commissioners shall be four years. The Commissioners first appointed shall so classify themselves that one of them shall go out of office in one year, one in two years, one in three years and one in four years.

SEC. 3. Immediately upon their appointment and qualification the Committee shall organize as a Board of Commissioners of the Police Department. The Board may appoint as secretary a member from the police force.

The Board shall establish rules and regulations to govern its proceedings and keep a record of the same.

SEC. 4. The Board shall meet at least once each month, and at such other times as it may appoint or of which the President gives notice.

The meetings of the Board shall be public; three members shall constitute a quorum; provided, however, that executive sessions may be held in special cases by unanimous vote.

SEC. 5. The appointment of officers and members of the Police Department shall be made by the Board.

SEC. 6. The Police Department shall consist of the Chief of Police and as many subordinate officers and regular policemen as the Common Council, by ordinance, may from time to time determine. The Chief of Police shall hold office for the term of two years.

SEC. 7. The Police Commissioners shall have power:

(1.) To suspend or remove (for cause) any person from the police force and shall reduce said force whenever so directed by the Common Council; prescribe rules and regulations for the government of the force, and fix and enforce penalties for their violation.

(2.) To prescribe the qualifications, duties, badges of office and uniforms of the officers, members and employes of said Department.

(3.) To appoint special policemen, who shall be under the supervision and control of the Chief of Police, and to remove the same at pleasure; provided, however, that the compensation of said policemen shall not be a charge against the City unless appointed by authority of the Common Council.

SEC. 8. The Board shall have the custody and control of all the property and equipments belonging to or hereafter acquired by the Police Department.

SEC. 9. The Board shall annually on or before the 26th day of March, report to the Auditor an estimate of the amount of money that will be required to pay all salaries and expenses of the Police Department.

SEC. 10. Every claim against the Police Department shall be approved by the Board, and authenticated by the signatures of the President and Secretary, before the same shall be allowed and ordered paid by the Auditing Committee.

SEC. 11. The Board shall prescribe the necessary rules and regulations to carry into execution all powers vested in said Board by this charter, or by any ordinance of the Common Council passed pursuant thereto, or by the Constitution and laws of this State.

SEC. 12. The Chief of Police shall designate one or more policemen to attend the sessions of the Police Court, when required, and policemen may serve and execute all notices, processes and warrants issued out of said Police Court, and the return of said officer serving the same shall be evidence of the facts in such return stated.

CHAPTER II.

OF THE FIRE DEPARTMENT.

SEC. 1. The Fire Department shall be under the management of a Board of three Commissioners, to be appointed by the Mayor, subject to confirmation by the Board of Delegates, from among the qualified electors of the City, who shall serve without compensation, not more than two of whom shall be members of the same political party.

SEC. 2. The term of office of said Commissioners shall be four years. The Commissioners first appointed shall so classify themselves that one of them shall go out of office in two years, one in three years and one in four years.

SEC. 3. Immediately upon their appointment and qualification, the Commissioners shall organize as a Board of Commissioners of the Fire Department, and elect one of their number President, who shall hold his office for the term of one year.

The Board may appoint as Secretary an employe of the Fire Department, to receive such additional compensation as the Board may recommend and the Common Council approve.

SEC. 4. The Board shall meet at least once each month, and at such other times as it may appoint, or of which the President gives notice.

The meetings of the Board shall be public; two members shall constitute a quorum; provided, however, that executive sessions may be held in special cases by unanimous vote.

SEC. 5. The officers, members and employes of the Fire Department shall be appointed by said Board.

SEC. 6. The Fire Department shall consist of a Chief Engineer, two Assistant Engineers, and as many drivers, hosemen and other employes as the Board may determine to be necessary.

SEC. 7. The Fire Commissioners shall have power:

(1.) To appoint, suspend or remove (for cause) any officer, person or employe from the Fire Department, prescribe rules and regulations for the government of the Department, and fix and enforce penalties for their violation.

(2.) To prescribe the qualifications, duties, badges of office, and uniforms of the officers, members and employes of said Department.

(3.) To make necessary rules and regulations to carry into execution all powers vested in said Board by this charter, or by any ordinance of the Common Council passed pursuant thereto, or by the Constitution and laws of this State.

SEC. 8. The Board shall have the custody and control of the houses, engines, hose carts, trucks, ladders, horses, stables and all other property and equipments now or hereafter used or belonging to the Fire Department.

SEC. 9. The Board shall, annually, on or before the 20th day of March, report to the Auditor an estimate of the amount of money that will be required to pay all salaries and expenses of the Fire Department for the ensuing year.

SEC. 10. Every claim against the Fire Department shall be approved by the Board, and authenticated by the signatures of the President and Secretary before the same shall be presented to the Auditing Committee.

SEC. 11. The Board shall report to the Common Council the necessity for additional apparatus, material, supplies, engines, horses, hooks and ladders, and also as to alterations and repairs required, but the action of the Board, with respect to the necessity of these matters, shall be advisory only to the Common Council, and no increase in the apparatus, material, supplies and other matters in this section enumerated, shall be made, until the same shall have been authorized by the Common Council by ordinance.

SEC. 12. All contracts let, and work ordered, for the Fire Department, shall be let and ordered by the Board of Public Works; provided, however, that the Board of Fire Commissioners shall have power to make repairs upon engines and other property under their control when the cost thereof does not exceed the sum of two hundred dollars.

SEC. 13. Whenever the Council may deem it necessary to establish a fire alarm telegraph, the Board of Fire Commissioners shall manage and control the same.

SEC. 14. All telegraph, telephone, electric light or other overhead wires wherever run into or over buildings shall come under the control of the Board of Fire Commissioners.

SECTION 1. There shall be a Board of Health, which shall consist of five physicians, graduates of some accredited medical college, three of whom must be physicians in active practice, to be appointed by the Mayor and confirmed by the Board of Delegates, who shall have supervision of all matters appertaining to the sanitary condition of the city, and its public institutions.

SEC. 2. The members of said Board shall hold office for four years, without compensation. The members first appointed shall so classify themselves that one shall go out of office at the end of the first year, one at the end of two years, one in three years, and one in four years.

SEC. 3. The Board shall elect one of their number President, who shall hold office for one year.

The Health Officer's clerk or assistant shall act as Secretary of said Board.

SEC. 4. The Common Council shall provide a suitable office for said Board of Health, to be known as the "Health Office," in which the meetings of the Board shall be held at least once a month, or whenever requested by the President, or three of its members.

SEC. 5. Said Board shall appoint and remove at pleasure a Health Officer and such other subordinate officers as from time to time may be deemed necessary by the Common Council. The Health Officer shall act as City Physician when required by the Board. He shall be the executive officer of the Board, and see that all ordinances relating to the sanitary affairs of the city, and the rules and regulations of the Board are enforced.

SEC. 6. The Board shall fix the salary of the Health Officer and other employees, subject to the approval of the Common Council.

SEC. 7. The Health Officer shall visit the public institutions of the city, and the public schools once in each quarter, investigate the sanitary conditions of the same, and make quarterly reports of such examinations to the Board of Health. He shall also make to the Board for publication, an annual report of the affairs of his office, including mortuary, and other sanitary statistics. He shall also furnish for publication a monthly ~~and an annual~~ report of the mortuary and other sanitary statistics of the city.

SEC. 8. Whenever the Health Officer shall certify to the Board of Health that any building, or part thereof, is from any cause unfit for human habitation, said Board may issue an order, to be affixed conspicuously on the building, and where practicable to be served on the owner, agent, or lessee requiring all persons to vacate such building, or apartment at and until such time as the Board may determine.

SEC. 9. Whenever a case of small pox, yellow fever, Asiatic cholera, or other infectious disease, is reported to the Health Officer, he shall immediately visit the premises where the person is, and forthwith cause to be displayed a quarantine flag in a conspicuous place on said premises, and post upon the doorway a placard, setting forth the fact that infectious disease exists therein.

SEC. 10. The Health Officer shall immediately report to the City School Superintendent and Superintendent of Public Library, the names and residences of every person sick of the diseases in section nine enumerated, or any other contagious or infectious disease, he may deem dangerous to the public health.

SEC. 11. It shall be the duty of the City School Superintendent, and Superintendent of Public Library, when so notified to refuse admittance to the public schools or library to any member of a household in which any of the aforesaid diseases are found, until advised by the Health Officer that there is no longer any danger from contagion.

SEC. 12. Every physician in the city shall immediately report to the Health Officer in writing every patient he shall have sick of typhus, ship or yellow fever, Asiatic cholera, small pox, diphtheria or scarlatina, and shall report every death occurring from such diseases immediately, also every householder in said city shall forthwith report to the Health Office the name of every inmate of his or her house whom he or she shall have reason to believe to be sick of typhus, ship or yellow fever, cholera, small pox, diphtheria or scarlatina, and any death from such diseases occurring at his or her house.

SEC. 13. The Health Officer shall keep a record of all births, deaths, interments and cremations occurring in said city.

SEC. 14. All physicians and midwives in said city shall report to the Health Officer on or before the fourth day of each month, all births and deaths occurring in his or her practice, during the previous month; a failure to make such report shall be deemed a misdemeanor.

SEC. 15. The Board of Health through and with the cooperation of the Board of Public Works, may locate, establish and maintain pest houses, and discontinue and remove the same whenever and wherever necessary for the preservation of the public health.

They may appoint and remove at pleasure such physicians and nurses (whose compensation shall be approved by the Common Council by ordinance or resolution) for said pest houses as may be necessary to maintain the efficiency of the same; and may cause to be removed thereto and kept any person affected with any contagious or infectious disease.

SEC. 16. No person shall remove a patient affected with any contagious or infectious disease from any house or place, within the city limits, to any other house or place, without the written permission of the Health Officer.

SEC. 17. The Board may, whenever they deem it necessary, appoint and remove at pleasure a Market Inspector, and such other inspectors as may be necessary for the preservation of the public health, whose compensation shall be fixed by the Common Council.

CHAPTER IV.
OF QUARANTINE.

SEC. 1. The Board of Health may proclaim such quarantines and establish and declare such quarantine districts and stations as may in their judgment be necessary for the preservation of the public health, and may appoint and remove at pleasure a quarantine officer.

SEC. 2. All vessels arriving off the port of San Diego from ports which have been legally declared infected ports, and all vessels arriving from where there is prevailing, at the time of departure, any contagious, infectious or pestilential disease are subject to quarantine and must be by the master, owner, pilot or consignee reported to the quarantine officer without delay.

No such vessel must cross a line drawn as prescribed by the Board of Health until the quarantine officer has boarded the same and given the order required by law.

SEC. 3. The Board of Health shall make rules and regulations relating to the disposition of the sick and deceased arriving on any ship or vessel, and also for the recovery of all expenses and charges incurred in their treatment or burial.

SEC. 4. The Board may, when deemed necessary, require all railroad cars or other public conveyances, before the same shall stop at any depot or station in the city, to stop at any locality selected and established for quarantine purposes, and to leave all such persons with their stores and baggage as in the opinion of the Health Officer, shall be deemed proper, on account of the existence, or general report of contagious and infectious diseases.

SEC. 5. The Board of Health shall make such rules and regulations for the government of the quarantine or the health of the city as from time to time the public health may require, and the physicians or health officers in charge of any quarantine station or place shall have power to 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 station or places to carry out and obey the same.

SEC. 6. It shall be unlawful to disinter or exhume from a grave, vault, cemetery or other burial place within the city limits or to deposit therein the body of any deceased person, without having first caused to be filed at the Health Office a certificate signed by a legally qualified 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 such decedent, and obtained from the Health Officer a written permit for burial or other purposes.

SEC. 7. The Health officer shall prepare a book of blank permits in proper form containing stubs, on which as well as in the permit, shall be entered a record giving the name, age, sex, nativity, social condition, cause of death, place of burial and destination of remains to be transported or removed.

SEC. 8. The Common Council must by ordinance or otherwise, provide for the enforcement of such orders and regulations as the Board of Health may adopt and the Council approve, providing also for all expenses incurred in carrying out the suggestions of the Board.

In addition to the powers in this article enumerated, the Health Officer and members of the Board of Health may administer oaths on business connected with the department, and shall have such other powers and authority as may be prescribed by ordinance of the Common Council or by general laws.

ARTICLE X.

Miscellaneous Provisions.

SECTION 1. Every officer shall hold his office, unless suspended or removed until the expiration of the term for which he was elected or appointed, and until his successor is elected or appointed and qualified; and where no other period is prescribed, the term of such officer shall not exceed two years. An officer shall be deemed to have "qualified" when he has taken the oath of office and filed the same, together with his official bond, if a bond is required, as herein provided.

SEC. 2. Every officer, deputy and clerk, except where otherwise provided in this Charter, must have been, at the time of his election or appointment, both an elector of the city and an actual resident therein for one year next preceding his election or appointment.

SEC. 3. No member of either Board of the Common Council, and no officer or employee of the city shall be or become, directly or indirectly, interested in, or in the performance of any contract, work or business with or for the city; or in the purchase or lease of any real estate, or other property belonging to, or taken by, said city, or which shall be sold for taxes or assessments, or by virtue of legal process at the suit of said city. If any person in this section designated shall, during the time for which he was elected or appointed, acquire an interest in any contract with, or work done for said city, or any department or office thereof, or in any franchise, right or privilege granted by said city, unless the same shall be devolved upon him by law, he shall forfeit his office, and be forever after debarred and disqualified from being elected, appointed or employed in the service of said city; and all such contracts shall be void, and shall not be enforceable against said city.

SEC. 4. No officer or employee of said city shall give, or promise to give, to any other person any portion of his compensation, or any money, or valuable thing, in consideration of having been, or of being nominated, appointed, voted for, or elected to, any office or employment; and if any such promise of gift be made, the person making such gift or promise shall forfeit his office and employment, and be forever debarred and disqualified from being elected, appointed or employed in the service of the said city.

SEC. 5. Any officer of said city who shall, while in office, accept any donation or gratuity in money or other valuable thing, either directly or indirectly, from any subordinate or employee, or from any candidate or applicant for any position as employee or subordinate under him, shall forfeit his office.

SEC. 6. An office becomes vacant when the incumbent thereof dies, resigns, is adjudged insane, convicted of felony, or of an offense involving a violation of his official duties, or is removed from office, or ceases to be a resident of said city, or neglects to qualify within the time prescribed by law, or within twenty days after his election or appointment, or shall have been absent from the State without leave for more than thirty consecutive days. The Common Council must not grant leave of absence to any officer (except for the purpose of attending to official business), for a longer time than thirty days.

SEC. 7. When a vacancy occurs in any office, and provision is not otherwise made in this Charter or by law for filling the same, the Mayor shall appoint a suitable person to fill said vacancy, who shall hold office for the remainder of the unexpired term. Provided, that in case of a vacancy in either Board of the Common Council, it shall be filled by such Board until the next general city election.

SEC. 8. Every officer authorized by law or ordinance to allow, audit or certify demands upon the treasury, or to make an official investigation, shall have power to administer oaths and affirmations and take and hear testimony concerning any matter or thing relating thereto.

SEC. 9. Every officer who shall approve, allow or pay any demand on the treasury not authorized by law, ordinance or this Charter, shall be liable to the city individually, and on his official bond, for the amount of the demand so illegally approved, allowed or paid.

SEC. 10. 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 or extracts from said books and records, duly certified, shall be given by the officer having the same in custody, to any person demanding the same, and paying or tendering ten cents per folio of one hundred words for such copies or extracts.

SEC. 11. The Treasurer shall keep his office open for business every day, except legal holidays, from nine o'clock in the forenoon until four o'clock in the afternoon. Except where otherwise provided for by law, or this Charter, all other public offices shall be kept open for business every day, except legal holidays, from half-past eight o'clock in the forenoon until five o'clock in the afternoon.

SEC. 12. In the month of January of each year the several boards, officers and other heads of departments shall report to the Mayor the condition of their respective offices and departments during the preceding fiscal year, embracing all their operations, receipts and expenditures; and the Mayor shall embody such reports, or the substance of them, in an annual communication to the Common Council.

SEC. 13. Except as otherwise provided in this Charter, all moneys, assessments and taxes belonging to or collected for the use of the city, coming into the hands of any officer of the city shall immediately be deposited with the Treasurer for the benefit of the funds to which they respectively belong. If such officer, for twenty-four hours after receiving the same, shall delay or neglect to make such deposit he shall be deemed guilty of misconduct in office and may be suspended or removed.

SEC. 14. When any officer, Board or Department provided for in this Charter shall require additional deputies, clerks or employees, application shall be made to the Mayor therefor, and upon such application it shall be the duty of the Mayor to make investigation as to the necessity for such additional assistance, and if he find the same necessary, he may recommend to the Common Council to authorize the appointment of such additional assistance; and thereupon, the Common Council, by an affirmative vote of two-thirds of all the members of each Board, may authorize such appointment and provide for the compensation of such appointee, subject to the limitations of this Charter.

SEC. 15. No privilege shall be granted that suspends or violates any ordinance, except by the affirmative vote of two-thirds of all the members of each Board.

SEC. 16. Unless otherwise provided by law or this Charter, any officer, board or department authorized to appoint any deputy, clerk, assistant or employee, shall have the right to remove any person so appointed.

SEC. 17. All appointments of officers, deputies and clerks to be made under any provision of this Charter must be made in writing and in duplicate, authenticated by the person or persons, board or officer making the same. One of said duplicates must be filed with the City Clerk, the other with the Auditor.

SEC. 18. Wherever it is provided in this Charter that the members of any Board, Department or Commission shall so classify themselves by lot that their terms of office shall expire at different times, such members shall, on the day of making such classification, cause the same to be entered in the records of their proceedings, and a copy thereof, certified by the Secretary thereof and signed by all of said members, shall be filed with the City Clerk.

SEC. 19. All franchises and privileges heretofore granted by said city, which are not in actual use or enjoyment, or which the grantees thereof have not in good faith commenced to exercise, are hereby declared forfeited and of no validity unless said grantees or their assigns shall within three months after this Charter takes effect, in good faith commence the exercise and enjoyment of such privilege and franchise.

SEC. 20. All ordinances or resolutions for the improvement of any street, for which no contract shall have been entered into at the time this Charter goes into effect, are hereby repealed.

SEC. 21. All maps of tracts of land subdivided into blocks and lots with streets, by any owner of said lands, shall be submitted to the Board of Public Works, and in case such subdivision shall be found by said Board to conform to the surrounding surveys the said map shall be adopted by the Common Council, and said subdivision allowed; but no subdivision of any such tract shall be permitted that does not conform to the surrounding and general survey of the city.

SEC. 22. All officers of the city of San Diego in office when this Charter is approved by the Legislature shall continue to hold and exercise their respective offices under and in accordance with the terms and provisions and obligations of the present Charter until the officers provided for in this Charter have been elected and qualified.

SEC. 23. All officers of the city of San Diego having custody of papers, books, documents, maps, records, archives, or other property of the city of whatsoever kind shall turn over to their successors, designated in this Charter or by ordinance of the Common Council, all such papers, books, maps, documents, records, archives or other property in their custody or under their control respectively, or belonging to their respective offices or departments; and the respective officers or boards to whom the same shall be delivered, must give therefor two duplicate certificates, one of which shall be immediately filed in the office of the Auditor.

SEC. 24. All ordinances, orders and resolutions of the city of San Diego in force at the time this Charter takes effect, and not inconsistent therewith, shall continue in force until amended or repealed.

SEC. 25. The Common Council shall, at least once in two years, cause to be printed and published in book form all ordinances of the city of a general nature in force at the time of such publication. The title page of such book shall contain the words: "Published by authority of the Common Council of the City of San Diego;" and when so published all ordinances therein contained shall be received in all courts as prima facie evidence of the due passage and publication of such ordinances, without further proof.

SCHEDULE.

SECTION 1. For the sole purpose of the election of the officers directed by this Charter to be elected by the people, the said Charter shall take effect immediately after its approval by the Legislature; and the election of such officers shall be managed, conducted and controlled in all respects in accordance with the then existing laws in relation to elections in said city. For all other purposes the said Charter shall take effect on the first Monday in May, 1889.

SEC. 2. The City Council of the present city shall provide for the holding of the first election of officers under this Charter, and shall canvass the votes and declare the result.

BE IT KNOWN:

That the city of San Diego, containing a population of more than 10,000 and less than 100,000 inhabitants, on the fifth day of December, 1888, at a special election held under and in accordance with the provisions of Section 8, of Article 11, of the Constitution of this State, did elect the undersigned, 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, signed by us in duplicate, as and for the Charter of the said city of San Diego.

In witness whereof, we have hereunto set our hands this tenth day of January, A. D., 1889. Done in duplicate.

1. DOUGLAS GUNN, PRESIDENT.
2. E. PARKER,
3. WM. A. BEGOLE,
4. GEO. B. HENSLEY,
5. R. M. POWERS,
6. CHAS. HUBBELL,
7. E. W. MORSE,
8. G. W. JORRES,
9. H. T. CHRISTIAN,
10. GEO. M. DANNALS,
11. M. A. LUCE,
12. N. H. CONKLIN,
13. PHILIP MORSE,
14. D. CAVE,
15. C. M. FENN.

Attest: OTIS BREDEN, Secretary.

Douglas Gunn, President
W. A. Begole
Geo. B. Hensley
R. M. Powers
Chas. Hubbell
E. W. Morse
G. W. Jorres
H. T. Christian
Geo. M. Dannals
Philip Morse
M. A. Luce
D. Cave
C. M. Fenn
E. Parker

Attest

Otis Breden
Secy

Charter for the City of San Diego.

PREPARED AND PROPOSED BY THE BOARD OF FIFTEEN FREEHOLDERS

Elected December 5th, 1888, in pursuance of the provisions of Section 8,
Article XI, of the Constitution of the State of California.

ARTICLE I.

Boundaries, Rights and Liabilities, Division into Wards, and Elections.

CHAPTER I.

OF BOUNDARIES, RIGHTS AND LIABILITIES.

SECTION 1. The Municipal Corporation now existing and known as "The City of San Diego" shall continue to be a municipal corporation under the same name, with the same boundaries that it now has, to-wit: All that tract of land known as the Pueblo Lands of San Diego included in the survey made in July, eighteen hundred and fifty-eight, by J. C. Hayes, United States Deputy Surveyor-General for the State of California, according to the field notes of said survey by said Hayes; and also all that portion of the Peninsula of San Diego, which lies North of a straight line drawn from the Southwest corner of the Pueblo Lands of San Diego, westward to the Light House on Point Loma; and the municipal jurisdiction of said City of San Diego shall extend to said limits and boundaries and over the tide-lands and waters of the Bay of San Diego, and into the Pacific Ocean to the extent of one marine league from the shore.

SEC. 2. The said Corporation shall have perpetual succession, may sue and defend in all Courts and places, and in all matters and proceedings whatever, and may have and use a common seal, and the same alter at pleasure, and may purchase, receive, hold and enjoy real and personal property within and without the City of San Diego, and sell, convey and dispose of the same for the common benefit; receive bequests, donations and gifts of all kinds of property within and without the City of San Diego in fee simple or in trust for charitable or other purposes and do all acts necessary to carry out the purposes of such gifts, bequests and donations, with power to manage, sell, lease, or otherwise dispose of the same in accordance with the terms of the gifts, bequests or trusts.

SEC. 3. The said Corporation shall be and continue vested with all the property, rights and rights of action of every kind now belonging to the City of San Diego and shall succeed to all the property of the present Board of Education of said City and shall be subject to all the liabilities now existing against said City or against said Board.

CHAPTER II.

OF WARDS.

SECTION 1. The said City shall be and is hereby divided into Nine Wards, as follows:

FIRST WARD.

SEC. 2. This Ward shall include all that portion of said City bounded as follows: Commencing at a point where the center line of Upas street in Middletown intersects the Bay of San Diego, thence northeasterly along the center of said street to a connection with the west end of Upas street in Horton's Addition; thence easterly, following the center line of said street to the west line of the City Park; thence north along said west line to the northwest corner of said Park; thence east along the north line of said City Park and along the north lines of Pueblo Lots number eleven hundred and twenty-eight and thirteen hundred and fifty to the eastern boundary of said City; thence northwesterly, following the eastern boundary of said City to a point where said boundary intersects the Pacific Ocean; thence southerly, following the shore line of said Ocean to the most southerly end of Point Loma; thence in a northeasterly direction, following the water line of said Point Loma, and the shore line of the Bay of San Diego to the point of commencement.

~ TWO ~

SECOND WARD.

SEC. 3. This Ward shall include all that portion of said City within the boundaries as follows: Commencing at a point where the center line of Ash street in Middletown intersects the Bay of San Diego; thence northerly, following the shore line of said Bay to the center line of Upas street; thence northerly and easterly, following the center line of said Upas street, both in Middletown and Horton's Addition, to the west line of the City Park; thence south along the said west line of Park to the center line of Date street; thence west on center line of Date street to the center line of Fifth street; thence south on center line of Fifth street to center line of Ash street; thence west along the center line of Ash street to the Bay of San Diego or place of beginning.

THIRD WARD.

SEC. 4. This Ward shall include all that portion of the City bounded on the north by the center line of Ash street, from its intersection with the Bay of San Diego to center line of Fifth street; thence south on center line of Fifth street to center line of E street; thence west on center line of E street to the Bay of San Diego; thence north on shore line of said Bay to the center line of Ash street, or place of beginning.

FOURTH WARD.

SEC. 5. This Ward shall include all that portion of the City bounded as follows: Commencing at the center of the intersection of Ash and Fifth streets; thence north on center line of Fifth street to center line of Date street; thence east on center line of Date street to west line of the Park, thence north on said west line of the Park to the north boundary of said Park; thence east on said north Park line, and south line of Pueblo Lots No. 1127 and 1349 to the eastern boundary of the City; thence southerly along the said eastern boundary of the City to a point where the center line of D street extended will intersect the said eastern boundary; thence west along the center line of D street, so extended, to the eastern end of D street, as now opened, and west along the center line of D street to center line of Fifth street; thence north on center line of Fifth street to center line of Ash street, or place of beginning.

FIFTH WARD.

SEC. 6. This Ward shall include all that portion of the City bounded on the north by the center line of E street, from its intersection with the Bay of San Diego east to the center line of Fifth street; thence south on center line of Fifth street to Bay of San Diego; thence on the south and west by the Bay of San Diego.

SIXTH WARD.

Fifth SEC. 7. This Ward shall include all that portion of the City bounded as follows: Commencing at the center of intersection of ~~Fourth~~ and D streets; thence east on center line of D street extended, to eastern boundary of the City; thence southerly on said boundary to the center line of H street extended, to said boundary; thence west on center line of H street to center line of Fifth street; thence north on center line of Fifth street to center line of D street, or place of beginning.

SEVENTH WARD.

SEC. 8. This Ward shall include all that portion of the City bounded as follows: Commencing at the center point of intersection of H and Fifth streets; thence east on center line of H street extended, to the eastern boundary of the City; thence southeasterly on said boundary to the center line of N street extended, to the City boundary; thence west on center line of N street extended, to the Bay of San Diego; thence northwesterly along said Bay to the intersection of the center line of Fifth street with said Bay; thence along the center line of Fifth street to center line of H street, or place of beginning.

EIGHTH WARD.

SEC. 9. This Ward shall include all that portion of the City lying south of the center line of N street, from its intersection with the Bay of San Diego, east to the eastern boundary of the City; thence southerly to the southeast boundary of the City; thence westerly on the southerly boundary to the Bay of San Diego; thence northwesterly on the shore of said Bay to the intersection of the center line of N street, or place of beginning.

THREE

NINTH WARD.

SEC. 10. This Ward shall include all that portion of the City lying north of the southern boundary of the City known as the Peninsula of San Diego, bounded by the bay of San Diego and the Pacific Ocean.

SEC. 11. The jurisdiction of all wards bounded by the Bay of San Diego shall extend to the center of ship's channel at right angles with the shore line.

SEC. 12. The Common Council shall in the year 1892, and every five years thereafter, redistrict the City into nine wards, making the population in each ward as near equal as convenience will permit.

CHAPTER III.

OF ELECTIONS.

SECTION 1. Elections to be held in said city for the purpose of electing the officers of said city, and for all other purposes are of two kinds:

First—General Municipal Elections.

Second—Special Elections.

SEC. 2. General Municipal Elections shall be held in said city on the first Tuesday after the first Monday in April in each odd-numbered year for the purpose of electing all officers made elective by the terms of this Charter and for other purposes in this Charter provided.

SEC. 3. Special Elections for all purposes designated in this Charter shall be held on the days as fixed by the Council therefor.

SEC. 4. All General Municipal Elections and all Special Elections shall in all respects, as near as may be, be conducted and held in accordance with the provisions of the laws of the State for the holding of general elections in effect at the time; and the Common Council shall make all the necessary arrangements for holding said elections in accordance therewith; and the canvass and the declaring of the results of all elections by the Council shall be in accordance with the provisions of said State laws.

SEC. 5. 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. 6. It shall be the duty of the Board of Supervisors of the County of San Diego, when the great registers are printed, to provide for the printing of a sufficient number of such registers (in addition to the number required otherwise by law to be printed) for the general Municipal and Special Elections to be held or likely to be held in the City of San Diego, and it shall be the duty of the County Clerk of said County to furnish such registers in sufficient numbers when so required to the authorities of the City.

SEC. 7. All officers elected at a general Municipal Election shall take office on the first Monday of May next following such election.

ARTICLE IV.

Legislative Department.

CHAPTER I.

OF THE COMMON COUNCIL.

SECTION 1. The legislative power of the City of San Diego shall be vested in two Houses of Legislation, which shall be designated the Common Council and shall consist of a Board of Aldermen and a Board of Delegates.

SEC. 2. The Board of Aldermen shall consist of nine members, who shall be elected by general ticket from the City at large.

SEC. 3. At the first election under this Charter nine members of the Board of Aldermen shall be elected. The five receiving the highest number of votes shall hold office for four years, and the other four for two years, and in case of a tie vote, the right to hold for two or four years shall be determined by lot. At each general municipal election thereafter, members of the Board of Aldermen shall be elected to succeed those whose terms are about to expire; and the members so elected shall hold office for four years.

SEC. 4. The Board of Delegates shall consist of two members from each Ward, who shall be elected at each general municipal election by the qualified electors of their respective Wards, and shall hold office for two years. Each member of the Board of Delegates must have been both an elector of the City, and an actual resident of the Ward for which he was elected, at least one year next preceding his election.

SEC. 5. No person shall be eligible as a member of either Board who shall have been convicted of malfeasance in office, bribery, or any other infamous crime, by the judgment of a Court; any such conviction during his term of office shall cause the forfeiture of his seat in said Board.

SEC. 6. The Boards shall meet in separate chambers. A majority of its members shall be a quorum for each Board, but a less number may adjourn from day to day, and compel the attendance of absent members in such manner and under such penalties as each Board may prescribe.

SEC. 7. Each Board shall—

1. Choose a President annually from its own members, who may be removed by the affirmative vote of not less than two-thirds of the members of such Board.

2. Establish rules for its proceedings.

3. Keep a journal of its proceedings, and allow the same to be published. The ayes and noes on any question shall, on the demand of any two members, be taken and entered therein.

4. Have authority to punish its members for disorderly or contemptuous behavior in its presence; and to expel any member by the affirmative vote of not less than two-thirds of its members, specifying in the order of expulsion the cause thereof.

5. Have power to compel the attendance of witnesses and production of papers pertinent to any business before such Board, or any of its committees.

SEC. 8. Each Board shall meet upon the first Monday of each month, or, if that day be a legal holiday, then upon the next day; and neither Board shall, without the consent of the other, adjourn for more than seven days, or to any other place than its regular place of meeting. The meetings of each Board shall be public.

SEC. 9. No member of either Board shall hold any other office, Federal, State, County or municipal, except in the National Guard or as a Notary Public, or be an employee of said city, or of either of said Boards, or be directly or indirectly interested in any contract with said City or with or for any Department or Institution thereof; or advance money or furnish material or supplies for the performance of any such contract; or furnish or become surety for the performance of any such contract; or directly, or indirectly recommend, solicit, advise, request or in any manner use his influence to obtain the appointment of any person to any office, position, place of employment under the City Government, or under any Department, Board or Officer thereof; but nothing in this section shall impair the right of a member to nominate and recommend any person for any office or position to be filled by appointment or election by the Common Council or the Board of which he is a member.

Upon taking office, each member shall make and file in the office of the Clerk an affidavit that he will faithfully comply with and abide by all the requirements of this section. A violation of

ART.—GALLEY 2—Legislative Department.

any of the provisions of this section shall cause a forfeiture of his office.

SEC. 10. Every Legislative Act of said City shall be by Ordinance. The enacting clause of every ordinance shall be: "Be it ordained by the Common Council of the City of San Diego, as follows:" Any ordinance may originate in either Board, and when it shall have passed one Board may be passed, amended, or rejected in the other.

SEC. 11. No bill shall become an ordinance unless on its final passage in each Board at least a majority of all the members vote in its favor, and the vote be taken by ayes and noes, and the names of the members voting for and against the same be entered in the Journals.

SEC. 12. No amendment to any bill by either Board shall be concurred in by the other except by the affirmative vote of at least a majority of its members, taken by ayes and noes, and the names of those voting for and against the same shall be entered in the Journal of such Board. Reports of committees of conference shall be adopted in either Board only by the affirmative vote of at least a majority of its members, taken by ayes and noes, and the names of those voting for and against the same shall be recorded in the Journal.

SEC. 13. No ordinance shall be revised, re-enacted or amended by reference to its title; but the ordinance to be revised or re-enacted, or the section thereof amended, shall be re-enacted at length as revised or amended.

SEC. 14. When a bill is put upon its final passage in either Board and fails to pass, and a motion is made to reconsider, the vote upon such motion shall not be acted on before the next meeting of said Board. No bill for the grant of any franchise shall be finally passed within thirty days after its introduction.

SEC. 15. No ordinance shall take effect until ten days after its passage unless otherwise expressed in said ordinance.

SEC. 16. Every bill, after it has passed the two Boards shall be signed by the President of each Board in open session, in authentication of its passage. In signing such bill, he shall call the attention of the Board to the bill and that he is about to sign it; and if any member so request, the bill shall be read at length for information as to its correctness as enrolled. If any member objects that the bill is not the same as when considered and passed by the Board, such objection shall be passed upon, and if sustained, the President shall withhold his signature, and the bill shall be corrected and signed before the Board proceeds to any other business.

SEC. 17. Every bill which shall have passed the two Boards, and been authenticated as provided in the last section, shall be presented to the Mayor for his approval. The Mayor shall return such bill to the Board in which it originated within ten days after receiving it. If he approve it he shall sign it, and it shall then become an ordinance. If he disapprove it, he shall specify his objections thereto in writing. If he do not return it with such disapproval, within the time above specified, it shall take effect as if he had approved it. The objections of the Mayor shall be entered at large on the Journal of the Board in which such bill originated. Said Board shall, after five and within thirty days after such bill shall have been so returned, reconsider and vote upon the same; and if the same shall, upon reconsideration, be again passed by the affirmative vote of not less than two-thirds of the members of each Board, the Presidents of the respective Boards shall certify that fact on the bill, and when so certified, the bill shall become an ordinance with like effect as if it had received the approval of the Mayor; but if the bill shall fail to receive upon the first vote thereon in either Board an affirmative vote of two-thirds of the members, it shall be deemed finally lost. The vote on such reconsideration shall be taken by ayes and noes, and the names of the members voting for or against the same shall be entered in the Journals of each Board.

SEC. 18. All ordinances and resolutions shall be deposited with the Clerk, who shall record the same at length in a suitable book;

ordinances of a general nature shall be published at least once in the city official newspaper.

CHAPTER II.

OF THE POWERS OF THE COMMON COUNCIL.

SECTION 1. Subject to the provisions, limitations and restrictions in this charter contained, the Common Council shall have power to pass ordinances:

ART.—GALLEY 3—Legislative Department.

1. To make and enforce within the limits of said city all such local, police, sanitary and other laws and regulations as are not in conflict with general laws, or this charter.

2. To regulate and control the use of the streets, sidewalks, highways, roads and public places for any and all purposes; to prevent encroachments upon and obstructions to the same, and require the removal of any encroachments or obstructions thereon.

3. To regulate and control the use of the streets and sidewalks for signs, sign posts, awnings, awning posts, drinking fountains, horse troughs, urinals, all posts for the suspension of electric wires; for traffic and sale therein; for exhibiting banners, placards or flags in or across the same, or from houses or other buildings; and for all other purposes.

4. To regulate the cleaning and sprinkling of the streets, sidewalks and gutters, and prevent the depositing of ashes, offal, dirt, rubbish or garbage in the same.

5. To regulate the opening of street surfaces for the laying of gas or water mains, of telegraph or telephone wires; for the building and repair of sewers; for the erection of gas or electric lights, or for any other use or purpose.

6. To regulate the numbering of houses and blocks and the naming of streets, public places and thoroughfares.

7. In relation to street beggars, vagrants and mendicants, and the exhibition and distribution of advertisements or handbills along the streets or in public places.

8. In relation to intoxication, fighting, quarreling and vulgar language in the streets and other places, and in relation to carrying concealed weapons.

9. In relation to the construction, maintenance, repair and removal of public fountains, for the use of persons and animals on the streets and in other public places.

10. To regulate public assemblages and processions.

11. To restrain and prevent any riot, mob, noise, disturbance, or disorderly assembly or amusement, dangerous to persons or property in any street, house or place.

12. To permit the laying down of railroad tracks and running cars thereon, along any street or portion of a street for the sole purpose of excavating and filling in a street or portion of the street or the adjoining land, for such limited time as may be necessary for such purpose and no longer.

13. To provide for lighting the streets, squares, parks and public places, buildings and offices; and for enclosing, improving and regulating public grounds.

14. To establish fire districts, and determine 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 alteration of existing buildings within such limits.

15. To prohibit, suppress, regulate or exclude from the city, or certain limits thereof, all houses of ill fame, prostitution and gaming; to prohibit, suppress or exclude from the city, or certain limits thereof, all occupations, houses, places, pastimes, amusements, exhibitions and practices, which are against good morals and contrary to public order and decency, or dangerous to public safety.

16. To regulate the manufacture, transportation, sale, disposition, storage and use of fire arms, firecrackers, fireworks, petroleum and all explosive and combustible material and substances; the manufacture of acids, and the maintenance of acid works, slaughter houses, brick kilns, tanneries, laundries, foundries, steam boilers, and factories using steam boilers, and all other manufactories, works and occupations of every description that may affect the public safety, health or comfort, and to exclude them from certain limits.

17. To protect the health, comfort and security of the inhabitants, and the safety and security of property and life; to exclude from certain limits, hospitals, institutions and places for the treatment of disease, or for the care of sick or insane persons; to regulate all noxious trades, and to restrict the prosecution thereof to such limits as may from time to time seem proper, or exclude them from said city; to make regulations for protection against fire, and to make such rules and regulations concerning the construction and use of buildings as may be necessary for the safety of the inhabitants; to provide for the examination, approval or disapproval of the plans and specifications of all buildings about to be constructed, and to prevent the construction thereof contrary to the provisions of any ordinance; to provide for the examination of all buildings and the removal thereof if found unsafe or constructed contrary to ordinance.

ART.—GALLEY 4—Legislative Department.

18. To authorize the establishment and maintenance of crematories, to regulate the same and to exclude them from certain limits.

19. To declare what shall constitute a nuisance, and to provide for the abatement or summary removal of any nuisance.

20. To regulate hackney carriages and public passenger vehicles, and fix the rates to be charged for the transportation of persons or personal baggage; to regulate all vehicles used for the conveyance of merchandise, earth or ballast; to prescribe the width of the tires of all vehicles and the weight to be carried by said vehicles; and to regulate drivers, carriers, runners and solicitors.

21. To regulate the construction, repair, care and use of markets and market places, and of places of public amusement and public assemblage.

22. To regulate the construction, repair and use of vaults, cisterns, areas, hydrants, pumps and sewers.

23. To provide a public pound and pound keeper, with necessary assistants, and to fix a salary for the pound keeper and his assistants, which shall be paid only out of fines collected and paid into the treasury for the redemption of impounded animals; to prescribe fines for the redemption of animals duly impounded, and to provide for the collection of such fines and their payment into the treasury; to prevent animals from running at large and to provide for impounding or killing them when found running at large. To provide for the removal and disposition of animals or vehicles found unattended in any street or public place.

24. To provide suitable buildings, rooms or accommodations for all Courts, Departments, Boards and Officers, together with all necessary attendants, furniture, fuel, lights and stationery for the convenient transaction of business.

25. To provide and maintain a morgue.

26. To provide for places for the detention of witnesses separate and apart from places where criminals, or persons accused of public offences are imprisoned.

27. To regulate and provide for the employment on the streets and highways of said City of prisoners, and to make regulations requiring prisoners to be sentenced to such labor either in the chain gang or elsewhere, as the Common Council may deem expedient; to establish, maintain and regulate and change, discontinue and re-establish City jails, prisons, and houses of correction and other places of detention, punishment, confinement and reformation.

28. To purchase or acquire by condemnation such property as may be needed for public use.

29. To adopt, enter into and carry out means for securing a supply of water for the use of the city, or its inhabitants, or for irrigating purposes therein, and along the line of its water supply.

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

31. To fix and determine the rate or compensation to be charged and collected by any person, company or corporation in this city for the use of telephones; and determine the maximum rate or compensation to be charged by any person, company or corporation supplying gas, electric or other illuminating power in said city, and in making such rate it shall be upon the basis of yielding at least seven per cent. interest upon the amount of the capital invested.

32. To fix and determine in the month of February of each year, to take effect on the first day of July thereafter, the rates, or compensation to be collected by any person, company or corporation in this City for the use of water.

33. To regulate and impose a license tax upon public amusements, shows and exhibitions, pawnbrokers and railroad passenger cars; upon the manufacture, sale, transportation or storage of any combustibles or explosives; upon astrol-ogers and fortune-tellers who practice their profession for hire; upon billiard tables, bowling alleys, shooting galleries, and other games or amusements kept or conducted for gain or hire; upon the sale at retail of tobacco, cigars, cigarettes, alcoholic and malt liquors; and upon all such other callings, trades, employments, business and places not prohibited by law, that may require special police surveillance, or that may be prejudicial to public morals and the general welfare.

34. To impose a license tax on dogs.

ART.—GALLEY 5—Legislative Department.

35. To provide for the collection of licenses and municipal revenues and fix the amount thereof.

36. To prescribe fines, forfeitures and penalties for the breach of any ordinance and for a violation of any provision of this Charter; but no penalty shall exceed the amount of five hundred dollars or six months' imprisonment, or both.

37. To provide for the security, custody and administration of all property of said City.

38. To make rules and regulations for the government of all servants, employees, officers and departments, and to fix the fees and charges for all official services and to fix salaries and wages not otherwise provided by general laws or by this Charter.

39. To allow and order paid out of the various funds provided in this Charter, the sums respectively chargeable thereto, the allowance of which is not otherwise provided for.

40. To allow and order paid out of the general fund such sums, not to exceed five thousand dollars in any one fiscal year, as may be deemed necessary for the employment of special counsel.

41. To provide for the survey of streets and blocks of land within the limits of the City, and to declare such surveys official, and to compel all persons to conform to the streets as they are now, or may be hereafter lawfully established and declared official, or otherwise dedicated.

42. To provide in the annual tax levy for a special fund to be used in the construction of a general system of sewerage and drainage for said City.

43. To provide a common seal for said City, and from time to time to alter and change the same; and, also, to provide for seals for the several departments, boards and officers of said City, and for the Police Court, and for altering and changing the same.

44. To open, close, straighten or widen any street, road or highway; to open and lay out any new street or highway through public or private property, upon making compensation to all persons whose property may be taken therefor, or injuriously affected thereby, upon the conditions and in the manner by law and in this Charter provided; and in like manner to establish and change the grade of any street, road or highway. But no compensation shall be allowed for damage to gas or water pipes, railway tracks, telegraph or telephone posts or wires, or other property or thing laid above, along, in, or under any street, highway, park, place or other public property.

45. To regulate all street railroads, tracks and cars, and when and where necessary to compel the owners of two or more of such roads using the same street for any distance, to use the same tracks and to equitably divide the expense thereof between the owners; to fix and establish, reduce and increase the fares and charges for transporting passengers and goods thereon; to regulate the rates of speed, and pass ordinances to protect the public from danger or inconvenience in the operation of such roads; to compel the owners of street railroads to pave and keep in repair the street between the rails, and also between their tracks, and for at least two feet on each side of the same, including all switches, turnouts and sidetracks.

46. To grant authority, for a term not exceeding twenty-five years, to construct street railways and lay down street railroad tracks upon or over any of the streets of said city upon which cars may be propelled by horses, mules, steam or other motive power, or by wire ropes running under the streets and moved by stationary engines, and on such conditions as may be required by law and provided by ordinance, and from time to time to establish, alter and regulate the rates of fare to be charged by any person, company or corporation to which such authority may be granted.

47. To allow any railroad company or corporation to enter said city and make its way to the water front at the most convenient point for public convenience; but no exclusive right, franchise or privilege shall be granted to such railroad company; and the use of all such rights, privileges and franchises shall at all times be subject to regulation by the Common Council. Every ordinance granting such right, privilege or franchise, shall be upon the conditions that said company or corporation shall pave and keep in repair the street between the rails of each track and also between the tracks and for at least two feet on each side of the same, including switches, turnouts and sidetracks and that said company or corporation shall allow any railroad company or corporation to which a similar right, privilege or franchise may be granted, to use in common with it the same track or tracks upon such terms as the Common Council shall determine.

48. To make appropriations allowed by law or this charter.

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

ART.—GALLEY 6—Legislative Department.

50. To provide for the sale and conveyance, or lease of all lands now or hereafter owned by said city, not dedicated or reserved for public use; but all leases and sales shall be made at public auction after publication of notice thereof for at least three weeks. No sale shall be authorized, or any lease made for a longer term than two years, except by ordinance passed by the affirmative vote of two-thirds of the members of each Board.

51. To provide for the sale, at public auction, after advertising for five days, of all personal property unfit or unnecessary for the use of said City.

52. To provide for the purchase of property levied on under execution in favor of said City; but the amount bid on such purchase shall not exceed the amount of the judgment and costs.

53. To incur an indebtedness exceeding the revenue for any fiscal year in case of great public calamity or danger, such as earthquakes, conflagrations, pestilence, invasion, or any other great and unforeseen emergency. The ordinance for such purpose must be passed by the affirmative vote of two-thirds of the members of each Board; and be approved by the Mayor. Before or at the time of incurring such indebtedness provision shall be made for the collection of an annual tax sufficient to pay the interest on such indebtedness as it falls due, and also to constitute a sinking fund for the payment of the principal thereof, within twenty years from the time of contracting the same. No such indebtedness shall be incurred without the assent of two-thirds of the qualified electors of said City, voting at an election held for that purpose.

SEC. 2. A committee of three members from each Board shall constitute the Board of Equalization of said City, and shall meet at the time prescribed by this Charter, and organize by the election of one of their number as Chairman, and shall have the powers, and perform the duties concerning the equalization of taxes, given to County Boards of Equalization by the general revenue laws of the State. The City Clerk shall act as the Clerk of the Board of Equalization, and the Common Council shall provide for the compensation of the members of the Board of Equalization for the time that they are actually engaged in the equalization of taxes.

SEC. 3. The Common Council shall have power to make all rules and regulations necessary to carry into execution all powers vested by this Charter, or by law, in said City, or in any department or officer thereof.

SEC. 4. The Board of Aldermen and the Board of Delegates shall each have power to appoint from their members a committee consisting of three, to be denominated "Finance Committee," and to fill all vacancies in said committee. Each of said committees shall have power to investigate the transactions and accounts of all officers having the collection, custody or disbursement of public money, or having the power to approve, allow or audit demands on the treasury; shall have free access to any records, books and papers in all public offices; shall have power to administer oaths or affirmations, and to examine witnesses, and compel their attendance before them by subpoena. Said committees, or either of them, may visit any of the public offices, when and as often as they think proper, and make their examinations and investigations therein, without hindrance. It shall be the duty of such committees as often as once in every six months to examine the official bonds of all city officers, and depositories of the city funds, and inquire into and investigate the sufficiency and solvency of the sureties thereon, and report the facts to the Mayor. Such report shall specify each bond, with the sureties and the amount for which each surety is bound, and state whether or not they are deemed sufficient and solvent. Upon such report the Mayor shall act so as to protect the City, and may require new bonds when necessary, and he may suspend the officer until a sufficient bond is filed and approved. In the exercise of its functions, a concurrence of two members of either committee shall be deemed sufficient. Each of said committees shall keep a record of its proceedings, with the names of the witnesses examined, and a substantial statement of the evidence taken. If from the examination made by either of such committees, it shall appear that a misdemeanor in office, or a defalcation, has been committed by any officer, said committee shall immediately report to the Mayor, who, if he approve said report, shall forthwith suspend or remove such officer. Any police officer shall execute the process and orders of said committees, or either of them.

SEC. 5. The Common Council shall not grant any franchise for the construction of any wharf into the Bay of San Diego, except in the manner following, viz.: In addition to the requirements under the general laws, each and every ordinance

each

granting such franchise must receive the vote of at least two-thirds of the members of ~~each~~ Board and shall provide that work shall commence within six months and be prosecuted continuously, and shall be completed within one year thereafter. Said time shall not be extended for any cause, and unless so completed the franchise shall be forfeited.

SEC. 6. Every grant of a franchise, right or privilege, shall be subject to the right of the Common Council at any time thereafter to repeal, change or modify the said grant, and every ordinance making such grant shall contain a reservation of the right of the Common Council to repeal, amend or modify said ordinance.

SEC. 7. No exclusive franchise or privilege shall be granted for laying pipes or other conduits under any of the public streets or through any public place for the use of any telegraph, telephone or other mode of transmitting intelligence or electric or any motive power.

SEC. 8. The Common Council shall make no appropriation in aid of any corporation, person or society, unless expressly authorized by this Charter or the laws of the State.

SEC. 9. The Common Council shall not grant authority to construct a street railway or lay down street railroad tracks upon, or over any of the streets of said city except in the manner and on the terms following, viz:

Upon the application being made to the Common Council for authority to construct and operate a street railway along and upon any of said streets, the Common Council shall, by concurrent resolution, determine whether such franchise, or any part thereof, should be granted; and, after such determination, they shall cause notice of such application and resolution to be published for ten days and shall in said notice, specify the route over and along which they have determined to grant such franchise; and shall offer to grant the same to the person, company or corporation, who will pay the highest sum for the franchise.

Bidding for such franchises must be in accordance with the provisions of this Charter in relation to bids made to the Board of Public Works, so far as such provisions may be applicable, and the Common Council may reject any and all bids, and may refuse to grant a franchise for any part of the route for which the application was made.

SEC. 10. All claims for damages against the City must be presented to the Common Council and filed with the Clerk within six months after the occurrence from which the damages arose.

SEC. 11. No expenditure, debt or liability shall be made, contracted or incurred during any fiscal year that cannot be paid out of the revenues provided for such fiscal year. ~~The City shall not~~ nor shall the Common Council, the Board of Education, or any Board, Department or officer, incur any indebtedness or liability in any manner, or for any purpose exceeding in any year the income and revenue provided for it for such fiscal year. All contracts, indebtedness or liabilities incurred contrary to the provisions of this section shall be void, and shall not be paid out of the treasury or constitute or be the foundation of any claim, demand or liability, legal or equitable, against said city. The words expenditure, indebtedness and liability herein used shall include official salaries and the pay of all employees of said city, or of any of its departments.

Except as otherwise authorized in this Ch.

SEC. 12. No part of the income or revenue provided for any particular fiscal year shall be applied in payment of any indebtedness or liability incurred during any previous fiscal year, the sinking fund and the interest upon the bonded debt alone excepted.

SEC. 13. Except as otherwise authorized in this Charter, the Common Council, Board of Education or any other Board, Department, Committee or officer, shall not give one demand preference over another in the authorization, allowance or approval thereof; but demands shall be acted upon in the order in which they are presented.

SEC. 14. All ordinances or resolutions, appropriating money or for the incurring of indebtedness or liability against the treasury, introduced in either Board of the Common Council or in the Board of Education, or other department or authority, must, before being passed, be presented to the Auditor, and until he certifies in writing upon such ordinance or resolution that such appropriation can be made or indebtedness incurred without the violation of any of the provisions of this Charter, no further action shall be had upon the same.

SEC. 15. Neither the Common Council nor any officer, Board, Department or authority shall allow, make valid, or in any manner recognize any demand against the city, which was not at the time of its creation a valid claim against the same, nor shall they, or any

ART.—GALLEY 8—Legislative Department.

of them, ever allow or authorize to be paid, any demand which, without such action, would be invalid, or which shall then be barred by any statute of limitation, or for which said city was never liable.

SEC. 16. All official advertising of the City of San Diego shall be done by contract.

Immediately after the organization of the City Government under this Charter, and every two years thereafter, the Clerk of the Common Council must publish a notice in a daily newspaper of said City for ten days, calling for proposals to do all of the advertising of said City, including the delinquent tax list. Said notice must state:

1. That the maximum rate that will be allowed for such advertising will be as follows: For each one thousand ems of type, set solid, if the publication is made *three times*, or less, \$2.25; if the publication is made *five times*, \$2.50; if the publication is made *ten times*, \$3; if the publication is made *fifteen times*, \$3.25; if the publication is made *twenty-one times*, \$3.50; if the publication is made *thirty times*, \$4.50. For the completed publication of the delinquent tax list, set solid, \$4 per one thousand ems. Any single notice less than one thousand ems to be considered one thousand ems.

2. That unusual headlines, and other artifices to increase space, will not be allowed.

3. That the bidder must be the responsible publisher of a newspaper in said City having a bona-fide daily circulation, and which has been regularly published in said City for at least two years immediately preceding his bid.

The award of said advertising shall in all cases be made to the lowest responsible bidder.

The newspaper to which the award of advertising is made shall be known and designated as the "city official newspaper."

No Board, Department, Officer or authority shall make any publication which is not expressly authorized by this Charter; and all publications so authorized shall be made in the city official newspaper, exclusively, unless otherwise expressly provided in this Charter.

Provided, That if no qualified bidder shall be willing to publish said advertising for the maximum rates herein specified; then such publication shall not be required, and publication by posting at the place of meeting of the City Council for the number of days required, shall be deemed sufficient.

ART.—GALLEY 1—Executive Department.

ARTICLE III.

Executive Department.

CHAPTER I.

OF THE MAYOR.

SECTION 1. The Mayor shall be the chief executive officer of the city. He shall be elected by the qualified voters of the city of San Diego, at each general city election, and his term of office shall be two years.

SEC. 2. The Mayor 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 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 or 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 wilful neglect of duty, or official misconduct which he may discover or which shall be reported to him, shall be laid by him before the Common Council, City Attorney, or District Attorney, in order that the public interests shall be protected, and the person in default proceeded against according to law. He shall, from time to time, give the Common Council information in writing relative to the state of the city, and shall recommend such measures as he may deem beneficial to its interests.

SEC. 3. He shall see that the laws of the State and the ordinances of the City are observed and enforced. He shall appoint a competent person or persons, expert in matters of book-keeping 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 to 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. 4. He shall, at least once in three months, together with a majority of the Auditing Committee, count the cash in the city treasury, including as cash the balance found by them to be standing in the bank depository to the credit of the Treasurer at the time of said counting, and see that it corresponds with the books of the Treasurer and Auditor.

SEC. 5. He 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 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 any officer or department thereof, or relating to the business of any office, 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 employee, as in case of malfeasance in office. The Mayor shall give a certificate, on demand, to any person reporting such facts and information, that he has done so, which certificate shall be evidence in exoneration from a charge of neglect of such duty.

SEC. 6. When any person shall furnish to the Mayor a statement in writing, under oath, to the effect that he has cause to believe, and does believe, that any deputy, clerk, or employee under any officer or in any department, is incompetent or inefficient, or that there are more deputies, clerks or employees under any officer or in any department than are necessary, the Mayor shall at once investigate the matter, after notice to such deputy, clerk or employee and his principal, or the head of the department; and if the Mayor

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find the same to be true, he shall suspend or remove such deputy, clerk or employee.

SEC. 7. The Mayor shall appoint all officers whose election or appointment is not otherwise specially provided for in this Charter or by law. He shall have power to remove, for cause, any person holding office by his nomination or appointment; and in case of such removal shall give written notice thereof, stating the cause, to the person removed; and shall immediately notify the Common Council of his action, and the reasons therefor.

SEC. 8. The Mayor may call special sessions of the Common Council, or of either Board thereof, and shall communicate to them in writing when assembled, the objects for which they have been convened; and their action at such sessions shall be confined to such objects.

SEC. 9. When and so long as the Mayor is temporarily unable to perform his official duties, the President of the Board of Aldermen shall act as Mayor pro tempore. When a vacancy occurs in the office of Mayor it shall be filled for the unexpired term by the Common Council assembled in joint convention for that purpose; and any person possessing the necessary qualifications may be chosen Mayor at such election. A member of the Common Council, during the term for which he shall have been elected or appointed, shall be ineligible to fill such vacancy.

SEC. 10. The Mayor shall not receive, for any public service rendered by him during his term of office, any other or greater compensation than the salary allowed him as Mayor.

CHAPTER II.

OF THE CITY CLERK.

SEC. 1. The Common Council, in joint session, shall elect a City Clerk, who shall hold office for two years from the date of his election, unless sooner removed by resolution. His duties shall be to keep the corporate seal, and all books, papers, records and other documents belonging to the city, the custody of which is not in this Charter otherwise provided for; to attend all meetings of the Common Council and keep a journal of its proceedings, all its by-laws, ordinances and resolutions, and perform such other duties relating to his office as the Common Council and this Charter shall direct. He shall have power to take affidavits and administer oaths in all matters relating to the business of the city and shall make no charge therefor. The City Clerk shall have power to appoint a deputy, who shall, under his direction, have the same powers and perform the same duties as the City Clerk. The compensation of the City Clerk and his deputy shall be fixed by ordinance by the Common Council.

CHAPTER III.

OF THE AUDITOR AND ASSESSOR.

SEC. 1. The Auditor shall be appointed by the Mayor, subject to confirmation by the Board of Delegates. He shall be ex-officio Assessor. As Assessor he shall perform all the duties prescribed by this Charter, or by law, for assessing property in the city for purposes of taxation, and in relation to street improvements.

SEC. 2. As Auditor he shall number and keep a record of all demands allowed by him, showing the date of approval, amount and name of original holder, the number, on what account, and out of what fund payable. He shall be required to be constantly acquainted with the exact condition of the treasury. He shall on the first Monday of each month, or oftener if required, report to the Mayor the condition of each fund in the treasury. He shall keep a complete set of books for the city in which shall be set forth in a plain and business-like manner every money transaction of the city, so that he can at any time tell the exact condition of the city's finances. He shall make an annual report showing the source from which the city's revenues were derived and how expended. He shall issue all licenses and turn the same over to the Tax Collector for collection, and shall draw and sign all warrants upon the treasury, except as otherwise in this Charter provided. Every demand must, before it can be paid, be presented to the Auditor to be approved, who shall not approve the same unless the money is legally due and remains unpaid, and the payment thereof from the treasury of the city is authorized by law, and out of the proper fund. No demand upon the treasury shall be allowed by the Auditor in favor of any officer or

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other person, or any of their assigns, who is in any manner indebted to the city, without first deducting therefrom the amount of such indebtedness, nor in favor of any officer or other person, or his assigns, having the collection, care, custody or control of public funds, unless the accounts of such officer or other person have been presented, passed, approved and allowed as is or may be required by law; nor in favor of any officer or other person, or his assigns, who has neglected to make any oath required by law or ordinance or other regulation of the Common Council; nor in favor of any officer, or his assigns who has failed, to the knowledge of the Auditor, to do any duty imposed upon him by law or ordinance, or other regulation of the Common Council. The Auditor shall have authority to take affidavits and administer oaths necessary in the transaction of all city business.

SEC. 3. He shall keep publicly posted in his office a list of all persons receiving salaries or wages from the city, with the amount of monthly salary or wages received by each opposite his name, which list shall be revised and corrected by him monthly, and be at all times open to public examination.

SEC. 4. He shall perform such other duties as this Charter or the Common Council may direct; and may appoint such regular and temporary deputies, both as Auditor and as Assessor, as the Common Council may authorize, whose compensation shall be fixed by ordinance.

SEC. 5. The term of office of the Auditor shall be four years.

SEC. 6. Whenever, in the judgment of the Common Council, it shall be for the best interest of the city, the offices of Auditor and Assessor may be made separate, and the salary of each of said officers shall be fixed by the Common Council; and where separated, the Assessor shall be appointed by the Mayor, subject to confirmation by the Board of Delegates, and hold his office for the term of four years from the time of such appointment.

CHAPTER IV.

OF THE TREASURER AND TAX COLLECTOR.

SEC. 1. The Treasurer shall be ex-officio Tax Collector. As Tax Collector he shall perform the duties in this Charter and by the general laws of the State provided. As Treasurer he shall receive and pay out all moneys belonging to the city, and shall keep an account of all receipts and expenditures, under such rules and regulations as may be prescribed by ordinance; and shall do all things required of him by this Charter or any ordinance of said city. He shall not pay out any moneys belonging to the city, except upon legal demands, allowed, and audited in the manner provided by this Charter, or authorized by law.

SEC. 2. The Treasurer shall be elected in the same manner and at the same time as the Mayor, and shall hold office for two years.

CHAPTER V.

OF THE CITY ATTORNEY.

SEC. 1. The Common Council, in joint session, shall elect a City Attorney, who shall hold office for two years from the date of his election, unless sooner removed by resolution of each Board.

SEC. 2. It shall be the duty of the City Attorney 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, that the Common Council shall have control of all litigation of the City, and may employ other attorneys to take charge of any such litigation, or to assist the City Attorney therein. He shall give his advice or opinion in writing, whenever required by the Common Council, Mayor or other City officers; and shall do and perform all such things touching his office as by the Common Council may be required of him. He shall approve by endorsement in writing the form of all official or other bonds required by this Charter, or by ordinance of the Common Council, before the same are submitted to the proper authority for final approval, and no such bonds shall be finally approved without such approval by the City Attorney. He shall approve in writing the drafts of all contracts before the same are entered into on behalf of the City.

CHAPTER VI.

OF FEES AND COLLECTIONS.

SEC. 1. All fees and other moneys received or collected by any officer, agent or employee of the city shall be paid by such officer,

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agent or employee, each month, or as much oftener as the Common Council may require, into the city treasury for the use of the city; and no payment of salary shall be made to any officer; agent or employee who shall be in receipt of money payable to the city, until he shall have taken and filed with the Auditor an affidavit that he has paid into the city treasury all fees or other moneys theretofore received by him or collected; except that the Assessor may retain his fees for collection of personal property tax.

CHAPTER VII.

OATH OF OFFICE.

SEC. 1. Every officer provided for in this charter shall, before entering upon the discharge of 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."

CHAPTER VIII.

OF OFFICIAL BONDS.

SEC. 1. All salaried officers of this City, other than Mayor and members of the Common Council, must, before they can enter upon the discharge of their official duties, give approved bonds, conditioned for the faithful performance of such duties, with two or more sureties, which sureties shall be freeholders within this State and residents thereof, and worth the sums for which they become liable on such bonds, over and above all just debts and liabilities, in unencumbered property situated within this State, which is not exempt from execution and forced sale. All official bonds must be approved by a majority of the Auditing Committee in open session. The amounts of all such bonds shall be fixed by the Common Council by Ordinance; provided, that the following officers taking office for the first time under this Charter shall give bonds in the following sums:

City Clerk.....	\$ 5,000
Auditor.....	5,000
Assessor.....	5,000
Treasurer.....	20,000
Tax Collector.....	30,000
City Attorney.....	5,000
Police Judge.....	5,000
Each member <i>Commissioner</i> of the Board of Public Works.....	15,000

CHAPTER IX.

OF OFFICIAL SALARIES.

SEC. 1. The annual salaries of the officers, and the compensation of the employees of the City shall be as follows:

The Mayor.....	\$1,500
The Auditor and Assessor.....	2,400
The Treasurer and Tax Collector.....	1,800
The City Attorney.....	2,000
The Police Judge <i>ers</i>	1,500
Commissioner of the Board of Public Works (each).....	1,500
The City Engineer.....	2,000
The Chief of Police.....	1,800
The Chief Engineer of Fire Department.....	1,200
The Superintendent of Schools.....	1,500

And of all other officers and employees as may be fixed by the Common Council, and all salaries shall be payable monthly. The Common Council, in the month of January, 1891, and every four years thereafter, shall re-adjust and fix anew the amount of all official salaries provided for in this Charter.

CHAPTER X.

OF SUBORDINATE APPOINTMENTS AND REMOVALS.

SEC. 1. The Common Council shall have power to provide by Ordinance for the appointment by the different departments and officers of such number of clerks, employees and deputies as may be necessary to transact the business of such departments and officers, and also to provide the terms of service and compensation of such clerks, employees and deputies; but the Common Council shall have power to order their discharge whenever their services are no longer needed.

ARTICLE IV.
Judicial Department.
CHAPTER I.

OF THE POLICE COURT.

SECTION 1. A Police Court is hereby established in the City of San Diego to be held by the Police Judge elected at each general City election from the electors of said City to hold office for the term of two years and until his successor is elected and qualified. Said Court shall always be open, except upon non-judicial days, and upon such day, may transact criminal business only.

SEC. 2. The Police Court shall have exclusive jurisdiction of the following public offenses, committed within this city:

First—Petit larceny. When not included in a complaint or information charging grand larceny.

Second—Assault or battery, not charged to have been committed upon a public officer in the discharge of his official duty, or with intent to kill, or in such manner as to make the offense a felony.

Third—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.

Fourth—Of proceedings respecting vagrants, lewd or disorderly persons.

Fifth—Of all proceedings for violation of any ordinance of said city, both civil and criminal.

Said Court shall also have jurisdiction:

First—Of any and all suits to recover taxes, general or special, levied in said city for city purposes; and of all suits to recover any assessment levied in said city for the improvement of streets, avenues, levees, sidewalks, and public squares, and for the opening or laying out of the same, when the amount of said tax or assessment sought to be collected against the person, firm, or corporation assessed is less than three hundred dollars; *provided*, no lien upon the property taxed or assessed for the non-payment of the taxes or assessment is sought to be foreclosed by said suit.

Second—Of any action for the collection of money due to said city, or from the city to any person, firm, or corporation, when the amount sought to be collected is less than three hundred dollars.

Third—Of any action for the breach or violation 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 on all forfeited recognizances given to or for the benefit or in behalf of said city, and upon all bonds given upon any appeal taken from the judgment of said Court in any action above named, when the amount claimed, exclusive of cost, is less than three hundred dollars.

Fourth—Of an action 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.

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

SEC. 3. Any Justice of the Peace of said city who may be designated in writing by the Mayor thereof, for the purpose, shall have, power to preside in and hold the Police Judge's Court of said city in the cases in which the Police Judge is a party, or in which he is directly interested, or when the Judge is related to either party by consanguinity or affinity within the third degree; and also in the case of the sickness or temporary absence of the Judge, or his inability to act from any cause; and in all such cases, and during such sickness, temporary absence, or inability, the Justice so designated shall act as Police Judge, and shall have and exercise all the powers, jurisdiction, and authority which are or may be by law conferred upon said Court or Judge.

SEC. 4. The Judge of said Court shall also have power to hear cases for examination, and may commit and hold the offender to bail for trial in the proper Court, and may try, condemn, or acquit, and carry his judgment into execution, as the case may require, according to law; and to punish persons guilty of contempt of Court, and shall have power to issue warrants of arrest in case of a criminal prosecution for the violation of a city ordinance, as well as in a case of the violation of the criminal law of the State; also, to issue all subpoenas and all other processes necessary to the full and proper exercise of his powers and jurisdiction in all trials or examinations before the Police Judge.

SEC. 5. There shall be furnished, for the use of the Police Court, two dockets; one shall be styled the City Criminal Docket in which all the criminal cases shall be entered, and each case shall be alphabetically indexed; the other shall be styled the City Civil Docket, and it shall contain a record of every civil case which is prosecuted before said Court, and each case shall be properly indexed, and in all cases the docket shall contain all such entries as are required by law to be made in the Justice's docket; and in any case commenced or tried before the Court the docket must show what duties were performed by each officer, and the amount of fees due to the officer for such services, and the amount of money, if any, collected.

SEC. 6. Appeals from the Police Court may be taken to the Superior Court of the county in all cases cognizable by the Police Court, and such appeals shall be taken as in case of appeal from a Justice's Court.

SEC. 7. The City Attorney shall prosecute all cases for the violation of any lawful order, regulation, or ordinance of the City Council, and shall prosecute, conduct, and control all proceedings in cases mentioned in section 2 of this Article, both in the Police Court and on appeal therefrom to the Superior Court, but the District Attorney may attend and conduct all proceedings of the nature of a preliminary examination before said Police Court.

SEC. 8. In all cases when the Police Court is authorized to impose a fine or imprisonment, or both, upon persons convicted in said Court of any offense triable therein, the said Court may sentence the offender to be imprisoned in the city jail, if there be one established by the Common Council, if not, then until said Council shall designate and establish a city jail or prison, may sentence offenders to be imprisoned in the county jail; and in addition to imprisonment, may sentence offenders to be employed to labor in the city, under the direction of the Chief of Police, and in the manner prescribed by ordinance, for the benefit of the city, during such time of imprisonment, and may, in case of imposing a fine, embrace as part of the sentence that, in default of the payment of such fine, the defendant shall be imprisoned and required to labor for the benefit of the city as before provided, at the rate of two dollars a day, till such fine is satisfied. Offenders required to labor under the direction of the Chief of Police, shall, until the establishment of a city jail, be returned to the county jail at the end of each day's labor during their term of imprisonment, until a city jail shall be by the Common Council established. It is hereby made the duty of the officer having the control or charge of the county jail of the county wherein such city is situated, to receive and safely keep all persons imprisoned by any judgment or order of the Police Court, in accordance with the order of commitment, and to allow those to be removed from the jail, under the charge of the Chief of Police, who are required to labor for the benefit of the city, or whom the Police Judge may order brought forth for trial, and the keeper of the jail shall in no way be responsible for the safe keeping of such prisoners while so under the charge of the Chief of Police.

SEC. 9. The Court shall have a seal, to be provided by the city, and certified transcripts of the Police Judge's docket and the seal of his Court shall be evidence in any Court of the State of the contents of the docket; and all warrants and other processes issued out of said Court, and all acts done by said Police Judge under its seal, shall have the same force and validity, in any part of this State, as though issued or done by any Court of record of this State.

SEC. 10. The Police Judge shall, on the first Monday of each month, make to the Common Council a full report of all the cases tried in his Court for the preceeding month for that month, in which the city may be interested, and at the same time shall pay into the city treasury all fines and other moneys collected on behalf of the city for such month.

SEC. 11. The Chief of Police, or any policeman of said city, is hereby authorized, empowered, and directed to serve, execute, and return any and all notices, warrants of arrest, and all processes directed to him by the Police Judge of said city, and to arrest all persons accused, or guilty, of the violation of any city ordinances, or of any public offenses.

SEC. 12. The interest which any inhabitant of said city may have in a penalty for the breach of a by-law or ordinance of such city, shall not disqualify said inhabitant to act as Judge, juror, or witness, in any prosecution to recover the penalty.

SEC. 13. The proceedings prescribed for Justices of the Peace and Justice's Courts, in the Penal Code and the Code of Civil Procedure, shall be applicable to said Police Judge and Police Court, and all criminal proceedings shall be prosecuted in the name of the People of the State of California.

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ARTICLE V.

Department of Public Works.

CHAPTER I.

OF THE BOARD OF PUBLIC WORKS.

SECTION 1. There shall be a Department of Public Works, under the management of three Commissioners, who shall constitute a "Board of Public Works." The Commissioners shall be appointed by the Mayor from among the qualified electors of the City, subject to the approval of the Board of Delegates. Their term of office shall be four years, and not more than two shall belong to the same political party. The Commissioners first appointed shall at their first meeting so classify themselves by lot that one of them shall go out of office in two years, one in three years, and one in four years.

SEC. 2. Immediately upon their appointment and qualification said Commissioners shall organize as a Board and elect one of their number President, who shall hold his office for the term of one year and until his successor is elected. Said Board shall elect a Secretary, who shall not be a member of said Board, and shall establish rules and regulations governing its proceedings, and for the regulation and conduct of its officers, clerks and employes, and may require bonds from any of its subordinates for the faithful performance of their duties. Such bonds must be approved by at least two of said Commissioners, and be filed with the Auditor.

SEC. 3. The Board shall hold regular meetings once in each week, and special meetings at such other times as it may appoint, or of which the President may give notice. The regular meetings shall be held on the day, and at an hour fixed by resolution entered upon its records. The meetings of the Board shall be public. Two members shall constitute a quorum, and the affirmative votes of two members shall be necessary to pass any order or resolution.

SEC. 4. The Secretary of the Board shall keep a record of its transactions, specifying therein the names of the Commissioners present at the meetings, and giving the ayes and noes upon all votes. Every order or resolution shall be recorded at length, and the record shall be approved by the Board. The Secretary shall cause the publication of all notices herein authorized to be published, and shall perform such other duties as the Board may from time to time prescribe.

SEC. 5. It shall, immediately upon completing its organization, take possession of and hereafter keep the custody of all maps, surveys, field notes, plans, specifications, contracts; all documents, books and papers; all machinery, tools and appliances, and all property belonging to the City, (not otherwise provided for in this Charter) or heretofore in possession of or under control of the City Surveyor, Street Commissioner, Sewer Inspector, Superintendent of Parks and Harbor-master; and shall compile such data or furnish such information as may be required by the Mayor, the Common Council or the Board of Education.

SEC. 6. The Board may appoint such employes as are herein provided for, or as may be authorized by the Common Council. The salaries of all officers, clerks and employes of the Board, except so far as the same are designated by this Charter, shall be fixed from time to time by the Common Council in its discretion, on recommendations by this Board.

SEC. 7. The Board shall have charge and superintendence of all public work of every kind, where not otherwise provided in this Charter, to be done for the City or for the Board of Education, or any other department, and also of the furnishing of all material and supplies for said City. It shall be the duty of the Board to vigilantly inspect all parts of the City and to recommend from time to time to the Common Council such work as it may deem necessary and proper.

SEC. 8. The Board shall have special charge, superintendence and control, subject to such ordinances as the Common Council may from time to time adopt, of the harbor and waterfront, and of all streets, sidewalks, highways, roads, bridges, wharves, parks and public places belonging to the City, or dedicated to public use, and of the improvement and

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repair thereof; of all sewers, drains, cess-pools, and the work pertaining thereto, or to the drainage of the City; of the cleaning of streets, and of all repairs upon all accepted streets; of the construction and repair of all public buildings, and the making of all public improvements for the City or under its authority, and of the repairs of such improvements; of all lamps and lights for the lighting of the streets, parks, public places, and public buildings of the City, and of the erection of all posts for such lamps and lights, and of all public works and improvements hereafter to be done by the City. The Board shall have exclusive authority to prescribe rules and grant permits in conformity with the ordinances of the City, for the moving of buildings through the streets thereof, and the building or placing of cellars or vaults under the streets or sidewalks and the construction of steps or other approaches to buildings upon the sidewalks, and of railings and fences enclosing areas upon the sidewalks; the putting up of signs and awnings; the location of steam boilers; the laying down and construction of railroad tracks in the streets; the erection of telegraph and telephone poles, and poles for electric lighting or other electrical purposes, and to restrict the number of such poles to one set on each side of the streets of the City; the construction of drains and sewers; the laying down and taking up of gas, steam and water pipes, pneumatic or other tubes and pipes, and sewers and drains, and determining the location thereof, and to prescribe such rules as shall prevent unnecessary damage to the streets by reason of the laying of said pipes, tubes and sewers, and which shall prevent the interference of the different systems; the use of the street or any portion thereof for the deposit of building material in front of a building during its construction or repair, or for any purpose other than such as ordinarily and properly belongs to the public from the dedication thereof to public use. The Board shall have full power to regulate and control, subject to the ordinances of the City, the anchorage of vessels in the harbor of San Diego or elsewhere within the limits of the City; the manner of using the streets, sidewalks, wharves, harbor, parks and public places, and to prevent and remove obstructions therefrom, and to cause the prompt repair of streets, sidewalks and public places when the same may be taken up or altered. The Board is authorized to collect, by suit or otherwise, in the name of the City, the expense of such repairs from the person or persons by whom such sidewalk or street was injured or torn up. The Board shall regulate, subject to the requirements of the Board of Health and the ordinances of the Common Council, the construction of sinks, gutters, wells, cess-pools and privy vaults, and compel the cleaning or emptying of the same, and regulate the time and manner in which the work shall be done.

SEC. 9. The Board shall appoint a Civil Engineer, who shall have at least ten years practical experience as such, who shall be designated City Engineer, and shall hold his office at the pleasure of said Board. He shall perform all civil engineering and surveying required in the prosecution of public works and improvements done under the direction of the Board, and shall certify to the progress and completion of the same, and do such other work pertaining to his profession as he may be directed to do by the Board, or by the Common Council, or by the general laws of the State of California. He shall possess the same power in the City in making surveys, plats and certificates as is, or may be from time to time given by law to the County Surveyor; and his official acts, and all plats, surveys and certificates made by him shall have the same validity and be of the same force and effect as are, or may be given by law to those of the County Surveyor. With the consent and approval of the Board the City Engineer may appoint such deputies, not exceeding the number that may be fixed by the Common Council, as the duties of his office may require. The deputies so appointed shall receive such salaries or compensation as may be fixed by the Common Council upon the recommendation of said Board, and they or any of them may be removed at pleasure by the City Engineer or by said Board.

SEC. 10. The Common Council shall by ordinance upon the recommendation of said Board, establish such fees and charges as may be proper for the services to be performed by the City Engineer and as are not inconsistent with the laws of the State, and may upon like recommendation, from time to time, change and adjust the same. Said Engineer shall require such fees in advance, to be paid to the Secretary of the Board for any official act or service demanded of him, and the money received for such services shall be turned over to the Treasurer and placed to the credit of the Street Fund.

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SEC. 11. The Board may, when they shall deem it necessary, appoint a Superintendent of Streets, whose duty it shall be to see that the laws, ordinances, orders and regulations, relating to public streets and highways be fully carried into execution, and that the penalties thereof are rigidly enforced. He shall superintend and direct the cleaning of streets and shall keep himself informed of the condition of all public streets and highways and also of all public buildings, lots and grounds of the city, and report the same to the Board, and shall perform such other duties as are hereinafter specified, or as may be required of him by this Board.

SEC. 12. All officers, employees and agents appointed by the Board shall hold office during the pleasure of the Board.

SEC. 13. All applications for establishing or changing the grade of any street or streets, the improvement of public grounds or buildings, the laying out, establishing, opening, closing, straightening, widening, or improvement of any street, road or highway, or the laying out and opening of any new street through public or private property, and for all public improvements which involve the necessity of taking private property for public use, or where any part of the cost or expense thereof is to be assessed upon private property, shall be made to said Board, and such work or improvement shall not be ordered or authorized until after said Board shall have reported to the Common Council upon said application.

SEC. 14. All public work authorized by the Common Council to be done under the supervision of the Board, and all work for which the Board of Education shall make requisition upon the Board of Public Works, and all contracts for materials and supplies in an amount exceeding three hundred dollars, required by the Common Council, or any of the departments of the City, not otherwise provided for in this Charter, shall be done under written contract except in cases of urgent necessity, as hereinafter provided. Before awarding any contract authorized by this chapter, the Board shall cause notice inviting sealed proposals therefor, to be posted conspicuously in its office and published for not less than five days; and in case the estimated cost thereof exceeds two thousand dollars (\$2,000), to be so posted and published for not less than ten days; except that when any repair or improvement, not exceeding the estimated cost of two hundred dollars (\$200) shall be deemed an urgent necessity by the Board, such repair or improvement may be made by the Board under written contract or otherwise, without advertising for sealed proposals.

SEC. 15. Said advertisement and notice shall invite sealed proposals, to be delivered at a certain day and hour, at the office of the Board, for furnishing the supplies and materials, and if for work to be done, the materials for the proposed work, or for doing said work, or both, as may be deemed best by the Board, and shall contain a general description of the work to be done, the materials or supplies to be furnished, the time within which the work is to be commenced and when to be completed, and the amount of bonds to be given for the faithful performance of the contract, and shall refer to plans and specifications on file in the office of the Board for full detail and description of said work and materials.

SEC. 16. All proposals shall be made upon printed forms to be prepared by the Board, and furnished gratuitously upon application, with a form for the affidavit hereinafter provided for, printed thereon. Each bid shall have thereon the affidavit of the bidder that his bid is genuine, and not sham or collusive, or made in the interest or on behalf of any person not therein named, and that the bidder has not directly or indirectly induced or solicited any other bidder to put in a sham bid, or any other person or corporation to refrain from bidding, and that the bidder has not in any manner sought by collusion to secure to himself an advantage over other bidders. Any bid made without such affidavit or in violation thereof shall be absolutely void, and also any contract let thereunder. If at any time discovery shall be made that a contract has been let to a bidder who has violated or evaded this oath the contract shall be cancelled and no recovery shall be had thereon, and the Board shall at once proceed as before to award a new contract. All proposals offered shall be accompanied by a check, certified by a responsible bank, payable to the order of the City Clerk, for an amount not less than five per cent of the aggregate of the proposal, and no proposal shall be considered unless accompanied by such check. No person, corporation or firm shall be allowed to make, file, or be interested

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in, more than one bid for the same work. If on the opening of said bids more than one bid appear in which the same person, corporation or firm is interested, all such bids shall be rejected.

SEC. 17. On the day and at the hour specified in said notice inviting sealed proposals, the Board shall assemble and remain in session for at least one hour thereafter, and all bids shall be delivered to the Board by the bidder or his agent while it is so in session, and within the hour named in the advertisement. No bid not so delivered to the Board shall be considered. Each bid as it shall be received shall be numbered and marked "filed" by the President and authenticated by his signature. At the expiration of the hour stated in the advertisement within which the bids will be received, the Board shall, in open session, open, examine and publicly declare the same, and an abstract of each bid shall be recorded in the minutes of the Board by the Secretary. Before adjourning the Board shall compare the bids with the record made by the Secretary, and shall, thereupon, at said time, or at such other time not exceeding twenty days thereafter, as the Board may adjourn to, award the contract to the lowest bidder, except as otherwise herein provided. Notice of such award shall forthwith be posted for five days by the Secretary of the Board in some conspicuous place in the office of the Board. The Board may reject any and all bids, and must reject the bid of any party who has been delinquent or unfaithful in any former contracts with the City, and all bids other than the lowest regular bid; and on accepting said lowest bid, shall thereupon return to the proper parties the checks corresponding to the bids so rejected. If all the bids are rejected, the Board shall return all the checks to the proper parties, and again invite sealed proposals, as in the first instance. The check accompanying the accepted bid shall be held by the Secretary of the Board until the contract for doing said work, as hereinafter provided, has been entered into, whereupon said certified check shall be returned to said bidder. If said bidder fails or refuses to enter into the contract to do said work, as hereinafter provided, then the certified check accompanying his bid, and the amount therein mentioned, shall be forfeited to the City, and shall be collected and paid into the Street Fund. Neither the Board of Public Works nor the Common Council, nor the Board of Education shall have power to relieve from or remit such forfeiture.

SEC. 18. If at any time it shall be found that the person to whom a contract has been awarded has, in presenting any bid or bids, colluded with any other party or parties for the purpose of preventing any other bid being made, then the contract so awarded shall be null and void, and no recovery shall be had thereon and the Board shall advertise for proposals for a new contract.

SEC. 19. All contracts shall be drawn under the supervision of the City Attorney and shall contain detailed specifications of the work to be done, the manner in which it shall be executed and the quality of the supplies, and material to be used. No change or modification in the plans or specifications shall be made after proposals for doing the work have been called for. Every contract entered into by the Board shall be signed by at least two of the members thereof and by the other contracting party. All contracts shall be signed in triplicate, one of which, with the specifications and drawings, if any, of the work to be done, and the materials to be furnished, shall be filed with the Board of Education when the work is done upon requisition of that Board, and in other cases with the City Clerk; one thereof with said specifications and drawings shall be kept in the office of the Board, and the other with specifications and drawings shall be delivered to the contractor. At the same time with the execution of said contract said contractor shall execute to said City and deliver to the Secretary of the Board a joint and several bond in the sum named in the notice for proposals, with two or more sufficient sureties to be approved by the Board, or shall deposit with the Secretary a certified check upon some solvent bank for said amount for the faithful performance of said contract. No surety on any bond shall be taken unless he be a resident and householder or freeholder within the State, and worth the sum specified in the bond over and above all just debts and liabilities exclusive of property exempt from execution; and each surety shall justify and make and sign an affidavit to that effect, of which affidavit a form shall be printed upon the bond. But when the amount specified in the bond exceeds three thousand dollars (\$3,000) and there are more than two sureties thereon, they may state in their affidavits that they are severally worth amounts less

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than that expressed in the bond if the whole amount be equal to two sufficient sureties. The contract for work shall specify the time within which the work shall be commenced and when to be completed as was specified in the notice inviting proposals therefor. Upon the recommendation of the Board the Common Council may extend said time; but in no event shall the time for the performance of said contract be extended by the Common Council more than ninety days beyond the time originally fixed for its completion. In case of failure on the part of the contractor to complete his contract within the time fixed in the contract, or within such extension of said time as is herein provided, his contract shall be void, and the Common Council shall not pay or allow to him any compensation for any work done by him under said contract.

SEC. 20. If the contractor who may have entered into any contract does not complete the same within the time limited in the contract, or within such further time as is hereinafter provided, said Board may relet the unfinished portion of said work, after pursuing the formalities hereinbefore prescribed for the letting of the whole.

SEC. 21. The work in this article provided for must be done under the direction and to the satisfaction of said Board; and all materials and supplies furnished must be in accordance with the specifications and be to the satisfaction of said Board, and all contracts provided for in this article must contain a provision to that effect, and also that in no case unauthorized by this Charter, will said City or any department or officer thereof, be liable for any portion of the contract price, or in case of the improvement of streets, for any delinquency of persons or property assessed. When said contract shall have been completed to the satisfaction and acceptance of said Board, it shall so declare by resolution, and thereupon said Board shall deliver to the contractor a certificate to that effect.

SEC. 22. The Commissioners of said Board shall not, nor shall either of them or any person employed in said department, be interested, directly or indirectly, in any contract for work, labor, supplies or material entered into by said Board; nor shall either of such Commissioners, officers or employes, be allowed to receive any gratuity or advantage from any contractor, laborer, or person furnishing labor or material for the same. Any contract made in violation of any of the provisions of this section shall be void, and the receipt of any such gratuity shall be cause for the immediate removal from office or from employment of the person so receiving it.

SEC. 23. All contracts for subsistence of prisoners must be given out annually by the Board of Public Works at a fixed price per day for each prisoner and person connected with the prison; and the advertisement for proposals shall specify each article required, the quality thereof, the quantity for each person, and the existing and probable number of persons to be supplied. All articles of food supplied for the prisons, hospitals, or other public institutions, must be sound and wholesome, and shall be subject to inspection and rejection by the Health Officer, and by the principal officer of the prison, institution or department for which the same are supplied, and the right to such inspection and rejection must be reserved in the contract therefor.

SEC. 24. No contract for lighting streets, public buildings, places or offices shall be made for a longer period than one year, nor shall any contract to pay for gas, electric light or any illuminating material at a higher rate than is charged to any other consumer, be valid. Demands for lighting public buildings shall be presented monthly to the Board or Department using or having charge thereof, and shall specify the amount of gas, electric light, or illuminating material consumed in such building during the month.

SEC. 25. When water is supplied by any person or corporation to said City, or to any Department, it shall not be paid for at more than the rate for the year established by the Common Council.

CHAPTER II.

OF THE IMPROVEMENT OF STREETS.

SECTION 1. All streets, lanes, alleys, places and courts in said City now open or dedicated, or which may hereafter be opened or dedicated to public use, and of which the grade and width have been legally established, shall be deemed and held to be open public streets for the purposes of this Article.

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SEC. 2. The cost and expense of all work or improvements done upon any part of said streets, lanes, alleys, places or courts, under the orders of the Common Council, shall be borne and paid for as follows.

First—The City shall pay out of the Street Fund the cost and expense of all work done on street crossings and intersections of streets that have been or may be accepted by said City, after the acceptance of the same, and of all repairs and improvements deemed of urgent necessity that may be made upon the public streets and highways; of all work done in front of, or that may be assessed to property owned by the City or any of the departments thereof; and of all work done in front of, or that may be assessed to property owned by the United States.

Second—The cost and expense of all grading, macadamizing, paving, planking, piling and capping any street or portion thereof, and of all curbs and gutters thereon, shall be assessed upon lands within the block or blocks adjacent thereto, as herein provided.

Third—The expense of all work on such portion of any street required by law to be kept in order by any person, company or corporation having railroad tracks thereon, shall be borne and paid for by such person, company or corporation. No assessment shall be levied upon any property, which, together with all assessments for street improvements that may have been levied upon the same property during the year next preceding, will amount to a sum greater than fifty per centum of the value at which said property was assessed upon the last preceding Assessment Book of said City.

SEC. 3. When any street or portion of a street, not less than one block, or any entire crossing, shall have been paved with stone or with such material as may be recommended by the Board of Public Works and approved by the Common Council by ordinance, throughout the entire width of the roadway thereof, and curbs of stone and sidewalks shall have been constructed thereon, and a brick sewer or ironstone pipe, or cement pipe, shall have been constructed as may have been adopted by said Board, the same shall be accepted by the Common Council upon the recommendation of said Board, and all improvements of said streets, except for sidewalks, shall thereafter be done at the expense of the City.

The Common Council shall not accept any sidewalk or incur any liability against said City for the construction or repair of any sidewalk, except in front of or with respect to public property.

SEC. 4. When application is made to said Board for any work or improvement, the cost and expense of which, or any part thereof, is to be assessed upon private property, the Board shall investigate the same; and if it determine that such improvement is expedient, it shall so report to the Common Council; and the Common Council shall not order any such improvement until the same has been recommended by said Board. The Board may also, except as herein prohibited, recommend any improvement, the cost and expense of which is to be paid by the City, though no application may have been made therefor; and must make, with said recommendation to the Common Council, an estimate of the expense, and in such case the Common Council may order the same done. When said Board shall recommend any work to be done on a street intersection or crossing, where the streets do not intersect each other at right angles, it shall in each such case determine what lots in the blocks adjacent to such intersection or crossing will be benefited by said work, and shall cause a map to be made on which shall be delineated the lots so to be benefited. Said map shall be transmitted to the Common Council with such recommendation.

SEC. 5. Before recommending to the Common Council the ordering of any work or improvement, the cost and expense of which, or any part thereof, is to be assessed upon private property, said Board shall pass a resolution of its intention to recommend the same, specifying the work to be recommended, and shall fix a day when it will take final action upon such resolution. Upon the passage of said resolution, and within ten days thereafter, the Secretary of said Board shall, without any further authority, cause a copy of said resolution to be published in the City official newspaper for a period of ten days.

Said Board shall cause to be conspicuously posted along the line of said contemplated improvement, at points not more than one hundred feet distance apart, notices, not less than three in all, of the passage of said resolution. Each of said notices shall be headed "Notice of

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Street Work," in letters of not less than one inch in length, and shall in legible characters state the fact of the passage of said resolution, its date, and, briefly, the work of improvement proposed, and refer to the resolution for further particulars.

SEC. 6. At any time within ten days after the first publication of said resolution of intention, the owner of, or any person interested in any lot liable to be assessed for the proposed improvement, may file with the Secretary of said Board his objection to said improvement, stating briefly the grounds thereof; and, if at any time within said period of ten days, the owners of a majority of the frontage of the lands liable to be assessed for said improvement shall file written objections to the same, the Board shall not recommend the ordering of said improvement, and shall not within three months thereafter pass any resolution of its intention to recommend the same, unless prior thereto it shall receive a petition therefor signed by the owners of a majority of the frontage of the lands liable to be assessed for said improvement.

Upon the day fixed in its resolution of intention for final action thereon, or at its next regular meeting, the Board shall consider and pass upon said objections. If the Board shall consider that the objections are sufficient it shall adopt a resolution to that effect, and shall not recommend the ordering of said improvement. If it shall consider that said objections are not sufficient, or if no objections are filed, the Board may recommend the ordering of said improvement, and must, with its recommendation, transmit to the Council all objections to such recommendation that may have been filed.

At the next regular meeting after receiving from said Board its recommendations of such improvement, or at such time within thirty days thereafter to which the hearing thereof by the Common Council may be postponed, the Common Council shall act upon such recommendation; and if any objections to the ordering of such improvement have been transmitted with said recommendation, they shall consider and dispose of said objections before passing upon said recommendation. If the Common Council shall consider the objections, or any of them sufficient, it shall so declare by resolution. If the Common Council consider the objections insufficient, it may by ordinance order the work or improvement done. Their action on said recommendation must in each case be certified to the Secretary of the Board of Public Works, and the Secretary shall thereupon enter the facts so certified in his records of street work.

SECTION 7. When any work in or upon any public street shall have been completed according to contract, the Board shall make an assessment to cover the sum due for the work performed and specified in said contract, including all incidental expenses, in conformity with the provisions of this Article, according to the nature and character of the work; which assessment shall briefly refer to the contract, the work contracted for and performed, and shall show the amount to be paid therefor, together with any incidental expenses, the rate per front foot assessed, the amount of each assessment, the name of the owner of each lot if known to said Board, and if not known, the word "unknown" shall be written opposite the number or letter of each lot assessed, and shall have attached thereto a diagram exhibiting the street or street crossing on which the work has been done, and showing the relative location of each distinct lot to the work done, numbered to correspond with the numbers in the assessment, and showing the number of front feet assessed for such work. A mistake in the name of the owner shall not invalidate the assessment.

SEC. 8. After making said assessment said Board shall cause notice thereof to be published for five days and to be delivered to the occupant of each lot assessed, which notice shall state the day and hour when the Board will at its office take final action upon said assessment. If any of said lots are unoccupied said notice shall be posted in a conspicuous place upon said lot or lots.

SEC. 9. If the owner of any lot affected by said assessment is dissatisfied with the action of the Board as to said assessment, he may appeal to the Board of Aldermen at any time within five days after such final action by filing with the Secretary of the Board of Public Works a notice of such appeal, and thereupon the Secretary shall, within two days after receiving such notice of said appeal, transmit said assessment and diagram with said objections and notice of appeal to the Board of Aldermen, and said Board shall, in not less than ten days from the receipt thereof, consider and determine the sufficiency of said objections. If it shall determine that said objections are well taken, it shall direct the Board of Public Works to modify or change said assessment in the particulars wherein it is erroneous, and thereupon the like proceedings shall be had in making the assessment as in the first instance. If the Board of Aldermen shall determine that the objections to the assessment are not well taken, the Clerk of said Board shall certify such determination upon said assessment and return said assessment so certified to the Board of Public Works, and thereupon said assessment shall become final and conclusive.

When said assessment shall have so become final and conclusive, it, together with the diagram of the lots assessed shall be recorded in the book of assessments, to be kept in the office of the Board of Public Works for that purpose, and the record thereof shall thereupon be signed by the President and Secretary of said Board, and thereafter the assessment shall be a lien upon the respective lots assessed until the same is cancelled or discharged as provided in this Article.

SEC. 10. The expense incurred for any work authorized by this Chapter, except for such portion of any street as is required by law to be kept in order or repair by any person, company or corporation, having railroad tracks thereon, shall be assessed upon the lots and lands fronting thereon, except as herein otherwise specifically provided; each lot or portion of a lot being separately assessed, in proportion to its frontage at a rate per front foot sufficient to cover the total expense of the work.

SEC. 11. The expense of work done on all street crossings where the streets intersect each other shall be paid by the City out of the money in the street fund.

SEC. 12. The expense of all other work not herein specifically provided for shall be assessed according to such rules and regulations as the Board of Public Works may have prescribed prior to the recommendation of said work.

SEC. 13. In making an assessment, the Commissioners of Public Works shall act as a Board and the assessment shall be authenticated by the signatures of all of said Commissioners as "Commissioners of the Board of Public Works," and every assessment so authenticated and recorded in the book of assessments shall be prima facie evidence of the correctness and regularity of all proceedings of said Board and of the Common Council prior to the date of such record.

SEC. 14. Upon the recording of an assessment as aforesaid, the President and Secretary of the Board of Public Works shall sign a warrant for its collection and thereupon said assessment and diagram, with the warrant attached thereto shall be delivered to the Tax Collector of said city for collection, who shall immediately give notice thereof by publication for ten days. Said notice shall set forth in general terms, the locality and character of the work or improvement for which the assessment was made, and shall notify all persons interested that a warrant for its collection has been given to said Tax Collector, and that unless payment is made within thirty days from the first publication of said notice the property so assessed will be sold to satisfy said assessment.

SEC. 15. When the assessment upon any of the lots delineated on said diagram shall be paid, the Tax Collector shall write the word "paid" together with the date of payment, opposite the number of said lot upon the assessment, and shall give to the person paying the same a receipt therefor, showing upon which lot said payment was made. Upon presentation of said receipt to the Secretary of the Board of Public Works, he shall immediately enter upon the records of such assessment, the fact and date of such payment.

SEC. 16. After the expiration of thirty days from the first publication of said notice, the assessment therein named shall be delinquent, and within twenty days thereafter, the Tax Collector shall, after having published a notice for ten days, sell the lands upon which said assessments are delinquent. He shall add to the amount of the assessment on each lot its portion of the costs of advertising said sale. After making such sales the Tax Collector shall return the assessment and warrant, with a report of his doings indorsed thereon, to the office of the Board of Public Works, and the Secretary of said Board shall forthwith note, in the record of said assessment, and opposite to the number of each lot sold the fact of payment or of the sale of said lot by the Tax Collector, together with the date and the name of the purchaser. Said report of the Tax Collector shall be prima facie evidence of the correctness of all the proceedings taken by him in the matter of collecting said assessments.

SEC. 17. The general revenue law of the State in force at the time of said sale in reference to the manner of sale of property for delinquent taxes, the execution of certificates of sale and deeds therefor, the force and effect of such certificates and deeds, and the provisions of said laws, in relation to the redemption from tax sales, except as herein otherwise provided, shall be applicable to the proceedings for the sale of land for delinquent assessments.

SEC. 18. If, at said sale, no person shall bid the amount of said assessment with the aforesaid cost, the Tax Collector shall bid in the said lot for the amount of the assessment and cost in the name of the City of San Diego, and upon his filing a certificate of said sale with the Treasurer the Treasurer shall transfer the amount so bid from the general fund to the street fund, and shall forthwith notify in writing the Auditor of such transfer.

All moneys received by the Tax Collector in payment of any of said assessments shall be by him paid to the Treasurer, who shall place the same to the credit of the street fund. And all moneys arising from redemption of property purchased by the city for delinquent street assessments shall be paid into the general fund.

SEC. 19. When said sale is completed, the contractor shall present his demand for the work done under his contract to the Board of Public Works, which shall act upon the same. If said Board approve said demand or any part thereof, the same must then be presented to the Auditing Committee, and when audited by the Auditor, shall be paid by the Treasurer out of the street fund.

Provided, that at any time before said sale the Board of Public Works, under such regulations as it may establish, may allow partial payments to be made to the contractor, as the work progresses, not to exceed 25 per cent of the value of the work done by the contractor at that time.

SEC. 20. The Board of Public Works may at any time without any application therefor recommend to the Common Council to order the planking, paving or macadamizing of the portion of any street required by law to be planked, paved or macadamized by the person, company or corporation having railroad tracks thereon. Upon such recommendation the Common Council may, by ordinance, order such work to be done, and direct said Board to notify said person, company or corporation of the fact of the passage of such ordinance.

The Secretary of said Board shall thereupon forthwith in writing notify said person, company or corporation of the passage of said ordinance; and if said person, company or corporation shall not, within ten days after receiving said notice, commence in good faith to do said work, and prosecute the same diligently to completion, said Board of Public Works shall invite sealed proposals for doing said work in the manner provided in this Article; and all of the provisions of this Article in regard to such proposals, to the awarding of contracts, to the execution of contracts, and to the doing of public work shall apply to all similar proceedings taken under this section. On the completion of the work to the satisfaction of said Board, the contractor shall be entitled to recover from such person, company or corporation the contract price for the cost and expense of said work, together with incidental expenses, in an action instituted in a Court of competent jurisdiction. On the trial of such action the certificate of said Board of the completion of said work to its satisfaction shall be prima facie evidence of the regularity of all the proceedings prior thereto, and of plaintiff's right to recover in said action.

SEC. 21. No ordinance for the improvement of any street, other than for sewers, sidewalks and curbs, except for the improvement of the streets constituting or lying along the water front of said city, and except for such work as is provided for in the last preceding section, shall be passed by the Common Council without extending said improvement throughout the whole width of such street.

SEC. 22. Wherever in this Article the word "Street" occurs, it shall be held to include all streets, lanes, alleys, places and courts which have been, or may be hereafter, dedicated to public use, and whose grade and width has been legally established; and the grade of all intermediate or intersecting streets in any one block shall be deemed to conform to the grades as established at the crossings of the main streets.

The word "Improvement" shall be held to include grading, paving, planking, macadamizing, piling and capping; and the construction and repair of the sewers, cesspools, manholes, culverts, drains, sidewalks and curbs.

The term "Main Street" shall mean such street or streets as bound a block, and the term "street" shall include crossing.

The word "Block" shall mean the blocks known or designated as such upon the maps and books of the Assessor.

The word "Paved" shall include any pavement of stone, iron, wood or other material which the Council may, by ordinance, order to be used.

The term "Expense" shall include the price at which the contract was awarded, and the term "incidental expenses" shall include all expenses incurred in printing and advertising the work contracted for.

All notices and resolutions required in this Article to be published shall be published daily, in the official newspaper, as often as said paper is published.

All notices herein required to be served, whether by delivery or posting, may be so served by any male citizen of the age of twenty-one years, and his affidavit thereof shall be prima facie evidence of such service. The affidavit by the publisher of the official newspaper, or his clerk, of the publication of any notice required in this Article to be published shall be prima facie evidence of such publication.

SEC. 23. When any street shall have been graded, paved or otherwise improved in accordance with the terms of this Charter, and the cost of said improvements shall have been paid by the owners of the lots or lands adjacent thereto, and such grading, paving or other improvements shall have been accepted and established, no change shall be made in the grade of such street unless on the petition of one-fourth of the owners of property fronting on said street.

Upon the filing of said petition with the City Clerk, the Common Council shall refer the same to the Board of Public Works, which shall determine whether the improvements described would be a public benefit, and shall report its decision to the Common Council.

If the report of said Board should favor granting the request of the petitioners, the Council shall proceed in the manner hereinafter specified in the Chapter on the opening of new streets.

SEC. 24. In all cases where lands in said city shall be hereafter subdivided and laid out into blocks or plats, with lots, streets and alleys, or when new streets or public grounds shall be laid out, opened, donated or granted to the public by any proprietor, the map or plat thereof shall be submitted to the Board of Public Works for its approval, and if the Board approve the same, such approval shall be by it endorsed upon the said map or plat, and said map, with said approval, shall then be filed in the office of the County Recorder; and without such approval endorsed thereon no such map or plat shall be filed in the office of said Recorder, or have any validity; nor shall any street, alley or public ground hereafter opened and dedicated as such become or be a public street, or be subject to any public improvement or expense without such approval, endorsement and filing.

SEC. 25. Said Board shall cause to be made all urgent repairs upon the public streets that may from time to time be requisite for the public safety, and for that purpose may employ such laborers as may be necessary, and at such wages as may be from time to time fixed by the Common Council; but when the cost and expense of the repairs upon any street or a portion of a street shall exceed the sum of two hundred dollars, exclusive of materials to be furnished from the corporation material yard, the same shall be done under contract awarded in the manner provided in this Article.

SEC. 26. Said Board shall, from time to time, after it shall have been directed so to do by the Common Council by ordinance, invite proposals for supplying to said city such materials as may be required for the repair of the public streets, or for any improvement thereon, and such proceedings shall be had in awarding the contract therefor as are in this Article provided for awarding other contracts.

SEC. 27. The Common Council shall select some place in said city which shall be known as the Corporation Material Yard, wherein shall be kept all material, tools and implements to be used in cleaning and repairing the streets, or for any improvement thereon.

Said yard shall be in charge of the Superintendent of Streets, or such person as the Board of Public Works may designate, who shall have the custody of said tools and materials. He shall keep books of account, showing account of material received, for what purpose delivered, and amount on hand, when requested to do so by said Board.

CHAPTER III.

OF STREET IMPROVEMENT DISTRICTS.

SECTION 1. If the Common Council shall at any time deem it expedient and for the public interest in the matter of street improvements, proceedings may be had as follows :

SEC. 2. Whenever five or more freeholders shall petition the Common Council in writing for the creation of a Street Improvement District, the Common Council may authorize and empower the Board of Public Works to designate, subject to the approval of the Common Council, any portion of the City of San Diego a Street Improvement District. Such Street Improvement Districts shall be numbered, from "one" onward, in the order of their creation, and shall be accurately delineated upon the official map of the City by the City Engineer, and such map shall be kept on file, together with separate maps of each Street Improvement District, in the office of the Secretary of the Board of Public Works.

SEC. 3. Whenever twenty-five or more freeholders in any Street Improvement District shall petition the Board of Public Works in writing to have any or all of the streets within such District improved, it shall be the duty of the Board to consider such petition immediately, and to determine the nature and full extent of the improvement or improvements proper to be made; and the Board shall thereupon notify the City Engineer of the nature of the work required to be done, and direct him to prepare detailed estimates of the entire cost of said work. As soon as the estimates of the City Engineer shall be completed, the Board of Public Work shall transmit the same, with its recommendation in the premises, to the Common Council.

If the Common Council shall approve the recommendation, it shall by resolution authorize the Board of Public Works to make the improvement or improvements.

All expenses of such street improvements shall be paid out of the Street Fund, as hereinafter provided.

SEC. 4. If the Common Council shall deem it necessary to incur an indebtedness for street work in any Street Improvement District in excess of the money in the street fund applicable to such work, it shall give notice of a special election by the qualified electors of the City, to be held to determine whether such indebtedness shall be incurred. Such notice shall specify the amount of indebtedness proposed to be incurred, the nature and extent of the improvement or improvements to be made, and the amount of money necessary to be raised annually by taxation for an interest and sinking fund, as hereinafter provided. Such notice shall be published for three successive weeks in the City official newspaper, and no other question or matter shall be submitted to the electors at such election. Every ballot in favor of incurring such indebtedness shall have the words: "Street Improvement—Yes," printed or written thereon, and every ballot against incurring such indebtedness shall have the words: "Street Improvement—No," printed or written thereon. If upon a canvass of the votes cast at such election it shall appear that not less than two-thirds of all the qualified electors voting at such election shall have voted in favor of incurring such indebtedness, it shall be the duty of the Common Council to pass an ordinance, providing for the issuance of bonds of the City of San Diego for the amount of such indebtedness, and for the payment of the same; and in such ordinance provision shall be made for the levy and collection of an annual tax upon all the real and personal property subject to taxation within said City, sufficient to pay the interest on said bonds as it falls due, and also to create a sinking fund for the payment of the principal thereof within a period of not more than twenty years from the time of their issuance. It shall be the duty of the Common Council in each year thereafter, at the time when other City taxes are levied, to levy a tax sufficient for such purpose in addition to the taxes authorized to be levied for City purposes. Such tax, when collected, to be inviolably appropriated to the payment of the principal and interest of such indebtedness.

SEC. 5. The bonds issued under the provisions of the foregoing section shall be denominated, "Street Improvement Bonds of the City of San Diego, District No. —," and shall be issued in sums of not less than one hundred nor more than one thousand dollars; they shall be signed by the Mayor and Treasurer of the city, and the seal of the city shall be attached thereto. Said bonds shall bear interest, to be fixed by the Common Council, not exceeding the rate of seven per cent per annum.

SEC. 6. The proceeds of the sale of said bonds shall be deposited in the City Treasury to the account of the Street Fund, and placed to the credit of the Street Improvement District for which the bonds were issued, and no payment shall be made from said proceeds, except to pay for the improvements in said Street Improvement District; and before auditing any demand upon said fund the Auditor must have from the Board of Public Works the certificate hereinafter required.

SEC. 7. Whenever the Board of Public Works shall be authorized by the Common Council to carry out street work in any Street Improvement District, the contract or contracts for such work shall be let and entered into as provided in sections 14 to 22, inclusive, of Chapter I of this Article.

SEC. 8. The contractor for any street work under this Chapter shall upon the completion of his contract present his demand for payment to the Board of Public Works, which shall act upon the same. The Board shall require from the City Engineer and Superintendent of Streets a certificate that the work has been performed according to the specifications and conditions of the contract before allowing any demand. If the Board approve such demand, or any part thereof, the President and Secretary shall so certify, and the demand must then be presented to the Auditing Committee, and, when certified by the Auditor, shall be paid by the Treasurer out of the Street Fund.

SEC. 9. After the street improvements in any Street Improvement district have been completed to the satisfaction of the Board of Public Works, it shall be the duty of said Board to assess the cost thereof upon the property within the Street Improvement District in the following manner, to-wit:

First—The Board shall deduct from the total cost of such work the expense of all improvements in the space formed by the junction of two or more streets, or where one main street terminates in or crosses another main street, and also the expense of all necessary street crossings or cross-ways. Such expense shall be wholly paid by the City.

Second—The Board shall also deduct the expense of all improvements done in front of any property owned by the City of San Diego or the United States of America. Such expense shall be wholly paid by the City.

Third—The Board shall also deduct the expense of all improvements in the space in any street occupied by the track or tracks of any street-car or other railway line, and the space of two feet on each said of said track or tracks. Such expense shall be wholly paid by the person, company or corporation owning such track or tracks.

Fourth—The Board shall, after making the above provided deductions, divide the sum total of the remainder of the said street improvement expense by the total number of feet of land fronting upon the streets improved (less the frontage of City and Federal property, and the frontage of all property previously improved and accepted by the City), and shall assess each separate lot or portion of lot fronting thereon for the full amount of its proportion of the expense as herein ascertained and determined.

SEC. 10. The Board of Public Works shall make up a complete statement of the assessment for street improvements in each Street Improvement District, and such statement must show:

First—The nature and extent of the improvements made.

Second—The total cost of the improvements.

Third—The separate deductions and their total sum.

Fourth—The amount remaining after deductions.

Fifth—The total number of front feet (less the frontage of City and Federal property, and the frontage of all property previously improved and accepted by the City).

Sixth—The proportion of expense to each front foot.

Seventh—The amount due by each lot or part of lot.

Eighth—The name or names of the owner or owners of each lot or part of lot assessed; and, where the names cannot, after the exercise of due diligence, be ascertained, the property must be set down to "unknown owners."

The Board of Public Works shall procure suitable blanks upon which the assessment statement herein required shall be made out; said blanks shall be headed "Street Improvement Assessment, District No. —;" and said blanks shall also have space for the certificates of the City Engineer and Superintendent of Streets, that the street work for which the assessment is made has been performed according to contract and specifications, which certificates must be endorsed upon the statement.

SEC. 11. When the street improvement assessment statement herein required has been carefully verified, and properly attested by the President and Secretary of the Board of Public Works, the Board shall transmit certified copies thereof to each Board of the Common Council, and to the Mayor, Auditor, Assessor, Treasurer and Tax Collector.

SEC. 12. The Common Council, upon receipt of the street improvement assessment statement, shall declare by ordinance its approval of said street improvement assessment, and shall also declare in such ordinance the completion, and the acceptance by the City of the street improvements in that District. And all improvements thereafter made in said District in the nature of changes or reconstruction shall be made at the sole charge and expense of the City. Provided, that any damage caused to streets or sidewalks by the owners or tenants of property fronting thereon shall be repaired at the expense of the said property by the Board of Public Works, and the expense thereof shall become a lien upon said property, and collection thereof may be enforced by proceedings in the proper Court therefor.

SEC. 13. The ordinance of approval and acceptance, together with the statement of assessment by the Board of Public Works, shall be published in the City official newspaper five successive times; and upon the completion of such publication the assessment herein provided for shall become a lien upon the property so assessed until fully paid as hereinafter provided.

SEC. 14. The City Assessor shall keep a proper book for each Street Improvement District, in which he shall record without delay the assessment made against the property therein according to the provisions of this Chapter. He shall also record in said book the certificate of the Mayor, attested by the City Clerk, under the seal of the City, that the successive steps required by this Chapter have been duly taken, from the creation of the Street Improvement District up to and including the publication of the ordinance of approval and acceptance.

SEC. 15. Immediately upon the completion of said record of assessment, the City Assessor shall transmit a certified copy of the same to the City Tax Collector, who shall thereupon enter up in a proper book the assessments for street improvements as shown by said record, and shall keep an account of each separate lot or part of lot assessed therein, and of the payment or payments thereon, as hereinafter provided. The Tax Collector shall, within ten days after receiving the record of assessment from the City Assessor, publish a notice in the City official newspaper for thirty successive days, naming the Street Improvement District in which the assessment is due and the boundaries thereof, and streets or parts of streets included therein, and stating that he is ready to receive payment of the same, and the terms upon which payments may be made.

SEC. 16. The owner of any property assessed under the provisions of this Chapter shall have the option of making payment of the whole amount of or any portion of said assessment, either immediately or at any time within fifteen years from the date of the final publication of the Tax Collector's notice. Said assessment shall bear interest at the rate of ten per cent per annum until paid; but if the owner of the property shall elect to pay the whole amount of his assessment immediately he shall be allowed a deduction of seven per cent therefrom. Payment within thirty days from the date of first publication of the Tax Collector's notice shall be deemed immediate payment. Interest upon said assessment shall begin to run thirty days from the date of the first publication of the Tax Collector's notice.

SEC. 17. All receipts given by the Tax Collector for payments on account of street assessments must specify the number of the Street Improvement District, and each particular lot or part of lot on which payment is made, and must be separate and distinct from the general tax receipt; they must always state, where a partial payment is made, the amount still due upon the assessment. When final payment is made, the receipt must be in full satisfaction of the assessment lien; and the Tax Collector must forthwith certify such final payment to the Assessor, who shall immediately enter satisfaction of the lien in his record of assessments for street improvements.

SEC. 18. The Tax Collector must render to the Auditor on the first Monday in each month a statement of all moneys collected by him during the preceding month on account of street improvement assessments in each Street Improvement District.

SEC. 19. All moneys received for principal and interest on account of assessments for street improvements under this Chapter shall be paid by the Tax Collector into the City Treasury, and shall be apportioned as hereinafter provided.

SEC. 22. Any assessment for street improvements made under the provisions of this Chapter which shall remain unpaid at the end of fifteen years from the date hereinbefore prescribed, shall be delinquent; and the Tax Collector must publish a notice in the City official newspaper, once a week for three successive weeks, which must state the Street Improvement District in which the assessment is delinquent, and must describe the property assessed, and give the name or names of the owner or owners thereof, where known, and if unknown, must so state, and the amount of principal and interest due, following each name and description; and that unless payment is made thereof, he will sell the same at public auction, designating the time and place of sale. Within thirty days from the first publication of said notice the Tax Collector shall sell the land upon which said assessment is delinquent; and he shall add to the amount of the assessment and accrued interest, the costs of advertising and sale. After making such sale the Tax Collector shall report the same to the Auditor and Assessor, and shall make due entry of such sale, together with the date, and the name of the purchaser. The general revenue laws of the State in force at the time of said sale in reference to the manner of sale of property for delinquent taxes, the execution of certificates of sale and deeds therefor, the force and effect of such certificates and deeds, and the provisions of said laws in relation to the redemption of property so sold, except as in this Charter otherwise provided, shall be applicable to all proceeding under this section. If at said sale no person shall bid the amount of said assessment and accrued interest, with the aforesaid costs, the Tax Collector shall bid in the said land for the amount so due thereon in the name of the City of San Diego, and upon his filing a certificate of said sale with the Treasurer, the Treasurer shall transfer the amount so bid from the General Fund to the Street Fund, and credit the same to the Street Improvement District in which the assessment was made; and the Treasurer shall immediately notify the Auditor of such transfer.

SEC. 21. The City Treasurer shall charge against each Street Improvement District all moneys disbursed from the Street Fund for improvements therein, except such as are a charge against the City, or against any person, company or corporation owning the track or tracks of any street-car or other line of railway within such district; and shall credit the District with all moneys received for principal and interest of assessments for street improvements therein. All moneys so received shall be apportioned to the interest and sinking funds for the payment of the Street Improvement bonds issued in behalf of such District; and if, after such bonds have been fully paid, there shall remain any balance to the credit of the District, it shall be paid into the Street Fund.

CHAPTER IV.

OF THE OPENING OF NEW STREETS.

SECTION 1. When an application shall be made to the Common Council to straighten, widen, extend or change the grade of any established street, or for laying out, opening or establishing new streets or boulevards, signed by one-fourth of the owners of frontage of the lands upon the line of said street, or proposed street, and such improvement requires the condemnation of private property, the Common Council shall refer the same to the Board of Public Works, which shall determine whether in its judgment the said improvement, or any modification thereof, would be a public benefit, and shall report its decision to the Common Council. If the Common Council shall determine that the improvement described in the petition, or some modification thereof, would be of public benefit, it shall, by resolution, so instruct the Board of Public Works, giving in its resolution a general description of any modification it may deem expedient. The Board of Public Works shall then proceed to determine and define the lands to be taken, and the lands, if any, to be damaged by the proposed improvement, and the lands to be benefited and assessed for the expenses thereof. It shall, by resolution, define the lands necessary to be taken, and the lands, if any, to be damaged, and shall specify the exterior boundaries of the district to be benefited and assessed therefor. The Board shall thereupon publish for twenty days notice of the passage of its resolution, and requiring all persons interested in the lands to be taken or damaged, or in the district to be benefited, to present to the Board within the said twenty days accurate descriptions of the lots or parcels of land owned by them respectively, and to specify objections, if any they have, against the proposed improvement. Within ten days after said publication, or such further time as the Common Council may, by resolution, allow, the Board of Public Works shall, with the assistance of the City Engineer, cause to be prepared and presented to the Common Council a report of its action, embracing an accurate description of each lot, piece or parcel of land necessary to be taken or damaged, with the names of the persons to whom the several lots, pieces or parcels of land are respectively assessed upon the assessment roll of said city, and also a description of the exterior boundaries of the district to be benefited, and make a map clearly exhibiting the same as described. The City Engineer shall have the right, if necessary, to enter upon any of the said lands for the purpose of examination or survey.

Upon receiving the said report from the Board of Public Works, the Common Council shall, by resolution, adopt or modify the proposed improvement, and the district to be benefited thereby, or wholly reject the same. In case of modifying the same the matter shall be referred back to the Board of Public Works until the proposed improvement and the district to be benefited thereby, shall conform to the views of the Common Council; and the Common Council shall then pass a resolution declaring its intention to make the improvement and assessment for benefits. The resolution shall embody the descriptions as finally reported by the Board of Public Works, and the names of the owners of the several parcels of land, as reported by the Board. The resolution shall also specify a time within which objections to the proposed improvement may be made to the Common Council by owners of the land to be taken or damaged, or of the lands to be assessed for benefits, and a day for the hearing of such objections. The said resolution must be published for fifteen consecutive issues of the City official paper, during which time the owners must file their objections. On the day set for the hearing, or upon any day to which the same may be adjourned, the Common Council shall hear and pass upon the objections, and may dismiss the proceedings, or by ordinance resolve to proceed and order the improvement to be made. The ordinance by which the Common Council resolve to proceed with the improvement may refer to the resolution declaring its intention to make the improvement by its number without embodying the description, and shall order the improvement to be made by the Board of Public Works. The Common Council shall forthwith transmit to the Board of Public Works a copy of the said ordinance and of the resolution to make the improvement.

SEC. 2. Upon receiving the said copy of ordinance and resolution, the Board of Public Works shall, with the aid of the City Attorney, ascertain as accurately as possible the names of the owners to be made parties, and shall cause proceedings to be taken in the name of city to condemn as provided by law, under the right of eminent domain, the lands, or any interest therein to be taken or damaged for the said improvement.

The complaint may aver that it is necessary for the city to take or damage and condemn the said lands, or an easement therein, as the case may be, without setting forth the proceedings hereinbefore provided for; and the resolution and ordinance adopting and ordering the work to be done, shall be conclusive evidence of such necessity.

As soon as the amounts to be paid for the lands to be taken and the lands to be damaged shall, by the said proceedings, be finally ascertained and determined, the Board of Public Works and the Common Council shall proceed, as hereinafter provided, to apportion and collect the same by assessment upon the district to be benefited by the improvement.

SEC. 3. The Board of Public Works shall ascertain and determine as nearly as may be the entire cost of the improvement, including value of the lands, cost of condemnation, and expenses of all kinds attending the proceeding, and shall apportion and assess the whole amount of such value, costs and expenses upon the property within the district declared by the resolution of the Common Council to be benefited by the improvement, and shall assess each lot or parcel of land within the said district with its proportionate share of said amount, according to the benefits derived by it, in the judgment of the Board, from the said improvement.

SEC. 4. Within thirty days after the final determination of the amount to be paid, as aforesaid, or such further time as may be allowed by resolution of the Common Council, the Board shall make and hold, subject to inspection in their office, a report of assessments, exhibiting the sum of money to be paid to the owner or owners of each parcel of land to be taken or damaged, stating the names of the owners, as far as they can be ascertained, and describing accurately the several parcels of land within the district to be benefited, and the names of the owners thereof, as far as can be ascertained, and where the owners are unknown, stating the fact, but a mistake in the name or ownership shall not invalidate the assessment, and the sum of money which is assessed upon each particular parcel, and which should be paid by the owner thereof.

SEC. 5. Upon the completion of the said report the Board shall fix a day for hearing objections thereto, and shall give notice of such hearing by publication for not less than fifteen days.

SEC. 6. Upon the day fixed for the hearing, or upon any day or days to which the hearing shall be regularly adjourned by entry in its minutes, the Board shall hear any party interested upon any question touching the justice or equality of the assessment, or the regularity of its proceedings, and may confirm, or revise and modify the said assessment until it shall be adjudged to be fair and equal; and it shall then adopt such a report of assessments as it adjudges to be fair and equal, and transmit the same to the Common Council.

SEC. 7. The Common Council shall by ordinance confirm the report of the Board of Public Works, and order the completion of the improvement in accordance therewith, or it may, by resolution, refer the same back to the Board of Public Works, with instructions to modify the assessments, until it shall, by ordinance, finally adopt and establish such assessment as it shall adjudge to be fair and equal, and order the completion of the improvement in accordance therewith.

SEC. 8. This ordinance shall accurately describe the several parcels of land assessed, giving the names of the respective owners, as far as the same have been ascertained, and where the owners are unknown, stating the fact, and the sum of money which is assessed upon each particular parcel, and which should be paid by the owner thereof; but it may refer to the report of the Board of Public Works for description of the lands to be taken or damaged by the improvement.

The ordinance shall direct the sale of each parcel of land so assessed, or so much thereof as may be necessary to pay the amount of its assessment and expenses of sale, and the application of the proceeds of such assessment and sale to the payment of the expenses of sale, and the amount awarded to the owners of the lands to be taken or damaged by the said improvement.

SEC. 9. A copy of the ordinance shall be forthwith transmitted to the Board of Public Works for collection of the assessments. The said Board shall cause the ordinance to be published for thirty days, during which time the several owners may make payment to the Board of Public Works of the several amounts assessed against their lands, and the Board of Public Works shall, by notices, invite such payment.

SEC. 10. After the expiration of said thirty days the Board of Public Works shall prepare a delinquent list, exhibiting, by accurate description, the several parcels of land so assessed, upon which the assessments have not been paid, and the names of the owners of said parcels, as far as ascertained (and where the owners are unknown, stating the fact), and the amounts for which they are respectively assessed, and shall forthwith transmit the said delinquent lists, certified by the Secretary of the Board, to the Tax Collector, who shall proceed to collect the amounts appearing due thereon by sale, as in case of the collection of delinquent taxes, and pay over immediately to the Board of Public Works the amounts so collected. The deed of the Tax Col-

lector made after such sale, in case of failure to redeem, shall be prima facie evidence of the regularity of all proceedings thereunder, and of title in the grantee. It shall be conclusive evidence of the necessity of taking or damaging the lands taken or damaged, and of the correctness of the compensation awarded therefor.

SEC. 11. The moneys coming in to the Board of Public Works from the said assessment shall be applied by the said Board to the payment of the expenses of the assessment and of the several amounts determined to be due as compensation and costs for the lands taken or damaged, by payment into court on behalf of the owners. Upon such payment being made the title to the lands, or the interests therein, or the easement therein condemned, shall vest in the City of San Diego for the uses and purposes specified in the said improvement, and the Board of Public Works shall take possession of the same, and cause said improvement to be carried out and completed.

CHAPTER V.

OF THE SEWERAGE SYSTEM.

SECTION 1. The Board of Public Works shall assume the management and control of the present sewerage system of this city and shall from time to time make such recommendations to the Common Council relating to the extension or improvement of said system as they may deem proper.

SEC. 2. Said Board shall prescribe the location, form and material to be used in the construction and repair of all public sewers, manholes, sinks, cesspools or other appurtenances belonging to the sewer system, and of every private sewer emptying into a public sewer, and determine the place and manner of the connection.

SEC. 3. Before any public sewer shall be contracted for or built, the City Engineer shall cause to be prepared the necessary plans for the work and a profile showing the grades of the street and sewer and the depth of such sewer below the surface of the street and the height above mean high water mark as established by the United States Coast Survey and used as the city datum, and when such sewer is completed he shall cause a map to be prepared showing the size and location of manholes, basins, and branches for house connections and other appurtenances.

SEC. 4. No person shall connect with, or open or penetrate any public sewer or drain without first obtaining a permit in writing from said Board, and complying with the rules and regulations of said Board in reference thereto.

SEC. 5. No person shall connect with any public sewer, any private sewer or drain laid for surface, roof or yard drainage.

SEC. 6. Exhaust from steam engines, blow off from steam boilers, or water above 140 degrees Fahrenheit in temperature, shall not be discharged in any public sewer, or private sewers or drains connecting with the same.

SEC. 7. Said Board shall recommend to the Common Council such other rules and regulations concerning the public and private sewers and drains in said city and upon recommendation of said Board, the Common Council are authorized to pass an ordinance establishing the same and prescribing the penalties for any violation thereof.

SEC. 8. The Board of Public Works may appoint a Superintendent of Sewers, whose duty it shall be to see that all ordinances passed by the Common Council, and all rules and regulations established by the Board of Public Works, relating to sewers, are rigidly enforced.

SEC. 9. The Common Council may, upon the recommendation of said Board, by ordinance passed by the affirmative vote of two-thirds of each Board, authorize the purchase of any personal property or the acquisition by purchase or condemnation of any real estate which may be necessary for the construction of any sewer or the making of any improvement provided for in this Chapter. The title to all real estate purchased shall be taken in the name of said city.

SEC. 20. Said Board may, with the like approval of the Common Council, agree with the owners of any real estate, upon which it is deemed desirable to construct any sewer or other improvement relative to sewerage or drainage, upon the amount of damage to be paid to such owner for the purpose of such improvement and for the perpetual use of said real estate for such purpose.

SEC. 11. Said Board may, when authorized by ordinance of the Common Council, construct such sewers, reservoirs and pumping works on lands and made lands fronting on the Bay of San Diego, as may be necessary to carry out the general system of sewerage for said city.

SEC. 12. When, upon the recommendation of said Board of Public Works, the Common Council shall determine upon any improvement for the purpose of sewerage or drainage which necessitates the acquisition or condemnation of private property, and said board is unable to agree with the owner thereof upon the amount of compensation or damages to be paid therefor, or when such owner is in any way incapable of making any agreement in reference thereto, and in all cases in which said Board shall deem it most expedient, it shall, when authorized by the Common Council expressed by ordinance, have the right to cause said property to be condemned, and to institute proceedings for the condemnation of such property, or for the ascertainment of such damages in the manner, so far as the same is applicable, which is provided in this Article for the condemnation of real estate when necessary for the opening of any new street.

CHAPTER VI. OF WATER COMMISSIONERS.

SEC. 1. If any time the City shall become the owner of any water supply or shall decide to construct a system of water supply, the Mayor shall appoint three citizens of the City to be Water Commissioners, no more than two of whom shall belong to the same political party, subject to confirmation by the Board of Delegates. And they shall hold their office for the term of three years; provided, that when first appointed they shall be appointed for one, two and three years, to be designated in the notice of appointment by the Mayor. Their compensation or salary shall be fixed by ordinance by the Common Council. One of said Commissioners shall be a duly qualified engineer, whose compensation shall be made accordingly.

SEC. 2. 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 Common Council may from time to time enact. But the fixing of water rates shall remain in the Common Council. All contracts for work and materials shall be made by said Commissioners in the manner provided in this Charter for the Department of Public Works. And all pay rolls and all accounts for the same shall first be passed upon by the Commissioners, who shall certify them to the Auditing Committee.

CHAPTER VII. OF CITY PARKS AND PLAZAS.

SECTION 1. All parks, boulevards, plazas, squares or other public grounds, now open and dedicated to the public use, or which may hereafter be opened or dedicated to public use, shall be under the control and management of the Board of Public Works, with power to lay out, regulate and improve the same, subject to ordinance passed by the Common Council.

SEC. 2. Said Board may appoint a Superintendent of Parks, whose duty it shall be to see that the ordinances of the Common Council and the rules of the Board of Public Works are enforced, and to perform such other duties relating to parks, etc., as may be required of him by the said board.

CHAPTER VIII. OF THE HARBOR AND WHARVES.

SECTION 1. The Common Council shall, unless otherwise prescribed by the laws of the state, exercise control and management of the harbor and water front of the City of San Diego, and shall by ordinance establish such rules and regulations as shall prevent any encroachment upon the tidal area of the same.

SEC. 2. The construction of all wharves which may be built by the city, and all repairs on the same, or other work done on the water front by the said city, shall be performed by the Board of Public Works, after proceedings had in the manner and form prescribed for the construction, improvement or repair of public buildings.

SEC. 3. The Common Council shall by ordinance regulate the tolls for wharfage, dockage and other charges and provide for the regulation of berths and landing of all steamers, sail vessels, barges or other water craft, and shall exercise such other control not herein specified as may not be inconsistent with the laws of the United States and of the State of California.

CHAPTER IX. OF CEMETERIES.

SECTION 1. There shall be a Cemetery Commission, consisting of three members, to be appointed by the Mayor with the approval of the Board of Delegates from among the qualified electors of the city and they shall hold office for four years.

SEC. 2. Immediately upon their appointment they shall elect a President and Secretary from among their number and so classify themselves that one of their number shall go out of office in two years, one in three years and one in four years.

SEC. 3. Said Commission shall exercise a general supervision of the cemeteries of the city, but their duties shall especially consist in the entire control and management of Mount Hope Cemetery. All moneys derived from the sale of lots, and all fees coming into their hands as such Commission, shall be held in trust to be expended as may be deemed advisable by them for maintaining, beautifying and improving said grounds.

SEC. 4. The said Commission may appoint a Superintendent and such other employes as may be necessary to carry into effect the provisions of this Chapter, and may remove or suspend from office said Superintendent and other employes when they may deem proper.

SEC. 5. The members of said Board shall serve without compensation, and shall make a semi-annual report to the Mayor.

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ARTICLE VI.

Department of Finance.

CHAPTER I.

OF REVENUE AND TAXATION.

SECTION 1. On or before the first Monday of April in each year the Auditor shall prepare and transmit to the Common Council, accompanied with the estimates and reports of each department, which he shall require to be delivered to him from the heads of each department on or before the 20th of March in each year, an estimate of the probable necessities of the City for the current fiscal year, giving the amount required to meet the Interest and Sinking Funds for any and all outstanding bonded debts, together with the amount needed for salaries and probable wants of all the departments of the Municipal Government in detail, and showing the necessities of each of the several funds to be provided for in the treasury. The estimate shall also show, as nearly as may be, what amount of income and revenue is likely to accrue to the treasury, and be collected from fines, licenses and all other sources of revenue, exclusive of tax upon property, and shall give an estimate of what amount will be required to be levied and raised by tax upon all property in the City in order to meet the necessities of such fiscal year, said estimates to be based upon, where practical, the resources and expenditures of the preceding fiscal year; and at the same time, the Auditor shall also report to the Common Council the balance on hand in each fund.

SEC. 2. The Common Council shall, on or before the second Monday of May in each year, by ordinance, fix the rate of taxes to be levied, and levy the taxes upon all taxable property, both real and personal, in the City, necessary to raise sufficient revenue to carry on the different departments of the Municipal Government for the current fiscal year; provided, that the rate of taxes so levied shall not exceed in any year ninety cents for each one hundred dollars upon the assessment roll, except for the payment of the principal and interest of the bonded debt of the City.

SEC. 3. Except as in this Charter otherwise provided, the assessment of property taxable in the City for municipal purposes, the equalization of assessments and collection of taxes, and the sale of property for unpaid taxes, and the redemption of property sold for taxes, shall be made in the same 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 assessments, equalization, levy, collection and sale for State and County purposes, are hereby applied to and shall be the law governing such assessments, 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 or may be by law conferred or imposed upon County officers in matters concerning revenue and taxation for State and County purposes; and to that end—

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

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

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

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SEC. 4. It shall be the duty of the City Assessor to prepare, between the first day of January and the first day of April, in each year, and present to the City Clerk, with his certificate of its correctness, a roll of all the real and personal property within the city taxable for State and County purposes, with a true valuation thereof which said assessment roll shall conform, as near as practicable, when not inconsistent with the provisions of this Charter, to the assessment roll required by law to be made by the County Assessor for State and County purposes. Provided, That he must exact from each person a statement, under oath, setting forth specifically all the real and personal property owned by such person or in his possession or under his control at twelve o'clock M. on the first day of January in each year, such statement shall be in writing and conform as near as practicable to the provisions of Section Three Thousand Six Hundred and Twenty-nine of the Political Code of the State of California. The Assessor must be present at the sessions of all Boards of Equalization mentioned in this chapter, and furnish to said Board such information as may be required, and perform such other services in reference to the assessments of property in the city, or otherwise appertaining to his office, as the Common Council by ordinance or resolution may require. During the session of the Board of Equalization the Assessor shall enter upon the assessment roll any property in such City not previously assessed. 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, he shall have and may exercise the same powers as are conferred by law upon County Assessors, and receive therefor the same fees. Provided, That all railway property situated within the City, the value and assessment of which is fixed by the State Board of Equalization, as required by Section 3665 of the Political Code of this State, shall be assessed for taxation purposes within the City, at the amount of assessment as fixed by said Board; and whenever in October of each year, as by law required, the Board of Supervisors of San Diego County shall transmit to the Common Council a copy of its order stating and declaring the assessed value of such railway lying within the City, the said Council shall direct the City Clerk to record said order in its journals of proceedings, and said Clerk shall, on the first Monday of January in each year, furnish the City Assessor with a certified copy of such order so recorded, and said Assessor must enter said certified copy in and upon the Assessment Roll of the then fiscal year, and extend the value in accordance therewith, which value shall be the assessment of such railway property for taxation purposes for the said fiscal year.

SEC. 5. For taxation, assessment and all other purposes, the fiscal year shall begin on the first day of January.

SEC. 6. The terms "real" and "personal property" as used in this Charter shall have the same meaning as the same terms used in the revenue laws of this State; and all property subject to taxation aforesaid shall be assessed at its full cash value, which, in the judgment of the Assessor, it has at twelve o'clock M. on the first day of January, and the lien of the annual City tax levy shall attach at said hour.

SEC. 7. The Assessor must make the Abstract of Mortgages, etc., which stand of record unsatisfied at 12 o'clock M. of the first day of January, in manner as provided 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. 8. A committee of the Common Council selected as in this Charter provided, shall constitute a Board of Equalization, and shall, after the Assessor shall have completed and handed in his assessment roll to the City Clerk, and after five days' notice published in the official newspaper of this City, hold meetings to hear and determine all complaints respecting the valuation of property as fixed by the Assessor in such roll; *provided, however,* that before raising any assessment, the Board shall notify the person interested by letter deposited in the Postoffice or express, post paid, and addressed to such person at least three days before action taken, of the day fixed when the matter will be investigated. Any member of said Board shall have power to administer oaths and affirmations in the

matters before said Board, and the sessions of said Board shall be held from time to time, as in its notice specified, for the period of two weeks, and no longer.

SEC. 9. Within three days after the Board of Equalization shall have completed their duties, the City Clerk must deliver to the Auditor the Assessment Roll so equalized, with all changes and corrections made by the Board of Equalization entered therein, and accompany the same with his affidavit as provided in Section Three Thousand Six Hundred and Eighty-two of the Political Code of California, and said Auditor shall add up the columns of valuation and enter the total valuation of each description of property in the roll, and the total value of all property assessed and listed thereon; and thus equalized and added up, the Auditor shall on the first Monday of May thereafter deliver it to the Common Council. As soon as the Common Council have declared and levied the taxes, in any year, as in Section 3 provided, the City Auditor shall carry out, in a separate money column in the list the amount of taxes assessed against each individual, firm, company, corporation, or unknown owner, and add and put down the aggregate of all taxes as shown by the list; and as thus carried out, the Auditor shall certify to its correctness, and on or before the first Monday of June thereafter deliver it to the City Tax Collector, and shall charge him with the amount of taxes so footed up, and take his receipt therefor.

SEC. 10. The annual tax levied as hereinbefore provided shall become due and payable on the first Monday of June in each year, and all persons paying such tax between said first Monday and the first day of July following shall be entitled to a deduction of five per cent. upon the total tax paid by them; and all persons so paying said tax between the first days of July and August of each year, shall be entitled to a reduction of three per cent. upon total tax paid; and all persons so paying said tax between the first days of August and September of each year, shall be entitled to a reduction of two per cent. upon total tax paid; and all persons paying such tax between the first days of September and October of each year shall be entitled to a reduction of one per cent. upon the total tax paid; all persons paying such tax between the first day of October and the fourth Monday in November shall pay the full tax as levied, and upon the fourth Monday in each November at six o'clock P. M. all unpaid taxes are delinquent, and the Tax Collector must then collect for the use of the City an addition of five per cent.

SEC. 11. The Tax Collector on receiving the Assessment Roll, certified by the Auditor, shall give notice by publication in the City official paper that City taxes are payable, when and where the same can be paid, and set forth in said notice the full wording of the preceding Section relative to reductions, and also state when such taxes will become delinquent; said notice shall be published within three days after the receipt of said roll, and be published in each issue of said paper for the period of thirty days; and said Collector shall proceed at once to collect the taxes specified in said roll, allowing the reductions mentioned in the preceding Section, and pay the same over to the City Treasurer monthly, taking his receipt therefor.

SEC. 12. On the second Monday in December of each year the City Tax Collector must deliver to the City Auditor a complete delinquent list of all persons and property then owing taxes; and in the list so delivered must be set down in numerical or alphabetical order all matters and things contained in the Assessment Roll and relating to delinquent persons or property; and shall at the same time make a statement to said Auditor, under oath, showing: First—All moneys collected by him on account of property tax between the first Monday in June and first day of July. Second—All moneys so collected between July 1st and August 1st. Third—All moneys so collected between August 1st and September 1st. Fourth—All moneys so collected between September 1st and October 1st; and shall file with the Auditor the Treasurer's receipts for such moneys and take the Auditor's receipt therefor.

SEC. 13. The Auditor must carefully compare such delinquent list with the Assessment Roll, and if satisfied that it contains a full and true statement of all taxes due and unpaid, he must foot up the total amount of taxes so remaining unpaid, credit the Tax Collector therewith, and also credit the Collector with the reductions allowed taxpayers in Section 11, as ascertained by and from the sworn statement of the Collector

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and Treasurer's receipts filed as provided in the preceding section, and make a final settlement with him of all taxes charged against him on the Assessment Roll.

SEC. 14. After settlement with the Tax Collector, as prescribed in the preceding section, the Auditor must charge the Tax Collector with the amount of taxes due on the delinquent tax list, with the five per cent. added thereto, and within three days thereafter deliver the list, duly certified, to such Tax Collector.

SEC. 15. On or before the first Monday in January of each year the Tax Collector must publish the delinquent list, which must contain the names of the persons and a description of property delinquent, and the amount of taxes and costs due, opposite each name and description, with the taxes due on personal property, added to taxes on real estate where the real estate is liable therefor, or the several taxes are due from the same person. To said list must be appended, and with it published a notice that unless the taxes delinquent, together with the costs and percentage are paid, the real property upon which such taxes are a lien, will be sold at public auction, and designating therein the time and place of such sale, which must take place in or in front of the City Collector's office, and not less than twenty-three nor more than twenty-eight days from the first publication.

SEC. 16. Said list must be published once a week for three consecutive weeks in the City official newspaper or supplement thereto, and when such publication is completed, and before commencing the sale, the Tax Collector must file with the City Clerk a copy of the publication, with his affidavit attached thereto, that it is a true copy of the same, that the publication was made in said newspaper, or a supplement thereto, stating its name and place of such publication, and the date of each appearance; such affidavit shall be *prima facie* evidence of all the facts therein stated.

SEC. 17. The Tax Collector must collect, in addition to the taxes due on the delinquent list, and five per centum added thereto, fifty cents on each lot, piece or tract of land, separately assessed, and on each assessment of personal property, which must go to the city.

SEC. 18. On the day fixed for the sale, or on some subsequent day to which he may have postponed it, the Tax Collector, between the hours of ten o'clock A. M. and three o'clock P. M., must commence the sale of the property advertised, commencing at the head of the list, and continuing alphabetically, or in the numerical order of lots and blocks, until completed.

SEC. 19. He may postpone the day of commencing the sale, or the sale from day to day; but the sale must be completed within three weeks from the day first fixed.

SEC. 20. The owner or person in possession of any real estate offered for sale for taxes due thereon may designate in writing, to the Tax Collector prior to the sale, what portion of the property he wishes sold, if less than the whole; but if the owner or the possessor does not, then the Collector may designate it, and the person who will take the least quantity of the land, or in case an undivided interest is assessed, then the smallest portion of the interest and pay the taxes and costs due, including fifty cents for the duplicate certificate of sale, is the purchaser.

But in case there is no purchaser in good faith for the same, as provided, on the first day that the property is offered for sale, then when the property is offered thereafter for sale, and there is no purchaser in good faith for the same, the whole amount of the property assessed shall be struck off to the City of San Diego as the purchaser, and a duplicate certificate delivered to the City Auditor and filed by him in his office, and a like certificate filed in the office of the City Clerk. No charge shall be made for the duplicate certificate when the City is a purchaser; and in such case the Tax Collector shall make an entry—"Sold to the City"—on the Delinquent List opposite the tax, giving number of Certificate of Sale, and he shall be credited with the amount of such tax in his final settlement with the Auditor; a redemption from the sale to the City above provided may be made by any person in interest in the same manner as provided by law for redemption of land sold to the State for State and County taxes; *provided*, that the estimate for such redemption must be made by the City Auditor, instead of County Auditor, and the receipt for money paid for such redemption

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must be given by the City Treasurer, instead of County Treasurer ; and upon the production of such receipt and estimate, the City Clerk shall write upon the proper certificate, as filed in his office, the word "Redeemed," giving date, and by whom redeemed. The Auditor's fee for such estimate shall be Two Dollars ; the Clerk shall receive no fee for marking certificate redeemed. The Auditor's fee, as herein provided, as well as the amount required to redeem, shall be paid to the Treasurer by person redeeming ; and said fee shall be apportioned to the Salary Fund of the City.

SEC. 21. After receiving the amount of the taxes and costs, the Tax Collector must make out in duplicate a certificate, dated on the day of sale, stating (when known) the name of the person assessed, a description of the land sold, the amount paid therefor, the name of the purchaser, that it was sold for taxes, giving the amount and year of the assessment, and specifying the time when the purchaser will be entitled to a deed.

SEC. 22. The certificates must be signed by the Collector, and one copy delivered to the purchaser, and the other filed in the office of the County Recorder of San Diego County.

SEC. 23. The Tax Collector, before delivering any certificate, must in a book enter the description of the land sold, corresponding with the description in the certificate, the date of sale, purchaser's name, and amount paid, regularly number the descriptions on the margin of the book, and put a corresponding number on each certificate. Such book must be open to public inspection without fee during office hours, when not in actual use.

SEC. 24. On filing the certificate with the County Recorder, the lien of the City vests in the purchaser, and is only divested by the payment to him or to the City Treasurer for his use, of the purchase money and fifty per cent. thereon.

SEC. 25. A redemption of the property sold may be made by the owner, or any party in interest, within twelve months from the date of the purchase ; and until tax deed is applied for in the manner prescribed by Section 3785 of the Political Code of California.

SEC. 26. On receiving the Certificate of Sale, the Recorder must file it, and make an entry in a book similar to that required of the Collector. On the presentation of the receipt of the person named in the certificate, or of the City Treasurer for his use, of the total amount of redemption money, the Recorder must mark the word "Redeemed," the date, and by whom redeemed, on the certificate, and in the margin of the book where the entry of the certificate is made.

SEC. 27. If the property is not redeemed within the time allowed by law for its redemption, the Tax Collector, or his successor in office, must make to the purchaser, or assignee, a deed of the property, reciting in the deed substantially the matters contained in the certificate, and that no person has redeemed the property during the time allowed for its redemption. The Collector shall collect from the purchaser three dollars for making such deed ; *provided, however*, that no such deed shall be made until the notice is given that a tax deed will be applied for, and such notice duly served as prescribed by Section Three Thousand Seven Hundred and Eighty-five of the Political Code of California relating to property sold for State and County taxes. Whenever any property is sold to the City it shall not be necessary to post or serve any notice as required under the provisions of this section, but the City shall be entitled to a deed at any time after the term for redemption has expired, whenever called for by resolution of the Common Council ; *provided*, that in all cases where the City has received a deed the right to redeem shall be continued as provided in Section 3,817 of the Political Code.

SEC. 28. The matters required by Section 22 to be recited in the Certificate of Sale must be substantially recited in the Deed, and such Deed duly acknowledged or proved is *prima facie* evidence that :

First—The property was assessed as required by law.

Second—The property was equalized as required by law.

Third—The taxes were levied in accordance with law.

Fourth—The taxes were not paid.

Fifth—At a proper time and place the property was sold, as prescribed by law, and by the proper officer.

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Sixth—The property was not redeemed.

Seventh—The person who executed the Deed was the proper officer.

Eighth—Where the real estate was sold to pay taxes on personal property, that the real estate belonged to the person liable to pay the tax.

SEC. 29. Such Deed duly acknowledged or proved is (except as against actual fraud) conclusive evidence of the regularity of all other proceedings, from the assessment by the Assessor, inclusive, up to the execution of the Deed, and conveys to the grantee the absolute title to the lands described therein, free from all incumbrances.

SEC. 30. The Assessment Roll, or delinquent list, or a copy thereof certified by the City Auditor, showing unpaid taxes against any person or property, is *prima facie* evidence of the assessment, the property assessed, the delinquency, the amount due and unpaid, and that all the forms of law in relation to the assessment and levy of such taxes have been complied with.

SEC. 31. On the third Monday of March, in each year, the Tax Collector must attend the office of the Auditor with the Delinquent List and the Auditor must then carefully compare the list with the assessments of persons and property not marked "paid" on the Assessment Roll, and when taxes have been paid, must note the fact in the appropriate column in the Assessment Roll. The Auditor must then administer to the Tax Collector an oath, to be written and subscribed in the Delinquent List, that every person and all property assessed in the Delinquent List on which taxes have been paid, either by sale for taxes or otherwise, has been credited in the list with such payment. The Auditor must then foot up the amount of taxes remaining unpaid and credit the Tax Collector with the amount, together with the five per cent. thereon, and have a final settlement with him; and the Delinquent List must remain on file in the Auditor's office.

CHAPTER II.

OF FINANCIAL ADMINISTRATION.

SECTION 1. There is hereby created an Auditing Committee, which shall consist of the Mayor, President of the Board of Aldermen, President of the Board of Delegates, City Attorney and Auditor. The Mayor shall be Chairman of this Committee, the Auditor shall be Secretary of the same, but in the absence of either at meetings of the Committee, a temporary chairman and secretary can be chosen by the Committee to act. The Auditing Committee shall hold stated meetings once in each month, and can adjourn from time to time. It shall be the duty of this Committee to examine, allow, and order paid or reject and disallow all claims, demands, and bills of whatever nature (except monthly salaries of City officers, as fixed by this Charter), which may be presented against the City, and the Auditor shall not draw a warrant for any bill unless the same has been approved by a majority of the whole Auditing Committee. Three members of this Committee shall constitute a quorum for the transaction of business, but a less number can meet and adjourn from time to time.

SEC. 2. All demands, bills and claims which may arise against the City, including the pay roll of all employees of the City, whether under regularly monthly salary or not (except salaries of City officers as fixed by this Charter), shall be duly verified as hereinafter provided, and be filed with the Secretary of the Auditing Committee, who shall file and number the same in the order of presentation, and refer the same to the Auditing Committee for action, whose duty it shall be to allow or reject the same, in whole or in part, and if allowed designate the particular funds from which they are to be paid, and endorse upon the back of each bill the date of its allowance or rejection, the amount allowed for and also the section of the Charter, number of ordinance, number of contract, resolution or order, under which the said bill or demand was authorized or contracted for. These endorsements to be verified by the signatures of the Chairman and Secretary of the Committee.

SEC. 3. All demands, bills and claims against said City shall be made out in the following form and subscribed and sworn to before the Auditor or some officer authorized to administer oaths, to-wit:

City of San Diego

To.....Dr.

Assigned to.....

	\$	Cts.
To Sundries as per items attached.....

STATE OF CALIFORNIA,)
COUNTY OF SAN DIEGO,) ss.
City of San Diego.)

being duly sworn, says: That the foregoing account is a correct, legal and true claim against said City for the full amount for which the same is presented, and the items therein contained were furnished to said city; that the said amount, accrued as set forth therein, is due and no part of the same has been paid.

Subscribed and sworn to before me \

this.....day of.....18...

..... Auditor.

..... Deputy.

Which bill must be accompanied by a detailed statement of items which shall be attached thereto, and made a part thereof.

SEC. 4. The Secretary of the Auditing Committee shall attend all meetings of said Committee and keep a correct record and journal of the proceedings of the Committee.

SEC. 5. The Auditor, in addition to all other duties imposed upon him, shall apportion all moneys paid into the Treasury of the City, in accordance with the annual tax levy and ordinances of the City imposing and apportioning license taxes, fines, etc., and draw all warrants upon the Treasury for salaries as fixed by the Charter, and for all demands and bills as allowed and ordered paid by the Auditing Committee. He shall keep a Cash Book, which shall show, at all times, the amount of moneys received into the Treasury, by whom paid in, and on what account, and show all moneys paid out, giving number and date of warrant paid, and show the balance of cash in the Treasury. He shall keep in Ledger form a just and correct account with the various funds of the City, and shall, on or before the 10th day of each month, submit to the Common Council by filing with the City Clerk an abstract of his accounts with said funds for the preceding month, which shall show the numbers and dates of warrants drawn upon said funds, the amounts thereof, the names of the parties receiving the same, and whether for labor or material furnished, the balances of cash in each fund, and shall show the amount of moneys received into and paid out of the Treasury during said month, which abstract and statement must be subscribed and sworn to by said Auditor. The Auditor shall also keep a registry of all bills, claims and demands which are filed with him as Secretary of the Auditing Committee, which shall be in the following form :

REGISTER OF BILLS PRESENTED.

[illegible]

ELEVEN

The Auditor shall also keep a Warrant Book, from which all warrants must be issued, said book to contain stubs to all warrants issued, giving the number, date, amount, to whom, upon what fund, and for what said warrants are drawn, and said warrants shall be numbered, commencing with each fiscal year, from "one" up.

SEC. 6. The Auditor shall issue all licenses to the Tax Collector, and for that purpose shall keep License Books from which to issue such licenses, said books to contain stubs to all licenses issued, which shall show the number of each license issued and the amount, and he shall charge such Collector with the licenses so issued; and shall, monthly, have a settlement with the Tax Collector on account of same, giving said Collector credit for all licenses unsold and returned; and for moneys paid into the Treasury on account of licenses sold.

SEC. 7. The Auditor and his bondsmen shall be jointly, severally and personally responsible and liable for any damage resulting to the City on account of any illegal or fraudulent claim for which a warrant may be issued.

SEC. 8. The City Treasurer shall, in addition to all other duties imposed upon him, keep like cash and book accounts and ledger accounts, as required to be kept by the Auditor, and shall make reports to the Common Council on the tenth days of March and September, in each year, of all moneys received into and paid out of the various funds of the City. The Treasurer shall, on the first Monday of August, December and April of each year transmit to the Auditor a full statement under oath showing the full amount of taxes, percentage, interest and costs received by him on account of redemption of property sold to the City on account of taxes, and also show the amount of Auditor's fees on account of same which he has received. The Auditor upon receiving such statement shall forthwith apportion said amounts to the various funds in accordance with the tax levy of the then fiscal year, except the Auditor's fees, which shall be apportioned to the Salary Fund, and also excepting the percentage and costs, which shall be apportioned to the General Fund, and a statement of this apportionment shall be filed with the Treasurer, and the Treasurer shall forthwith cover said moneys into the Treasury, and receipt to the Auditor for the same. The Treasurer shall keep a book in which he shall enter all warrants paid by him, showing the numbers and amounts; this book shall be known as the "Paid Warrants Book." On the first day of each month the Treasurer shall turn over to the Auditor all warrants paid by him during the preceding month; the Auditor and Treasurer shall carefully compare the warrants so turned over with the entries upon the "Paid Warrants Book," and if satisfied that the same are correct as entered in said book, the Auditor shall receipt to the Treasurer for said paid warrants by writing his receipt therefor in said book immediately following the month's entry of such warrants. Upon payment of any warrant the Treasurer shall cancel the same by stamping upon its face the word "paid" in bold capital letters, followed by date of payment.

The Treasurer shall issue receipts in duplicate to all persons paying money into the Treasury, one of which receipts must forthwith be filed with the Auditor.

SEC. 9. The following funds are hereby established:

1. "Fire Department Fund," upon which all warrants must be drawn for Fire Department supplies and expenses whatsoever.
2. "Salary Fund," from which all salaries of City Officers and their deputies, including regular policemen, must be paid.
3. "Police Department Fund," from which must be paid all expenses of the Police Department, except salaries of regular policemen.
4. "Street Fund," from which must be paid all expenses for street repairs, street sprinkling and cleaning, highway and bridge repairs, and all other street improvements not otherwise provided for in this Charter.
5. "Harbor and Wharf Fund," from which must be paid all expenses for wharf building and repairs, and for all harbor improvements.
6. "Sewer and Drainage Fund," from which all expenses for sewer and drainage construction and repairs must be paid.
7. "School Fund," from which must be paid all salaries of teachers in the City Public Schools, and all expenses of such schools, together with all expenses of repairs to school buildings, school furniture, and other necessary expenditures by the Board of Education, including the erection of school buildings and purchase of sites therefor.

TWELVE.....

8. "Street Light Fund," from which must be paid all sums for lighting the City by electric light, gas, etc.

9. "Park Improvement Fund," from which must be paid all expenses for Park and boulevard improvements, such as construction and building of drives, boulevards, and planting of trees and other improvements.

10. "Public Health Fund," from which must be paid all expenses of the Health Department, including scavengers, and all expenses in disposing of garbage, etc.

11. "Library Fund," from which must be paid all expenditures made and ordered by the Board of Library Trustees of the San Diego Public Library.

12. "Public Building Fund," from which all expenditures for public buildings of the City (other than school buildings) must be paid.

13. "Office Fund," from which all expenditures for furniture, fuel, stationery, books, etc., furnished to the City officers and departments must be paid.

14. "General Fund," from which must be paid appropriations, and general expenses not payable from other funds.

The Common Council may from time to time establish such other Funds as they may deem necessary, and shall establish and continue in force all Interest Funds, Bond Funds, Bond Redemption Funds and other funds now or hereafter established for the payment of all interest upon, and the payment of all bonded indebtedness of said City; and the percentage of each annual tax levy shall be named for each fund and the whole amount of taxes and revenue of the City apportioned to said several funds accordingly; and no transfer shall be made from one fund to another except as otherwise provided in this Charter, unless by a vote of the Common Council, by ayes and noes, recorded in the journals of proceedings; and in no case shall any moneys be transferred from the School Fund or Library Fund to any other fund.

The Common Council shall by ordinance determine and designate to what funds shall be apportioned all moneys arising from the levy of all license taxes in the City, provided, that none of such moneys shall be apportioned to either the School Fund, Library Fund, or to any of the bond funds, interest funds or bond redemption funds of the City.

SEC. 10. All moneys arising from fines imposed and collected under the City ordinances, shall be apportioned and paid into the following funds of the City: One-half thereof to the Police Department fund and the other half into the Street Fund.

SEC. 11. All officers of the city who collect moneys on account of taxes, licenses, fines, and from other sources which belong to the City, except moneys collected by the Treasurer on account of redemption of property sold to the City for taxes, must make monthly settlements therefor on or before the first Monday in each month, and to that end, shall make a statement to the Auditor, subscribed and sworn to before him, showing from what sources the same are collected and the total amount collected, and forthwith pay said amount to the Treasurer and take his receipt therefor, in duplicate, one of which receipts must be filed with the Auditor. The Auditor, upon filing the Treasurer's receipt, must forthwith apportion the money so paid in to the several funds to which it belongs, and file with the Treasurer his statement of such apportionment.

SEC. 12. The Common Council must not for any purpose contract debts or liabilities, except in pursuance of law, nor shall such indebtedness or liabilities exceed in any fiscal year the income and revenue provided for such year, without the assent of two-thirds of the qualified electors of the City, voting at an election to be held for that purpose, nor unless before or at the time of incurring such indebtedness provision shall be made for the collection of an annual tax sufficient to pay the interest on such indebtedness, as it falls due, and also to constitute a sinking fund for the payment of the principal thereof within twenty years from the time of contracting the same, and proceed in accordance with the section following, providing how bonded debts may be created. Any indebtedness or liability incurred contrary to this provision shall be void; and all contracts, authorizations, allowances, payments and liabilities to pay, made or attempted to be made in violation of this provision, shall be absolutely void and shall never be the foundation or basis of a claim against the Treasury of said City; and all officers of said City are charged with notice of the condition of the City Treasury and extent of the claims against the same.

THIRTEEN

SEC. 13. The Common Council may contract bonded indebtedness (other than bonds and indebtedness contracted and created for street paving and street improvements as in this Charter provided), as follows: Said Common Council shall by order duly passed, by ayes and noes, recorded in its journals of proceedings, specify the particular purpose for which the indebtedness is to be created, and the amount of bonds which is proposed to be issued. The Common Council shall then provide for submitting the question of the issue of said bonds to the qualified electors of the City at a special City election to be called by the Common Council for that purpose, and none but qualified electors of the City shall be permitted to vote thereat, and it shall be held as nearly as possible in conformity with the general election laws of this State. Notice shall be given of such election by publication in the City official newspaper for three weeks prior thereto. The ballots shall be printed, "For the issue of bonds" or "Against the issue of bonds." If two-thirds of the electors of the City so voting at such election shall vote in favor of issuing bonds, and not otherwise, the Council may proceed to issue the amount of bonds specified, in manner as follows: Said bonds to be in sums of not less than one hundred dollars nor more than one thousand dollars each, having not more than twenty years to run, and bearing interest at a rate per annum not exceeding seven per cent., payable semi-annually; the said bonds to be payable and redeemable at any time at pleasure of the city, which said bonds shall be substantially in the following form:

No. _____

The City of San Diego, in the State of California, for value received, promises to pay.....or bearer, at the office of the Treasurer of said City, on the first day of.....in the year.....or at any time before that date, at the pleasure of the City, the sum of.....dollars, gold coin of the United States, with interest at the rate of.....per cent. per annum, payable at the office of said Treasurer semi-annually, on the first day of.....and ...in each year, on presentation and surrender of the interest coupons hereto attached.

In testimony whereof, the said City by its Common Council has caused this bond to be signed by the Mayor of the City, and attested by the Auditor, with the corporate seal of said City hereto attached, thisday of.....in the year.....

CORPORATE SEAL.

.....Mayor.

Attest :.....Auditor.

And the interest coupons shall be in the form following, and signed by the Auditor:

No. _____

The Treasurer of the City of San Diego, California, will pay to the holder hereof on the.....day of.....in the year.....at his office in said City, the sum ofDollars, gold coin, for interest on City Bond No. _____

.....Auditor.

Whenever bonds issued under this Charter shall be duly executed, numbered consecutively, and sealed, they shall be delivered to the City Treasurer and his receipt taken therefor, and he shall stand charged on his official bond with all bonds delivered to him, and the proceeds thereof. The Treasurer shall then proceed to sell said bonds, for not less than par, under the direction of the Common Council, and for the best available price; and whenever said bonds, or any portion thereof are sold, he shall report the fact to the Auditor, stating under oath to whom sold, and for what price, and the Auditor shall at once apportion the moneys arising from such sale to the proper fund in the Treasury, filing a statement of such apportionment with the Treasurer. The Common Council shall have the power, and must create and name the fund or funds of the City into which the moneys arising from sale of bonds shall be paid. And before or at the time of issuing said bonds, the Common Council shall, by ordinance, provide for the levy and collection of a tax, to be levied and collected at the same time and in the same manner as other City taxes, sufficient to pay the annual interest upon the bonds, issued and out standing, and such proportion of the principal thereof, that at the end of five years the sum raised from such levies shall equal at least twenty per cent. of the bonds issued; at the end of nine years at least forty

FOURTEEN

per cent. of the amount, and at or before the date of maturity of the bonds shall be equal to the whole amount of the principal and interest. And the Common Council must annually thereafter levy such tax in sufficient amount to comply with the provisions of this section and the ordinance of the Council aforesaid; and the moneys arising from such levies shall be known as the "Special Charter Bond Fund No. —," and shall be used for the payment of bonds and interest coupons, and for no other purpose whatever. Whenever the amount in the hands of the Treasurer belonging to said fund, after setting aside the sum required to pay interest maturing before the next levy, is sufficient to redeem one or more bonds, he shall publish a notice in the City official newspaper for the period of ten days specifying that he is prepared to pay said bond or bonds, giving the number of bond or bonds to be paid, and date of issue of said bond or bonds; and if not presented for payment within forty days after date of said notice, that the interest will cease, and the amount due thereon for principal and interest will be set aside for payment of same whenever presented. If said bonds are not so presented interest shall cease, and the amount due thereon be set aside as specified in said published notice. The bonds selected for redemption shall be determined by lot.

SEC. 14. The Auditing Committee, or a special committee appointed by the Common Council for that purpose, shall have the right and power, separately or collectively, and with the aid of an accountant selected by the Mayor, to examine the books of the Treasurer at any and all times, and shall have the right to inspect and count all public moneys under the Treasurer's control or on deposit elsewhere.

SEC. 15. It shall be the duty of the City Clerk upon the first Tuesday of January in each year, or within five days thereafter to cause notice to be given by public advertisement for five successive days in the City official newspaper, that sealed proposals will be received from any bank of deposit in the City of San Diego, as to the terms and conditions upon which they will receive and disburse the public moneys of said City; such proposals shall be received up to the time to be specified in the notice. The proposals to be made shall specify the rate of interest per month estimated upon the daily balances that will be allowed upon such deposits of public moneys. Such sealed proposals shall be publicly opened by the Clerk, in the presence of the Board of Aldermen, at its first meeting after the expiration of the time for receiving proposals. The bank offering the highest rate of interest shall be appointed the depository of public moneys. The Board of Aldermen shall thereupon cause a contract in writing to be drawn providing for the proper payment of all warrants drawn upon the City Treasurer, so long as there is sufficient money in the fund upon which such warrant is drawn, and sufficient money to the credit of said City on deposit in said bank to pay the same; and providing also for the full accounting of all moneys so deposited, and the repayment of the balance on deposit at the end of the term for which said contract shall be made to the City Treasurer, or other person authorized by the Common Council to demand and receive the same. The Board of Aldermen shall have the power to require such other provisions to be inserted in such contract as it shall deem best for the interest of said City. The contract, when approved by the Board of Aldermen, shall be signed, in behalf of the City, by the Mayor. Such depository thus selected shall give a bond, with two or more sureties, who shall not be stockholders in such Bank, in a sum to be fixed by the Board of Aldermen, not less than one hundred thousand dollars, conditioned for the faithful keeping and proper disbursement of all such moneys; said bond to be approved by the Mayor and Board of Aldermen. Upon approval of such bond, and the signing of such contract, the Common Council, by resolution, shall direct the City Treasurer to deposit each day when said bank is open for transaction of business with the bank thus selected, all public moneys of said City by him collected or received. For each such deposit the Treasurer shall take the receipt of the bank, and from and after the deposit of such money in said bank the Treasurer and his bondsmen shall no longer be liable therefor. Should the City Treasurer refuse or neglect at any time to comply with the orders of the Common Council as to the deposit of such moneys, he shall be liable upon his official bond, in an action brought thereon, by and in the name of the City of San Diego, for the full amount of the interest which the corporation should have received upon such moneys during such time as he shall retain the possession or control of such moneys; and in addition thereto he may be proceeded against by said City, in its own name, by mandate brought against him under the laws of this State, applicable thereto, to compel such deposits to be made.

ARTICLE VII.

Educational Department.

CHAPTER I.

OF THE BOARD OF EDUCATION.

SECTION 1. The government of the School Department of the City of San Diego shall be vested in a Board of Education, composed of eighteen persons, two of whom shall be elected from each ward, and each of whom shall have been for two years a resident of this city, who shall be styled Members of the Board of Education. They shall serve without salary. They shall hold office for four years, or until their successors shall be elected, provided that one member from each ward, of the first Board only, to be determined by lot, shall serve but two years.

SEC. 2. The Board of Education shall choose by ballot one of their number President; they shall hold stated meetings at least monthly, and special meetings as they may decide. The Superintendent of Schools shall be ex-officio Clerk of the Board, and shall keep a faithful record of all their proceedings. Nine members shall be a quorum for the transaction of business, but a less number may adjourn from time to time. No action can be taken without the concurrence of at least nine members. All sessions shall be public, and all records of their official acts open to public inspection at all proper times. Any vacancy in the body shall be filled by the Board from the electors of the ward in which the vacancy has occurred until the next general city election.

The Board shall have sole power—

First—To establish, maintain, change and consolidate public schools in this city, and determine the limits of the districts thereof.

Second—To appoint and employ a Superintendent of Schools who has for two years been a teacher in some public school in the United States. To employ and dismiss teachers, janitors, census school-marshals, mechanics, laborers and other persons as may be necessary to carry into effect the powers and duties of the Board.

Third—To fix a schedule of annual or monthly salaries for teachers and janitors, and compensation for other employees; provided, that persons employed by them shall be subject to dismissal for good and sufficient cause, such dismissal to be in effect the termination of any contract with the person so employed.

Fourth—To make, establish and enforce all necessary and proper rules and regulations for the government of the public schools, and teachers thereof, and pupils therein, and for carrying into effect the laws relating to education. To make rules defining the duties of the superintendent and teachers. Also, to establish and regulate the graded schools and determine what text-books, course of study and mode of instruction shall be used in all of said schools; provided, however, that no text-books shall be set aside and discarded and be replaced by text-books, other than those that are authorized by law and published under the authority of this State, until after three years from the date of their adoption and use in the public schools of this city.

Fifth—To provide for the School Department water, fuel, lights, blanks, blank books, printing, stationery and other necessary aids and conveniences as are demanded to meet the educational requirements of the city.

Sixth—To rent and provide school houses and to furnish the same with suitable desks, seats, apparatus and school appliances, and to insure the same.

Seventh—To control and manage all the school property of the City of San Diego, necessary for conducting the public schools therein; but no lease or exchange of the same shall be made without authority of the Common Council.

Eighth—To prohibit any child under six years of age from attending the public schools; but may establish Kindergarten schools for the tuition of children between the ages of four and six years; and may to provide for Kindergarten instruction in the primary schools.

Ninth—To admit non-resident children to any of the schools upon the payment of a fee to be fixed by the Board.

Tenth—To suspend or expel pupils for misconduct.

SEC. 3. No teacher shall be employed in any of the public schools without having a certificate issued under the provisions of this Charter. For the purpose of granting the certificates required, the Board shall appoint a City Board of Examination. The City Board of Examination shall consist of the School Superintendent, who shall be President, and four other persons, residents of this city, at least two of whom shall be experienced teachers. The members of the City Board of Examination, other than the Superintendent, shall receive for their services such compensation as may be fixed by the Board of Education.

SEC. 4. The City Board of Examination shall have power:

(1.)—To adopt rules and regulations not inconsistent with the laws of this State for its own government, and for the examination of teachers.

(2.)—To examine applicants, and to prescribe a standard of proficiency which will entitle the person examined to a certificate.

(3.)—To grant City certificates of three grades:

First—High school certificates, valid for six years, and authorizing the holder to teach any primary, grammar or high school in this city.

Second—City certificates, first grade, valid for four years, and authorizing the holder to teach any primary or grammar school in this city.

Third—City certificates, second grade, valid for two years, and authorizing the holder to teach any primary school in this city.

Fourth—Without examination to grant certificates and fix the grade thereof to the holders of State life diplomas, State educational diplomas, State Normal School diplomas, State University diplomas (when recommended by the faculty of the University), State certificates, City certificates granted in other cities of this State, county certificates granted in the County of San Diego, and life diplomas, and State Normal School diplomas of other States.

Fifth—To revoke or suspend for immoral or unprofessional conduct, profanity, intemperance, or evident unfitness for teaching on the part of the holder, any certificate granted by the Board.

Examination of teachers must be held semi-annually, at such times as the Board may determine.

SEC. 5. 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 Common 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.

SEC. 6. The public school fund of this city shall consist of all moneys received from the city, county and State school funds; of all moneys arising from taxes which shall be levied by the Common Council for school purposes; of all moneys arising from the sale, rent or exchange of school property, and of such other moneys as may from any source whatever be paid into said 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 Chapter. No fees or commissions shall be allowed or paid for assessing, collecting or disbursing of 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 for any purpose or in any manner whatever be diverted or withdrawn from said fund, except as in this Chapter provided. All moneys of this fund shall be deposited with the City Treasurer, and the same shall be drawn only by warrant signed by the President and Clerk of the Board and duly audited by the Auditor.

SEC. 7. It shall be the duty of the Board of Education, or a committee thereof, to visit and examine each school at least once each month, and cause to be observed such general rules for the regulation, government and instruction of the schools, not inconsistent with the laws of the State, as may be established by the Board.

SEC. 8. All claims payable out of the school fund shall first be filed with the Clerk of the Board, and shall be approved by a majority of the whole Board, and certificate of such approval shall be endorsed thereon by the President of the Board. All demands of salaries of teachers, and compensation of janitors shall be payable monthly, without presentation of claims therefor.

SEC. 9. It shall be the duty of any and all officers of the county of San Diego, having any official disposition of the school fund of this city, to cause to be deposited with the City Treasurer of the city all State and county moneys coming under their control that have been appropriated to the city, or the school districts thereof, as soon as the same have been received by them.

SEC. 10. All contracts, supplies or purchases to be made by the authority of the Board exceeding in amount two hundred dollars (\$200) shall be given to the lowest bidder for the same, after three days' publication in the official paper of the city has been made, soliciting

from the public bids therefor, the Board reserving the right to reject any bid. The Board shall not have authority to contract any debts or obligations of any kind that may exceed in amount in any one year the income or revenue provided for the school fund of such year.

SEC. 11. The President, and any President pro tem. of the Board, shall have power to administer oaths and affirmations concerning any demand upon the school fund, or any other matter affecting the School Department that may be presented for the official action of the Board.

SEC. 12. The Board shall cause to be published in January and July of each year, in the official paper of the city of San Diego, a tabulated statement showing the income and resources of the School Department and the general expenditures for such school purposes, together with information as to the condition of the schools, number of teachers employed, attendance of pupils, and other statistics that may show to the public the labors of the department for the previous six months.

SEC. 13. The Board shall direct the Superintendent of Schools to make to them monthly reports concerning the work of his department and the general efficiency of the schools.

SEC. 14. The Board shall have full authority to sell such personal property used in the School Department as may no longer be required for use, and deposit all moneys so acquired with the City Treasurer to the credit of the school fund.

SEC. 15. The Board shall have the power, if they shall so determine, to designate a member of the Board of Examiners, who is not a teacher in their employ, who must visit the public schools in the city at least once in each year, and examine each and every class and report as to the efficiency of the teachers thereof.

SEC. 16. The Board of Education shall report to the Common Council, before the annual tax levy be made, the amount necessary to carry on the public schools for the next school year, and thereupon the Common Council shall levy a rate of tax for school purposes sufficient to raise the amount reported as necessary by the Board of Education, not to exceed thirty cents on the one hundred dollars' valuation of the taxable property of the city as assessed, and such tax shall be in addition to all other amounts levied for city purposes.

SEC. 17. The Board of Education may by resolution make a requisition upon the Board of Public Works for plans, specifications and estimates for any new school-house, stating the location of the proposed house, the date on which it should be completed, the amount of money in the school fund available for the purpose, and other information that may enable the Board of Public Works to prepare the necessary plans, specifications and estimates of cost for such school-house. If such plans, specifications and estimates are approved by the Board of Education they shall be endorsed "Approved," with the date of such approval, by the President and Secretary thereof, and returned to the Board of Public Works, who shall proceed without delay to have said school-house constructed in accordance therewith. On completion of such school-house the Board of Public Works shall notify the Board of Education, who shall thereupon examine the same, and if built in accordance with the plans and specifications approved by them, and within the estimated cost thereof, shall accept, pay for and take possession of the same.

SEC. 18. The Board of Education may also by resolution make a requisition upon the Board of Public Works for the purchase by them for the City of lands sufficient for a school house site, specifying the general location desired, and the character of the school house proposed to be erected thereon; and thereupon the Board of Public Works shall advertise for proposals in the usual manner, and shall contract for the purchase of such site as then shall deem the best for the least cost; which contract shall be valid only when approved by the Board of Education, and the purchase, and payment therefor shall thereupon be consummated by said Board of Education.

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ARTICLE VIII.

San Diego Public Library.

SECTION 1. The Public Library and Reading-Room, known as the "San Diego Public Library" is hereby continued in existence, and shall be free of access to all citizens and residents of said city, subject to such rules and regulations for the government and management thereof as may at any time be adopted by the Board of Directors of said Library, hereinafter provided.

SEC. 2. The Board shall determine annually the amount of money required for the support of the public library, and for carrying into effect all the provisions of law in reference thereto; and in pursuance of this provision, the Board shall, on or before the twentieth day of March in each year, submit in writing to the Auditor a careful estimate of the whole amount of money required from the city for the above purposes, and the Common Council shall in each year, fix a sufficient percentage of taxes to be levied and collected on the taxable property in the city, not to exceed five cents on each one hundred dollars of the value of all real and personal property of the said city, as assessed for city purposes, for the purpose of establishing and maintaining said library, and purchasing or leasing such real and personal property, books, papers, publications, furniture and fixtures, and erecting such buildings as may be necessary therefor. No indebtedness exceeding the amount of the annual levy for this purpose shall be incurred in any one year; provided, this limitation shall not be construed to prevent the incurring of indebtedness for permanent improvements to be liquidated by the proceeds of municipal bonds issued by the City of San Diego in accordance with the general laws of the State for the purpose of defraying the cost of such improvements.

SEC. 3. The Mayor shall immediately after his qualification under this Charter, appoint a Board of five Directors, subject to confirmation by the Board of Delegates, for said library, who shall serve without compensation, and be known as the "Board of Directors of the San Diego Public Library," and who shall be chosen from the citizens at large, male or female, without regard to their political opinions, but with reference to their fitness for said office, and not more than one member of the Common Council shall be at any one time a member of said Board. Said Directors shall hold office for two years, and thereafter the Mayor shall appoint, as before, Directors to take the place of the retiring Directors, who shall hold office for two years, or until their successors are appointed and qualified. Any vacancy occurring shall be filled by the Mayor, subject to confirmation by the Board of Delegates, for the balance of the unexpired term.

SEC. 4. Said Directors shall, immediately after appointment, meet and organize by the election of a president from one of their number. The Librarian shall be clerk of the Board, and shall keep a record of their proceedings.

SEC. 5. The Board of Directors shall have power to make and enforce all such by-laws, rules and regulations as may be necessary for the administration, government and protection of such library, reading-room and property; to determine the number of officers and assistants to be appointed for such library and reading-room, and to determine and define their duties; to fix the salaries and wages of such employees; to appoint a Librarian and necessary assistants, and such other employees as may be necessary, and, for good cause, to remove them; to control and order the expenditure of all moneys at any time in the Library Fund, and order the drawing and payment of all moneys out of said fund for such expenditures or liabilities as are herein authorized, subject to the general provisions for the payment of demands on the City Treasurer, contained in this Charter; (except in the purchase of books, and the Board is hereby authorized to expend for books the sum of not to exceed \$500 at any one time without advertising for bids); to purchase or lease all necessary real property whereon to construct and thereon to construct a library building or buildings, or to lease appropriate rooms, or a building, or buildings, for such library, and to have the general supervision, care and custody of the grounds, rooms or buildings constructed, leased or set apart for that purpose, and generally to do all that may be necessary to carry out the spirit and intent of this Charter in establishing a public library and reading-room; provided, that all moneys received for such library shall be deposited in the treasury of the city, to the credit of the Library Fund, and shall be kept separate and apart from other moneys of the City, and shall be drawn from said funds upon demands authenticated by the signatures of the president and clerk of the

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Board. All libraries and reading-rooms heretofore established by said City, and all property, real and personal, thereto belonging, shall be turned over to the charge, custody and administration of the Board of Directors, with like powers and liabilities as if such library had been established under this Charter.

SEC. 6. The library and reading-room shall be forever free to the use of the inhabitants of the city, and persons sojourning therein, always subject to such reasonable rules and regulations as the Board of Directors may adopt, and said Board may exclude from the use of said library and reading-room any and all persons who shall wilfully violate such rules, and said Board may extend the privileges and use of such library and reading-room to persons residing outside the city, upon such terms and conditions as said Board may, from time to time, by its regulations prescribe.

SEC. 7. Any person desiring to make donations of money, securities or other personal property or real estate, shall have the right to vest the title to such money, personal property or real estate so donated in "The Board of Directors of the San Diego Public Library," hereby created, to be owned, held and controlled by such Board when accepted, according to the terms of the deed, gift, devise or bequest of such property; and, as to such property, the Board shall be held and considered to be a special trustee thereof for the City. The title of all real property that may be purchased shall likewise be taken by said Board in its name as such special trustee; and the City of San Diego may, in its discretion, by ordinance, set apart and order to be held by the City for library purposes, any part of the real property of the City not otherwise appropriated.

SEC. 8. The Common Council shall have power to pass ordinances imposing suitable penalties for the punishment of persons committing injury upon such library, or the grounds or the property thereof, and for injury to or failure to return any book belonging to such library.

ARTICLE IX.
Police, Fire and Health.
 CHAPTER I.

OF THE POLICE DEPARTMENT.

SEC. 1. The Police Department shall be under the management of a Board of Five Commissioners, four of whom shall be appointed by the Mayor and confirmed by the Board of Delegates, from among the qualified electors of the City, no more than two of whom shall be members of the same political party.

The Mayor shall be ex-officio President and a member of said Board.

SEC. 2. The term of office of said Commissioners shall be four years. The Commissioners first appointed shall so classify themselves that one of them shall go out of office in one year, one in two years, one in three years and one in four years.

SEC. 3. Immediately upon their appointment and qualification the Committee shall organize as a Board of Commissioners of the Police Department. The Board may appoint as secretary a member from the police force.

The Board shall establish rules and regulations to govern its proceedings and keep a record of the same.

SEC. 4. The Board shall meet at least once each month, and at such other times as it may appoint or of which the President gives notice.

The meetings of the Board shall be public; three members shall constitute a quorum; provided, however, that executive sessions may be held in special cases by unanimous vote.

SEC. 5. The appointment of officers and members of the Police Department shall be made by the Board.

SEC. 6. The Police Department shall consist of the Chief of Police and as many subordinate officers and regular policemen as the Common Council, by ordinance, may from time to time determine. The Chief of Police shall hold office for the term of two years.

SEC. 7. The Police Commissioners shall have power:

(1.) To suspend or remove (for cause) any person from the police force and shall reduce said force whenever so directed by the Common Council; prescribe rules and regulations for the government of the force, and fix and enforce penalties for their violation.

(2.) To prescribe the qualifications, duties, badges of office and uniforms of the officers, members and employes of said Department.

(3.) To appoint special policemen, who shall be under the supervision and control of the Chief of Police, and to remove the same at pleasure; provided, however, that the compensation of said policemen shall not be a charge against the City unless appointed by authority of the Common Council.

SEC. 8. The Board shall have the custody and control of all the property and equipments belonging to or hereafter acquired by the Police Department.

SEC. 9. The Board shall annually on or before the 20th day of March, report to the Auditor an estimate of the amount of money that will be required to pay all salaries and expenses of the Police Department.

SEC. 10. Every claim against the Police Department shall be approved by the Board, and authenticated by the signatures of the President and Secretary, before the same shall be allowed and ordered paid by the Auditing Committee.

SEC. 11. The Board shall prescribe the necessary rules and regulations to carry into execution all powers vested in said Board by this charter, or by any ordinance of the Common Council passed pursuant thereto, or by the Constitution and laws of this State.

SEC. 12. The Chief of Police shall designate one or more policemen to attend the sessions of the Police Court, when required, and policemen may serve and execute all notices, processes and warrants issued out of said Police Court, and the return of said officer serving the same shall be evidence of the facts in such return stated.

who shall serve with out compensation

CHAPTER II.

OF THE FIRE DEPARTMENT.

SEC. 1. The Fire Department shall be under the management of a Board of three Commissioners, to be appointed by the Mayor, subject to confirmation by the Board of Delegates, from among the qualified electors of the City, who shall serve without compensation, not more than two of whom shall be members of the same political party.

SEC. 2. The term of office of said Commissioners shall be four years. The Commissioners first appointed shall so classify themselves that one of them shall go out of office in two years, one in three years and one in four years.

SEC. 3. Immediately upon their appointment and qualification, the Commissioners shall organize as a Board of Commissioners of the Fire Department, and elect one of their number President, who shall hold his office for the term of one year.

The Board may appoint as Secretary an employe of the Fire Department, to receive such additional compensation as the Board may recommend and the Common Council approve.

SEC. 4. The Board shall meet at least once each month, and at such other times as it may appoint, or of which the President gives notice.

The meetings of the Board shall be public; two members shall constitute a quorum; provided, however, that executive sessions may be held in special cases by unanimous vote.

SEC. 5. The officers, members and employes of the Fire Department shall be appointed by said Board.

SEC. 6. The Fire Department shall consist of a Chief Engineer, two Assistant Engineers, and as many drivers, hosemen and other employes as the Board may determine to be necessary.

SEC. 7. The Fire Commissioners shall have power:

(1.) To appoint, suspend or remove (for cause) any officer, person or employe from the Fire Department, prescribe rules and regulations for the government of the Department, and fix and enforce penalties for their violation.

(2.) To prescribe the qualifications, duties, badges of office, and uniforms of the officers, members and employes of said Department.

(3.) To make necessary rules and regulations to carry into execution all powers vested in said Board by this charter, or by any ordinance of the Common Council passed pursuant thereto, or by the Constitution and laws of this State.

SEC. 8. The Board shall have the custody and control of the houses, engines, hose carts, trucks, ladders, horses, stables and all other property and equipments now or hereafter used or belonging to the Fire Department.

SEC. 9. The Board shall, annually, on or before the 20th day of March, report to the Auditor an estimate of the amount of money that will be required to pay all salaries and expenses of the Fire Department for the ensuing year.

SEC. 10. Every claim against the Fire Department shall be approved by the Board, and authenticated by the signatures of the President and Secretary before the same shall be presented to the Auditing Committee.

SEC. 11. The Board shall report to the Common Council the necessity for additional apparatus, material, supplies, engines, horses, hooks and ladders, and also as to alterations and repairs required, but the action of the Board, with respect to the necessity of these matters, shall be advisory only to the Common Council, and no increase in the apparatus, material, supplies and other matters in this section enumerated, shall be made, until the same shall have been authorized by the Common Council by ordinance.

SEC. 12. All contracts let, and work ordered, for the Fire Department, shall be let and ordered by the Board of Public Works; provided, however, that the Board of Fire Commissioners shall have power to make repairs upon engines and other property under their control when the cost thereof does not exceed the sum of two hundred dollars.

SEC. 13. Whenever the Council may deem it necessary to establish a fire alarm telegraph, the Board of Fire Commissioners shall manage and control the same.

SEC. 14. All telegraph, telephone, electric light or other overhead wires wherever run into or over buildings shall come under the control of the Board of Fire Commissioners.

CHAPTER III.

OF THE BOARD OF HEALTH.

SECTION 1. There shall be a Board of Health, which shall consist of five physicians, graduates of some accredited medical college, three of whom must be physicians in active practice, to be appointed by the Mayor and confirmed by the Board of Delegates, who shall have supervision of all matters appertaining to the sanitary condition of the city, and its public institutions.

SEC. 2. The members of said Board shall hold office for four years, without compensation. The members first appointed shall so classify themselves that one shall go out of office at the end of the first year, one at the end of two years, one in three years, and one in four years.

SEC. 3. The Board shall elect one of their number President, who shall hold office for one year.

The Health Officer's clerk or assistant shall act as Secretary of said Board.

SEC. 4. The Common Council shall provide a suitable office for said Board of Health, to be known as the "Health Office," in which the meetings of the Board shall be held at least once a month, or whenever requested by the President, or three of its members.

SEC. 5. Said Board shall appoint and remove at pleasure a Health Officer and such other subordinate officers as from time to time may be deemed necessary by the Common Council. The Health Officer shall act as City Physician when required by the Board. He shall be the executive officer of the Board, and see that all ordinances relating to the sanitary affairs of the city, and the rules and regulations of the Board are enforced.

SEC. 6. The Board shall fix the salary of the Health Officer and other employees, subject to the approval of the Common Council.

SEC. 7. The Health Officer shall visit the public institutions of the city, and the public schools once in each quarter, investigate the sanitary conditions of the same, and make quarterly reports of such examinations to the Board of Health. He shall also make to the Board for publication, an annual report of the affairs of his office, including mortuary, and other sanitary statistics. He shall also furnish for publication a monthly ~~and an annual~~ report of the mortuary and other sanitary statistics of the city.

SEC. 8. Whenever the Health Officer shall certify to the Board of Health that any building, or part thereof, is from any cause unfit for human habitation, said Board may issue an order, to be affixed conspicuously on the building, and where practicable to be served on the owner, agent, or lessee requiring all persons to vacate such building, or apartment at and until such time as the Board may determine.

SEC. 9. Whenever a case of small pox, yellow fever, Asiatic cholera, or other infectious disease, is reported to the Health Officer, he shall immediately visit the premises where the person is, and forthwith cause to be displayed a quarantine flag in a conspicuous place on said premises, and post upon the doorway a placard, setting forth the fact that infectious disease exists therein.

SEC. 10. The Health Officer shall immediately report to the City School Superintendent and Superintendent of Public Library, the names and residences of every person sick of the diseases in section nine enumerated, or any other contagious or infectious disease, he may deem dangerous to the public health.

SEC. 11. It shall be the duty of the City School Superintendent, and Superintendent of Public Library, when so notified to refuse admittance to the public schools or library to any member of a household in which any of the aforesaid diseases are found, until advised by the Health Officer that there is no longer any danger from contagion.

SEC. 12. Every physician in the city shall immediately report to the Health Officer in writing every patient he shall have sick of typhus, ship or yellow fever, Asiatic cholera, small pox, diphtheria or scarlatina, and shall report every death occurring from such diseases immediately, also every householder in said city shall forthwith report to the Health Office the name of every inmate of his or her house whom he or she shall have reason to believe to be sick of typhus, ship or yellow fever, cholera, small pox, diphtheria or scarlatina, and any death from such diseases occurring at his or her house.

SEC. 13. The Health Officer shall keep a record of all births, deaths, interments and cremations occurring in said city.

SEC. 14. All physicians and midwives in said city shall report to the Health Officer on or before the fourth day of each month, all births and deaths occurring in his or her practice, during the previous month; a failure to make such report shall be deemed a misdemeanor.

SEC. 15. The Board of Health through and with the cooperation of the Board of Public Works, may locate, establish and maintain pest houses, and discontinue and remove the same whenever and wherever necessary for the preservation of the public health.

They may appoint and remove at pleasure such physicians and nurses (whose compensation shall be approved by the Common Council by ordinance or resolution) for said pest houses as may be necessary to maintain the efficiency of the same; and may cause to be removed thereto and kept any person affected with any contagious or infectious disease.

SEC. 16. No person shall remove a patient affected with any contagious or infectious disease from any house or place, within the city limits, to any other house or place, without the written permission of the Health Officer.

SEC. 17. The Board may, whenever they deem it necessary, appoint and remove at pleasure a Market Inspector, and such other inspectors as may be necessary for the preservation of the public health, whose compensation shall be fixed by the Common Council.

CHAPTER IV.
OF QUARANTINE.

SEC. 1. The Board of Health may proclaim such quarantines and establish and declare such quarantine districts and stations as may in their judgment be necessary for the preservation of the public health, and may appoint and remove at pleasure a quarantine officer.

SEC. 2. All vessels arriving off the port of San Diego from ports which have been legally declared infected ports, and all vessels arriving from where there is prevailing, at the time of departure, any contagious, infectious or pestilential disease are subject to quarantine and must be by the master, owner, pilot or consignee reported to the quarantine officer without delay.

No such vessel must cross a line drawn as prescribed by the Board of Health until the quarantine officer has boarded the same and given the order required by law.

SEC. 3. The Board of Health shall make rules and regulations relating to the disposition of the sick and deceased arriving on any ship or vessel, and also for the recovery of all expenses and charges incurred in their treatment or burial.

SEC. 4. The Board may, when deemed necessary, require all railroad cars or other public conveyances, before the same shall stop at any depot or station in the city, to stop at any locality selected and established for quarantine purposes, and to leave all such persons with their stores and baggage as in the opinion of the Health Officer, shall be deemed proper, on account of the existence, or general report of contagious and infectious diseases.

SEC. 5. The Board of Health shall make such rules and regulations for the government of the quarantine or the health of the city as from time to time the public health may require, and the physicians or health officers in charge of any quarantine station or place shall have power to 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 station or places to carry out and obey the same.

SEC. 6. It shall be unlawful to disinter or exhume from a grave, vault, cemetery or other burial place within the city limits or to deposit therein the body of any deceased person, without having first caused to be filed at the Health Office a certificate signed by a legally qualified 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 such decedent, and obtained from the Health Officer a written permit for burial or other purposes.

SEC. 7. The Health officer shall prepare a book of blank permits in proper form containing stubs, on which as well as in the permit, shall be entered a record giving the name, age, sex, nativity, social condition, cause of death, place of burial and destination of remains to be transported or removed.

SEC. 8. The Common Council must by ordinance or otherwise, provide for the enforcement of such orders and regulations as the Board of Health may adopt and the Council approve, providing also for all expenses incurred in carrying out the suggestions of the Board.

In addition to the powers in this article enumerated, the Health Officer and members of the Board of Health may administer oaths on business connected with the department, and shall have such other powers and authority as may be prescribed by ordinance of the Common Council or by general laws.

ARTICLE X.

Miscellaneous Provisions.

SECTION 1. Every officer shall hold his office, unless suspended or removed until the expiration of the term for which he was elected or appointed, and until his successor is elected or appointed and qualified; and where no other period is prescribed, the term of such officer shall not exceed two years. An officer shall be deemed to have "qualified" when he has taken the oath of office and filed the same, together with his official bond, if a bond is required, as herein provided.

SEC. 2. Every officer, deputy and clerk, except where otherwise provided in this Charter, must have been, at the time of his election or appointment, both an elector of the city and an actual resident therein for one year next preceding his election or appointment.

SEC. 3. No member of either Board of the Common Council, and no officer or employee of the city shall be or become, directly or indirectly, interested in, or in the performance of any contract, work or business with or for the city; or in the purchase or lease of any real estate, or other property belonging to, or taken by, said city, or which shall be sold for taxes or assessments, or by virtue of legal process at the suit of said city. If any person in this section designated shall, during the time for which he was elected or appointed, acquire an interest in any contract with, or work done for said city, or any department or office thereof, or in any franchise, right or privilege granted by said city, unless the same shall be devolved upon him by law, he shall forfeit his office, and be forever after debarred and disqualified from being elected, appointed or employed in the service of said city; and all such contracts shall be void, and shall not be enforceable against said city.

SEC. 4. No officer or employee of said city shall give, or promise to give, to any other person any portion of his compensation, or any money, or valuable thing, in consideration of having been, or of being nominated, appointed, voted for, or elected to, any office or employment; and if any such promise of gift be made, the person making such gift or promise shall forfeit his office and employment, and be forever debarred and disqualified from being elected, appointed or employed in the service of the said city.

SEC. 5. Any officer of said city who shall, while in office, accept any donation or gratuity in money or other valuable thing, either directly or indirectly, from any subordinate or employee, or from any candidate or applicant for any position as employee or subordinate under him, shall forfeit his office.

SEC. 6. An office becomes vacant when the incumbent thereof dies, resigns, is adjudged insane, convicted of felony, or of an offense involving a violation of his official duties, or is removed from office, or ceases to be a resident of said city, or neglects to qualify within the time prescribed by law, or within twenty days after his election or appointment, or shall have been absent from the State without leave for more than thirty consecutive days. The Common Council must not grant leave of absence to any officer (except for the purpose of attending to official business), for a longer time than thirty days.

SEC. 7. When a vacancy occurs in any office, and provision is not otherwise made in this Charter or by law for filling the same, the Mayor shall appoint a suitable person to fill said vacancy, who shall hold office for the remainder of the unexpired term. Provided, that in case of a vacancy in either Board of the Common Council, it shall be filled by such Board until the next general city election.

SEC. 8. Every officer authorized by law or ordinance to allow, audit or certify demands upon the treasury, or to make an official investigation, shall have power to administer oaths and affirmations and take and hear testimony concerning any matter or thing relating thereto.

SEC. 9. Every officer who shall approve, allow or pay any demand on the treasury not authorized by law, ordinance or this Charter, shall be liable to the city individually, and on his official bond, for the amount of the demand so illegally approved, allowed or paid.

SEC. 10. 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 or extracts from said books and records, duly certified, shall be given by the officer having the same in custody, to any person demanding the same, and paying or tendering ten cents per folio of one hundred words for such copies or extracts.

SEC. 11. The Treasurer shall keep his office open for business every day, except legal holidays, from nine o'clock in the forenoon until four o'clock in the afternoon. Except where otherwise provided for by law, or this Charter, all other public offices shall be kept open for business every day, except legal holidays, from half-past eight o'clock in the forenoon until five o'clock in the afternoon.

SEC. 12. In the month of January of each year the several boards, officers and other heads of departments shall report to the Mayor the condition of their respective offices and departments during the preceding fiscal year, embracing all their operations, receipts and expenditures; and the Mayor shall embody such reports, or the substance of them, in an annual communication to the Common Council.

SEC. 13. Except as otherwise provided in this Charter, all moneys, assessments and taxes belonging to or collected for the use of the city, coming into the hands of any officer of the city shall immediately be deposited with the Treasurer for the benefit of the funds to which they respectively belong. If such officer, for twenty-four hours after receiving the same, shall delay or neglect to make such deposit he shall be deemed guilty of misconduct in office and may be suspended or removed.

SEC. 14. When any officer, Board or Department provided for in this Charter shall require additional deputies, clerks or employees, application shall be made to the Mayor therefor, and upon such application it shall be the duty of the Mayor to make investigation as to the necessity for such additional assistance, and if he find the same necessary, he may recommend to the Common Council to authorize the appointment of such additional assistance; and thereupon, the Common Council, by an affirmative vote of two-thirds of all the members of each Board, may authorize such appointment and provide for the compensation of such appointee, subject to the limitations of this Charter.

SEC. 15. No privilege shall be granted that suspends or violates any ordinance, except by the affirmative vote of two-thirds of all the members of each Board.

SEC. 16. Unless otherwise provided by law or this Charter, any officer, board or department authorized to appoint any deputy, clerk, assistant or employee, shall have the right to remove any person so appointed.

SEC. 17. All appointments of officers, deputies and clerks to be made under any provision of this Charter must be made in writing and in duplicate, authenticated by the person or persons, board or officer making the same. One of said duplicates must be filed with the City Clerk, the other with the Auditor.

SEC. 18. Wherever it is provided in this Charter that the members of any Board, Department or Commission shall so classify themselves by lot that their terms of office shall expire at different times, such members shall, on the day of making such classification, cause the same to be entered in the records of their proceedings, and a copy thereof, certified by the Secretary thereof and signed by all of said members, shall be filed with the City Clerk.

SEC. 19. All franchises and privileges heretofore granted by said city, which are not in actual use or enjoyment, or which the grantees thereof have not in good faith commenced to exercise, are hereby declared forfeited and of no validity unless said grantees or their assigns shall within three months after this Charter takes effect, in good faith commence the exercise and enjoyment of such privilege and franchise.

SEC. 20. All ordinances or resolutions for the improvement of any street, for which no contract shall have been entered into at the time this Charter goes into effect, are hereby repealed.

SEC. 21. All maps of tracts of land subdivided into blocks and lots with streets, by any owner of said lands, shall be submitted to the Board of Public Works, and in case such subdivision shall be found by said Board to conform to the surrounding surveys the said map shall be adopted by the Common Council, and said subdivision allowed; but no subdivision of any such tract shall be permitted that does not conform to the surrounding and general survey of the city.

SEC. 22. All officers of the city of San Diego in office when this Charter is approved by the Legislature shall continue to hold and exercise their respective offices under and in accordance with the terms and provisions and obligations of the present Charter until the officers provided for in this Charter have been elected and qualified.

SEC. 23. All officers of the city of San Diego having custody of papers, books, documents, maps, records, archives, or other property of the city of whatsoever kind shall turn over to their successors, designated in this Charter or by ordinance of the Common Council, all such papers, books, maps, documents, records, archives or other property in their custody or under their control respectively, or belonging to their respective offices or departments; and the respective officers or boards to whom the same shall be delivered, must give therefor two duplicate certificates, one of which shall be immediately filed in the office of the Auditor.

SEC. 24. All ordinances, orders and resolutions of the city of San Diego in force at the time this Charter takes effect, and not inconsistent therewith, shall continue in force until amended or repealed.

SEC. 25. The Common Council shall, at least once in two years, cause to be printed and published in book form all ordinances of the city of a general nature in force at the time of such publication. The title page of such book shall contain the words: "Published by authority of the Common Council of the City of San Diego;" and when so published all ordinances therein contained shall be received in all courts as prima facie evidence of the due passage and publication of such ordinances, without further proof.

SCHEDULE.

SECTION 1. For the sole purpose of the election of the officers directed by this Charter to be elected by the people, the said Charter shall take effect immediately after its approval by the Legislature; and the election of such officers shall be managed, conducted and controlled in all respects in accordance with the then existing laws in relation to elections in said city. For all other purposes the said Charter shall take effect on the first Monday in May, 1889.

SEC. 2. The City Council of the present city shall provide for the holding of the first election of officers under this Charter, and shall canvass the votes and declare the result.

BE IT KNOWN:

That the city of San Diego, containing a population of more than 10,000 and less than 100,000 inhabitants, on the fifth day of December, 1888, at a special election held under and in accordance with the provisions of Section 8, of Article 11, of the Constitution of this State, did elect the undersigned, 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, signed by us in duplicate, as and for the Charter of the said city of San Diego.

In witness whereof, we have hereunto set our hands this tenth day of January, A. D., 1889. Done in duplicate.

1. DOUGLAS GUNN, PRESIDENT.
2. E. PARKER,
3. WM. A. BEGOLE,
4. GEO. B. HENSLEY,
5. R. M. POWERS,
6. CHAS. HUBBELL,
7. E. W. MORSE,
8. G. W. JORRES,
9. H. T. CHRISTIAN,
10. GEO. M. DANNALS,
11. M. A. LUCE,
12. N. H. CONKLIN,
13. PHILIP MORSE,
14. D. CAVE,
15. C. M. FENN.

Attest: OTIS BREDEN, Secretary.

Douglas Gunn President
Wm A Begole
Geo B Hensley
R M Powers
Chas Hubbell
E W Morse
G W Jorres
H T Christian
Geo M Dannals
N H Conklin
Philip Morse
D Cave
C M Fenn
M A Luce
E Parker

attest

Otis Breden
Secy

Filed January 10-1889

E. G. Haight

Le only Recorder
San Diego Cal.

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