

Sec. 400. - Number, selection and terms of members.

The City Council shall consist of seven (7) members elected at the times and in the manner provided in this charter, each of whom, except for the mayor, shall serve a term of four (4) years. The term of each member shall begin at 6:00 p.m. on the first regularly scheduled meeting or at a special meeting second Tuesday of December following certification of election results, and each shall serve except as otherwise provided for in this charter, until the member's his or her successor is elected and qualified. Each office of councilmember shall be a separate office and, except for the mayor, one (1) of such offices shall be assigned to each of the wards of the City. Councilmembers shall be residents of their respective wards, and nominated and elected only by the voters of their respective wards. The Mayor shall be elected from the City at large.

Sec. 401-Qualifications of members

To be eligible to be elected to the office of councilmember, a person must demonstrate that the candidate has been both (1) be a thirty (30) day registered qualified voter in the ward from which the candidate is nominated and (2) and a thirty (30) day resident of the ward from which the candidate is nominated at the time nomination papers are issued. ~~as provided for in A policy providing for proof of residency will be adopted by ordinance by the majority of the City Council. The residency address and voter registration address must be the same. the Elections Code of the State of California, except that the mayor need only be a registered voter and thirty (30) day resident of the city at such time.~~

To be eligible to be elected to the office of mayor a person must demonstrate that the person has been both (1) a thirty (30) day registered voter within the city and (2) a thirty (30) day resident of the city at the time nomination papers are issued. A policy providing for proof of residency will be adopted by ordinance by a majority of the City Council. The residency address and voter registration address must be the same.

In the event any councilmember other than the mayor shall cease to be a resident of the ward from which the councilmember (or, in the case of an appointee, the councilmember's predecessor) was elected, or in the event the mayor shall cease to be a resident of the city, the office shall immediately become vacant and shall be filled in the same manner as herein provided for other vacancies; provided, that where a councilmember ceases to be a resident of the ward from which the councilmember (or, in case of an appointee, the councilmember's predecessor) was elected solely because of a change in boundaries of any ward as in this charter provided, the councilmember shall not lose the office by reason of such change. If a member of the city council shall be convicted of a crime involving moral turpitude, the office shall immediately become vacant and be so declared by the city council.

RECOMMEND: Moving to new Section entitled "Term Limits" A person who has served three (3) consecutive terms of four (4) years each shall be eligible for appointment, nomination for or election to the office of councilmember (regardless of wards represented by that person during such period) no sooner than for a term beginning eight (8) years after completion of that councilmember's third consecutive full term.

Short or partial terms shall not be considered in determining eligibility for appointment, nomination or election. For purposes of this Charter, short or partial terms shall only be those where the councilmember was elected or appointed to replace another councilmember who left office before the latter official's term expired. Any councilmember who assumed office at the beginning of a term and left office early for any reason whatsoever shall be deemed to have served a full term; provided, however that any person who has served twenty (20) consecutive years in office, as both a council member and mayor, regardless of the order in which they served, shall not be eligible for appointment, nomination or election as a council member or as mayor, no sooner than for a term beginning eight (8) years after completion of the council member or mayoral term, or vice versa. The provisions of this section related to short or partial terms is deemed to be declaratory of existing law.

SECTION 401.01- Term Limits (NEW SECTION)

This section is a restatement of the current term limit provisions in Charter Section 401 and 404.

Sec. 401.01.- Term limits.

A. Councilmembers

A person who has served three (3) consecutive terms of four (4) years each shall be eligible for appointment, nomination for or election to the office of councilmember (regardless of wards represented by that person during such period) no sooner than for a term beginning eight (8) years after completion of that councilmember's third consecutive full term.

Short or partial terms shall not be considered in determining eligibility for appointment, nomination or election. For purposes of this Charter, short or partial terms shall only be those where the councilmember was elected or appointed to replace another councilmember who left office before the latter official's term expired. Any councilmember who assumed office at the beginning of a term and left office early for any reason whatsoever shall be deemed to have served a full term; provided, however that any person who has served twenty (20) consecutive years in office, as both a council member and mayor, regardless of the order in which they served, shall not be eligible for appointment, nomination or election as a council member or as mayor, no sooner than for a term beginning eight (8) years after completion of the council member or mayoral term, or vice versa. The provisions of this section related to short or partial terms is deemed to be declaratory of existing law.

B. Mayor

A person who has served four (4) consecutive terms of two (2) years each, commencing with the term entered as a result of the November 2012 election, shall be eligible for appointment, nomination for or election to the office of mayor no sooner than for a term beginning eight (8) years after completion of the mayor's fourth consecutive full term. This eight year "cooling off" period shall not apply to eligibility for appointment, nomination for or election to a council member office; provided, however, that any person who has served twenty (20) consecutive years in office, as both a council member and mayor, regardless of the order in which they served, shall not be eligible for appointment, nomination or election as a council member or as mayor, no sooner than for a term beginning eight (8) years after completion of the council member or mayoral term.

Short or partial terms shall not be considered in determining eligibility for appointment nomination or election as mayor. For purposes of this Charter, short or partial terms shall only be those where the mayor was elected or appointed to replace another mayor who left office before the latter official's term expired. Any mayor who assumed office at the beginning of a term and left office early or before term expires for any reason whatsoever shall be deemed to have served a full term. The provisions of this section related to short or partial terms is deemed to be declaratory of existing law.

Section 401.05

Sec. 401.05. - Code of ethics and conduct.

The City of Santa Ana shall adopt a Code of Ethics and Conduct for elected officials, the City Attorney, the City Manager, the Clerk of Council, the Police Chief, directors of all City departments, and members of appointed boards, commissions, and committees to assure public confidence in the integrity of local government elected and appointed officials. The City Council shall periodically review ~~adopt~~ the Code of Ethics and Conduct and make any amendments by ordinance or resolution ~~within six months of the effective date of this Charter section.~~

Any person alleging a violation of the Code of Ethics and Conduct by the Police Chief or department director shall provide a written document to the City Manager with their name and contact information and a brief description of the alleged violation. The City Manager shall review and respond to the complaint in writing and report to the City Council every thirty (30) days of the status of the review.

Any person alleging a violation of the Code of Ethics and Conduct by any member of the City Council, the City Manger, the City Attorney, the Clerk of Council, or members of appointed boards, commissions, and committees shall provide a written document to all members of the City Council with their name and contact information and a brief description of the alleged violation. The City Council shall refer the complaint to an ad hoc committee of the Council for review. The Council ad hoc committee may then make a recommendation to the full City Council for futher review, investigation or action. When a review or investigation is completed, the City Council may impose sanctions which may include, a reprimand, formal censure or loss of committee assignments or in the case of members of boards, commissions or committees, removal from the board, commission, or committee. A complaint concerning an alleged violation by one of the Council's appointed employees shall be handled as a personnel matter.

Sec. 404. - Presiding officer, mayor.

The mayor shall be a member of the City Council and shall preside over the meetings of the City Council. The mayor shall have voice and vote in all of the City Council's proceedings and shall be recognized as head of the City government for all ceremonial purposes. The mayor shall have no administrative duties but shall perform such other duties as may be prescribed by this charter, or imposed by the City Council, consistent with his office.

The mayor shall be elected by the voters of the City at large at each general municipal election in November of even-numbered years for a two-year term commencing on the same date as the terms of other council members elected in such year. No person may be a candidate for mayor and a candidate for any other office on the City Council in the same election. In the event an incumbent City Council member other than the mayor is elected mayor such other office shall become vacant at the time he or she assumes office as mayor and the City Council shall call a special election to fill the vacancy.

To be eligible to be elected to the office of mayor a person must be a qualified voter as provided for in the Elections Code of the State of California. If the mayor is convicted of a crime involving moral turpitude, the office shall immediately become vacant and be so declared by the city council.

~~RECOMMEND: moving to separate section entitled "Term Limits." A person who has served four (4) consecutive terms of two (2) years each, commencing with the term entered as a result of the November 2012 election, shall be eligible for appointment, nomination for or election to the office of mayor no sooner than for a term beginning eight (8) years after completion of the mayor's fourth consecutive full term. This eight year "cooling off" period shall not apply to eligibility for appointment, nomination for or election to a council member office; provided, however, that any person who has served twenty (20) consecutive years in office, as both a council member and mayor, regardless of the order in which they served, shall not be eligible for appointment, nomination or election as a council member or as mayor, no sooner than for a term beginning eight (8) years after completion of the council member or mayoral term.~~

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Sec. 405. - Mayor pro tem.

Each calendar year, at the In the first meeting in January, of the City Council following any general or special election at which members of the City Council are elected, the City Council shall elect a mayor pro tem who shall act as mayor during the absence from the City or disability of the mayor, or during any vacancy in the office of mayor until otherwise filled in accordance with section 403. All members of the City Council, other than the mayor, shall be eligible to serve as mayor pro tem regardless of their seniority or whether they previously served a term or terms as mayor pro tem. The mayor pro tem from the previous year cannot be selected as mayor pro tem the next year. The mayor pro tem shall serve at the will and pleasure of the Council and may be replaced by four affirmative votes of the Council.

Sec. 406. - Council judge of elections and qualifications of members.

The City Council shall be the judge of the election and qualifications of its member(s) as defined in section 401 of this charter and shall meet on the first regularly scheduled meeting or at a special meeting after election returns are certified for any municipal election at which members of the City Council are elected, declare the results thereof, and install elected members, if any.

Sec. 413. - Adoption (resolutions and ordinances).

Every ordinance shall be introduced in writing. A copy of each ordinance and written resolution shall be available in the council's chambers for public inspection during any council meeting at which the same is to be passed or adopted. No ordinance shall be passed finally on the day it is introduced, except for emergency ordinances as hereinafter defined in [Section 415](#), nor within six (6) days thereafter, nor at any time other than at a regular or adjourned regular meeting. A proposed ordinance may not be amended or modified between the time of its first reading introduction and the time of its second reading final passage, except for clerical errors or corrections as discussed by the Council providing its general scope and original purpose are retained. The rights and powers conferred on the City Council shall be exercised by ordinance, resolution or motion as may be prescribed by the Constitution or Laws of the State of California, and the provisions of this Charter; provided, that each act of the City Council establishing a fine or other penalty or granting a franchise shall be by ordinance.

No order for the payment of money shall be adopted or made at any other than a regular or adjourned regular meeting, except when a state of emergency has been declared or at an emergency meeting properly convened.

All ordinances and written resolutions shall be signed by the mayor and attested by the Clerk of the Council as soon as possible, but no later than 72 hours from its adoption by the Council. If the mayor is not available or does not sign an ordinance or resolution, the Clerk of Council shall first ask the mayor pro tem to sign and then any Councilmember who voted to approve the ordinance or resolution.

Sec. 609. - Budget appropriations.

From the effective date of the budget, the several amounts stated therein as proposed expenditures shall be and become appropriated to the several offices, agencies, and departments for the respective objects and purposes therein specified as stated in an appropriation ordinance. All appropriations shall lapse at the end of the fiscal year to the extent that they shall not have been expended or lawfully encumbered.

At any meeting after the adoption of the budget, the City Council may amend or supplement the budget by motion adopted by the affirmative votes of at least ~~two-thirds (2/3)~~ four of the members so as to authorize the transfer of unused balances appropriated for one purpose to another purpose, or to appropriate available revenue not included in the budget; except that the City Council shall not reduce that portion of the budget providing for the support of public recreation programs below the amount specified in [section 607](#) of this article.

Sec. 613. - Claims—Formalities; treasury payment warrants.

Any claim against the City shall be in writing and may be in the form of a bill, invoice, payroll, or formal demand. The director of finance, with approval of the City Manager, may prescribe the format ~~at, or forms, on-in~~ which claims against the City shall be presented ~~to him~~. Each such claim shall be presented to the ~~director of finance department. The director of finance shall prescribe internal controls for examination and audit of each claim, who shall examine and audit it.~~ If the claim is correct in all respects, has not previously been paid nor certified for payment, is provided for by an appropriation or legally enforceable court or administrative order for the purpose or object that gave rise to it, and if sufficient funds for the payment thereof remain unencumbered in such appropriation if applicable, and if the claim is otherwise legally due and payable, the director of finance ~~shall so certify on the original form evidencing the claim and~~ shall authorize payment from ~~draw his warrant on~~ the treasury, and against the proper fund, for the payment thereof.

All claims certified for payment by the director of finance, and payments warrants drawn by ~~the finance director him~~ for the payment thereof, shall be transmitted by ~~the finance director him~~ to the City Manager together with a list of such payments warrants payable from each fund, showing for each payment warrant the number, date, and amount of the payment warrant and the name of the payee. The City Manager may approve or disallow any of the claims so certified for payment. Any person dissatisfied with the refusal of the director of finance and/or the City Manager to approve any claim, in whole or in part, may present such claim to the City Council. The City Council, after examination into the matter, may approve or disapprove the claim in whole or in part, and, if properly payable under an existing appropriation, may order the director of finance to make payment of the claim or portion thereof ~~draw his warrant on the treasury in payment thereof~~. For any such claim for which no provision, by way of appropriation, exists, but which is approved for payment by the City Council, appropriation by the City Council shall be made therefor before the director of finance is ordered to make payment ~~draw his warrant in payment~~ thereof.

Payment due Warrants on the City treasury which are not paid for lack of funds shall be registered. All registered payments warrants shall be paid in the order of their registration when funds therefor are available and shall bear interest from date of registration at such rate as shall be fixed by the City Council by resolution.

ARTICLE X. - CIVIL SERVICE

Sec. 1000. - Civil service system.

A civil service system shall be as follows in addition to necessary rules of implementation to be established by ordinance; and as may be recommended by the personnel board:

- (a) That the most qualified and competent employees shall be appointed and promoted, based upon fair and equitable competition for the positions to ensure the highest quality City government.
- (b) That no political or other outside influences shall affect appointments or promotions.
- (c) That there shall be equal opportunity for all persons regardless of membership in a protected class as specified in state or federal law, ~~age, sex, race, religion, creed, marital status, physical handicap, or national origin.~~
- (d) That there is equitable treatment of all civil service employees in matters of discipline, layoff or dismissal from the City service.

The system should be established in such a manner to ensure the accomplishment of the foregoing standards in appointments, promotions, discipline, layoffs or dismissals of civil service employees.

The civil service rules and regulations shall provide for such matters as the City Council and the personnel board, with the concurrence of the City Council, may deem necessary, proper or expedient to carry out the intent and purpose of the civil service provisions of this charter. These rules and regulations shall provide:

- (a) Preference for veterans for appointment to civil service positions consistent with the principle of merit.
- (b) Vacancies in positions of the higher classes in the civil service of the City shall be filled with preference to employees occupying positions of lower classes having duties and responsibilities which can reasonably be considered as affording training and experience for the performance of the duties of the higher class.
- (c) That persons achieving eligibility for a position in the civil service shall retain that eligible status for a time sufficient to offer an opportunity to be appointed to a position in the civil service.
- (d) That the right to exercise disciplinary and dismissal powers is vested respectively in the officers of the City who have the power of appointment as to any position in the personnel system. Actions relating to suspension, demotion or dismissal for reasonable and sufficient cause may be taken by the officer having the power of appointment to the position.

Sec. 1002. - Civil service and excepted service.

The civil service system of the City shall cover all employees of the City not excepted by this section.

(a) The excepted service shall comprise the following offices and positions:

- (1) The individual offices held by all elective officers;
- (2) The City Manager and the City Manager's his assistants, if any;
- (3) The City Attorney and the City Attorney's his legal assistants, if any;
- (4) The Clerk of the Council;
- ~~(5) The director of finance;~~
- ~~(6) The director of personnel, if any;~~
- ~~(57) The head of each department of the City as specified by ordinance or resolution not otherwise specified herein, and the chief administrative officer of the community redevelopment agency of the City of Santa Ana, and of the housing authority of the City of Santa Ana, but not including the police chief or the fire chief;~~
- ~~(68) One private secretary to the City Manager;~~
- ~~(79) All members of boards and commissions;~~
- ~~(840) Positions occupied by persons employed to render professional, scientific, technical, or expert service of an occasional and exceptional nature;~~
- ~~(944) Positions in any class or grade created for a special or temporary purpose, and which are to exist for a period of not longer than ninety (90) days;~~
- ~~(12) Positions of any class or grade exempted from the civil service for a maximum of six (6) months in any calendar year provided that the personnel board upon application of the City Manager and after public notice and hearings recommends to the City Council such exemption and the City Council grants such exemption by motion adopted by two-thirds (2/3) of its members. Any such exemption shall not affect the tenure of any person whose appointment has become final under civil service;~~
- ~~(103) Part-time positions or employments, requiring less than twenty (20) regular hours of employment per week;~~
- ~~(14) School crossing guards;~~
- ~~(115) All positions occupied by persons employed to replace employees ordered to active duty, enlisted, or drafted for military service during a national emergency or when this country has declared war and until the expiration of the time when such replaced employee could demand his former position of employment under federal or state statutes.~~

(b) The civil service shall comprise all positions not specifically included by this section in the excepted service.

(c) In the event an officer or employee of the City holding a position in the civil service is appointed to a position in the excepted service and should subsequently be removed therefrom within twelve (12) months of the employee's appointment to the excepted service, the employee shall revert to the employee's his former position in the civil service without loss of any rights or privileges and upon the same terms and conditions as if the employee had remained in said position continuously.

Sec. 1010. - Prohibitions.

- (a) No officer or employee of the City shall in any way favor or discriminate against any employee of the City or any applicant for employment with the City because of the employee's his or her race, age, color, religion, sex or national origin. Membership in a protected class under state or federal law.
- (b) No officer or employee of the City shall engage in any political activities in violation of Chapter 9.5 of Division 4 of Title 1 of the California Government Code (commencing with Section 3201) as the same exists on the date of adoption of this section or as the same may be thereafter amended, or in violation of any other provisions of applicable law.
- (c) No officer or employee of the City and no candidate for any City office shall, directly or indirectly, solicit any assessment, subscription, or contribution, whether voluntary or involuntary, for any political candidate, for Santa Ana municipal office from anyone on an eligible list, or, with the exception of elective officers and members of appointive boards and commissions, anyone holding a position in the service of the City.
- (d) No person shall willfully or through culpable negligence make any false statement, certificate, mark, rating, or report in regard to any application, test certification, or appointment held or made under the provisions of this article or in any manner commit or attempt any fraud preventing the impartial execution of such provisions of this article or of the rules and regulations made hereunder.
- (e) No officer or employee shall use nepotism in contracting, hiring, promotion, discipline or any other employment decision. The City Council shall adopt an anti-nepotism policy.

Sec. 1011. - Contract for performance of administrative functions.

The City Council, upon recommendation of the City Manager, may contract with the governing body of any other City or of any county within this state, or with any state department or other state agency for the preparing or conducting of competitive examinations for positions in the service of the City or for the performance of any other human resources ~~personnel~~-administration service.

Sec. 1014. -- Reserved. ~~Work stoppages.~~

~~Any officer or employee of the City who engages in any strike, sickout, or other partial or total stoppage of work shall be summarily subject to suspension, demotion or dismissal by the appointing authority without right of appeal to the personnel board.~~

Sec. 1015. - Penalty for violation of article.

In addition to the penalties provided for in this charter for violations of its provisions, any person who individually by himself or with others violates any of the provisions of this article shall upon conviction thereof be ineligible for a period of three (3) years for employment in the service of the City and shall immediately forfeit the person's his office or position if the person is he be an officer or employee of the City.

Sec. 1206. - Campaign contribution limitation.

(Aa) No person shall make, and no candidate for mayor or City Council or campaign treasurer shall solicit or accept, any contribution or loan which would cause the total amount contributed or loaned by that person to that candidate, including contributions or loans to all committees controlled by that candidate, to exceed one thousand dollars (\$1,000.00) in any election cycle; provided, however, that the City Council may, by ordinance, adjust such limit to reflect changes in the consumer price index; and provided further that nothing herein shall apply to a candidate's contribution of his or her personal funds to his or her own campaign contribution account. As used herein, "election cycle" means the period of time between the date of an election to the office of mayor or councilmember and the date of the next election in the City of Santa Ana to the same office. As used herein, "person" means an individual, proprietorship, firm, partnership, joint venture, syndicate, business trust, company, corporation, association, committee, labor union, or any other organization or group of persons acting in concert.

(B) A restricted developer or principal shall not make a contribution to the Mayor, member of the City Council, or a candidate or a controlled committee for these elected City offices. The restrictions regarding Restricted Developers apply from the time an application is submitted until 12 months after the date a letter of determination is issued, or if none, the date the decision on the application is final. If the application is withdrawn or terminated pursuant to the City's Zoning Code, the restriction applies until the day after the termination or the filing of the withdrawal.

1) For purposes of this section and section 1206.01, the following definitions apply:

a) "Applicant" means a person who is identified as the applicant on an application filed with the City's Planning and Building Department for a Significant Planning Entitlement as defined herein and includes any subsequent person identified as the applicant;

b) "Owner" means a person identified as a property owner in conjunction with the applicant for a Significant Planning Entitlement;

c) "Principal" means a restricted developer's chair, president, chief executive officer, chief operating officer, and any individual who serves in the functional equivalent of one or more of these positions; a person who holds an ownership interest of 20 percent or more in a Restricted Developer; and an individual authorized to represent a Restricted Developer before the Planning and Building Department concerning the Significant Planning Entitlement;

d) "Significant Planning Entitlement" means the following planning approvals that are not solely ministerial: density bonus, development agreement, general plan amendment, site plan review, specific plan establishment, tentative tract map, vesting tentative tract, or zone change.

e) "Restricted Developer" means any Applicant, Owner or Principal with an application for a Significant Planning Entitlement that has been submitted to the City's Planning and Building Agency.

Draft Charter Section 1206.01- Required Disclosures (New)

A. Purpose

The purpose of this section is to supplement the required disclosures pursuant to the Political Reform Act and to increase transparency regarding campaign contributions to City elected officials, candidates for City elective office, their campaign committees, and other committees formed to support or oppose ballot measures or candidates within the City of Santa Ana.

B. Required Campaign Disclosures

1. In addition to the campaign statements required to be filed pursuant to the Political Reform Act, commencing with Government Code Section 81000, candidates, their controlled committees, and independent committees primarily formed to support or oppose candidates in the City of Santa Ana shall file a pre-election statement on the Friday before each election on a form provided by the Clerk of Council. This statement shall have a closing date of the Wednesday immediately preceding the election date and shall cover the period from the last pre-election statement filed pursuant to the Political Reform Act to the Wednesday immediately preceding the election date. "Election" as used in this Section shall include any general municipal election, special municipal election, and recall election.

2. Every City primarily formed recipient committee formed to support or oppose the qualification of an initiative or referendum measure prior to the commencement of the petition drive shall, within 10 calendar days of the commencement of the petition drive, file a statement on a form provided by the Clerk of Council disclosing all contributions of \$100 or more received after the closing date of its most recent Fair Political Practices Commission Form 460, or if the primarily formed recipient committee has not previously filed a Form 460, the form shall instead disclose all contributions of \$100 or more received since January 1 of that year.

a) For purposes of subsection 2, a petition drive commences when the proponent of an initiative or referendum measure begins circulating a petition for signatures.

b) The statement shall have a closing date of the day immediately preceding the commencement of the petition drive.

3. Every committee shall file with the Clerk of Council a Statement of Organization within ten (10) days after it is formed as a committee. Every committee that forms during the period between the closing date of the last pre-election statement and the election, shall file with the Clerk of Council, a Statement of Organization no later than the close of the next business day.

4. A candidate or the candidate's controlled committee must disclose, on a form provided by the Clerk of Council, any campaign-related agreements entered into by the candidate or controlled committee that provide for post-election payments. Such agreements include, but are not limited to, contingency payment or "bonus" payment plans offered by campaign consultants and agreements with persons who will receive compensation after the election for campaign services performed prior to the

election. A post-election payment agreement must be reported on or before the filing date of the next pre-election statement that must be filed after the agreement is entered into.

5. Unless otherwise defined in this Charter or the municipal code, all terms shall have the same meaning as set forth in the Political Reform Act (Government Code Section 81000 *et seq.*)

C. Required Disclosures by Restricted Developers

1. The Planning Department shall notify every Applicant of the requirements of Charter Section 1206 as to Restricted Developers and this Section.

2. At the time an application for a Significant Planning Entitlement, as that term is defined in Charter section 1206, is submitted to the City's Planning Department, the Applicant shall file the following information:

a) The date the application was submitted;

b) The Applicant's name, address, phone number and email address;

c) The name, address, phone number, and email address of each Owner;

d) The names and titles of all of the Principals;

e) and certification under penalty of perjury that the information submitted is true and complete and that the applicant understands, will comply with, and will notify all the Owners and Principals of the prohibitions in Charter section 1206 as to Restricted Developers.

D. It is unlawful to fail to comply with the disclosure requirements of California *Government Code* section 81000 *et seq.* and the additional requirements of this section.

Sec. 1208. - Enforcement.

(a) Any person who knowingly or willfully violates sections [1206](#) or [1207](#) of this charter is guilty of a misdemeanor.

(b) Any resident of the City may bring an action, at a time during an election period or thereafter, in a court of competent jurisdiction to enjoin actual or threatened violations of, or to compel compliance with, or to obtain a judicial declaration regarding compliance with, [section 1206](#), [1206.01](#) or [1207](#).

(c) The City Attorney may maintain, in the name of the City, or a resident of the City may maintain, in his or her own name, a civil action to recover from a candidate or a committee controlled by a candidate any contributions received by such candidate or committee in excess of the contribution limitations established by [section 1206](#). Any money recovered in any such action shall be deposited in the City's general fund.

(d) The City may contract with a State of County entity to enforce the provisions of this Section.

Sec. 1400. - Employees' retirement system.

(a) *Duty to provide retirement system.* Except as hereinafter otherwise provided, the council shall provide, by ordinance or ordinances, for the creation, establishment and maintenance of a retirement plan or plans for all officers and employees of the City. Such plan or plans need not be the same for all officers and employees. Subject to other provisions of this article, the council may at any time, or from time to time, amend or otherwise change any retirement plan or plans or adopt or establish a new or different plan or plans for all or any officers or employees.

(b) *Authority to join other systems.* Subject to other provisions of this article, the City, by and through its council, is hereby empowered, but not required, to join or continue as a contracting agency in any retirement or pension system or systems existing or hereafter created under the laws of the State of California or of the United States of America to which municipalities and municipal officers or employees are eligible for membership.

(c) *Continuance of existing retirement system.* Until otherwise provided by ordinance, the City shall continue to participate in the Public Employees' Retirement System of the State of California, as the same now exists or may hereafter be amended. The City Council may not terminate any such contract with the Public Employees' Retirement System of the State of California, and may not amend any such contract in a manner which would decrease or eliminate any benefit accruing to persons employed by the City at the time of such contract termination or amendment, unless such amendment shall substitute a retirement system or systems providing equal or greater benefits for said persons.

(d) *Exclusions.* The council in its discretion may exclude all or any of the following persons from any or all retirement plans, to wit:

Persons mentioned in subsections ~~(a)(1), (5)-(10)-(b) of Charter Section 1002, (a)(1), (6), (7), (8), (9), (10), (11) and (13) of section 1002 of this charter;~~

Persons in City service primarily for training, study or educational purposes;

Persons employed or paid on a part-time, per diem, per hour or any basis other than a monthly basis.