CHARTER

—FOR THE—

City of Sacramento.

ARTICLE I.

Of Boundaries, Rights and Liabilities.

SECTION 1. The municipal corporation, now existing, known as the City of Sacramento, shall remain and continue a body politic and corporate, in name and in fact, by the name of the City of Sacramento, and by that name 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 Sacramento, and sell, convey and dispose of the same for the common benefit; and may determine and declare what are public uses, and when the necessity exists of condemning lands therefor, and what are the lands it is necessary to condemn, and may receive bequests, gifts and donations of all kinds of property, within and without the city, in fee simple, or in trust for charitable or other purposes, and do all acts necessary to carry out the purposes of such bequests, gifts and donations, with power to manage, sell, lease, or otherwise dispose of the same in accordance with the terms of the gift, bequest, or trust.

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

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

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

BOUNDARIES OF THE CITY.

SEC. 5. The boundaries of the City of Sacramento are as follows: Beginning at the junction of the center of the channel of the American River with the center of the channel of the Sacramento River as it existed on the twenty-sixth day of May A. D. eighteen hundred and fifty-one, and running thence down the center of the channel of the Sacramento River to a point opposite the southerly line of Y street as laid down on the official map or plan of the city of Sacramento on file in the office of the County Recorder of the County of Sacramento; thence easterly on a straight line and along the south line of Y street to the east line of Thirty-first street as laid down on said map; thence northerly along the east line of Thirty-first street, and the north line of A street (if produced to Thirty-first street); thence westerly along the north line of A street to the east line of Twenty-second street; thence along the east line of Twenty-second street to the north line of B street north; and thence westerly along the north line of B street north to the center of the bed or channel of the American River as it existed on the twenty-sixth day of May A. D. eighteen hundred and fifty-one; and thence down the center of the channel of said American River as it existed on the twenty-sixth day of May A. D. eighteen hundred and fifty-one, to the place of beginning.

DIVISION INTO WARDS.

SEC. 6. The City of Sacramento is hereby divided into nine wards, numbered consecutively from one to nine inclusive, as follows:

All that portion of the city lying north of the center of K street and west of the center of Sixth street shall constitute the First Ward.

All that portion of the city lying south of the center of K street and west of the center of Fourth street shall constitute the Second Ward.

All that portion of the city lying south of the center of K street, east of the center of Fourth street and west of the center of Seventh street shall constitute the Third Ward.

All that portion of the city lying north of the center of K street, east of the center of Sixth street and west of the center of Tenth street shall constitute the Fourth Ward.

All that portion of the city lying south of the center of K street, east of the center of Seventh street, and west of the center of Eleventh street, shall constitute the Sixth Ward.

All that portion of the city lying north of the center of K street, east of the center of Tenth street and west of the center of Sixteenth street shall constitute the Fifth Ward.

All that portion of the city lying south of the center of K street, east of the center of Eleventh street, and west of the center of Nineteenth street, shall constitute the Seventh Ward.

All that portion of the city lying north of the center of K street and east of the center of Sixteenth street, shall constitute the Eighth Ward.

All that portion of the city lying south of the center of K street and east of the center of Nineteenth street, shall constitute the Ninth Ward.

ARTICLE II.

Legislative Department.

SEC. 7. The legislative power of the city of Sacramento shall be vested in a Board of Trustees, who shall hold office for the term of four years, subject to the exception stated in the next section. Each member of the Board of Trustees shall be a qualified elector, at least twenty-five years of age, and shall have been a citizen of this State, and an inhabitant of the city, for at least three years, and of the ward which he represents for at least one year next before the day of his election.

SEC. 8. The Board of Trustees shall consist of nine members—one member from each ward, who shall be elected by the qualified electors of such ward. The members of the Board of Trustees first elected under this charter, the members from the First, Third, Fifth, Seventh and Ninth Wards shall hold their office for four years, and the members from the Second, Fourth, Sixth and Eighth Wards shall hold their office for only two years. At each election thereafter members of the Board of Trustees shall be elected to succeed those whose terms are about to expire.

SEC. 9. Any vacancy occurring in the office of Trustee shall be filled by appointment by the Mayor, and the person so appointed by him shall possess the qualifications hereinfore prescribed for members of said board, and shall hold office until the election and qualification of a Trustee to fill the vacancy, which election shall take place at the next succeeding municipal election, and the Trustees so elected shall hold office for the remainder of the unexpired term.

SEC. 10. The Board of Trustees shall meet on the first Monday after the first day of January next after the election of its members shall have been officially declared, and shall hold regular meetings on each Monday thereafter. If the time of a regular meeting falls on a holiday, such regular meeting shall be held on the following day. Special meetings may be called by the Mayor, the President of the board, or any three members of the Board of Trustees. Six members of the board shall constitute a quorum, and the affirmative vote of five members shall be necessary for the passage of an ordinance, or the final transaction of any business; but a less number than six may adjourn from day to day, and compel the attendance of absent members in such manner and under such penalties as the board may prescribe.

SEC. 11. The Board of Trustees shall elect one of its members President immediately after the organization of the board following each election. The President so elected shall hold such office for two years. The Board of Trustees shall establish rules for its proceedings. It shall have the power to punish its members for disorderly conduct in its presence; and may expel any member for malfeasance in office by an affirmative vote of seven of its members. The board shall also have the power to compel the attendance of witnesses, and the production of all papers relating to any business before that body, and may punish disobedience of its subpœna, or contemptuous or disorderly conduct committed in its presence, by fine not exceeding fifty dollars, or imprisonment not exceeding ten days, or by both such fine and imprisonment.

SEC. 12. The President of the board, or the Chairman of each committee thereof shall have the power to administer oaths and affirmations relating to any business brought before the board or under consideration by any committee thereof.

SEC. 13. No ordinance shall be revised or amended by reference only to its title, but when any ordinance is amended, the section or sections thereof so amended shall be re-enacted at length as amended.

SEC. 14. Every ordinance shall embrace but one subject, which shall be clearly indicated in the title. In all cases where the subject is not so expressed in the title, the ordinance shall be void as to the matter not expressed in the title.

SEC. 15. No proposed ordinance shall be adopted except by vote taken by yeas and nays, and the names of the members voting for and against the same shall be entered in the minutes.

SEC. 16. No ordinance shall be passed except by bill. Every bill, after it has passed the board, shall be signed by the President thereof, and every bill which shall have passed the board, and have been thus authenticated, shall be presented to the Mayor for his approval. The Mayor shall return such bill to the board, or file the same with the City Clerk within ten days after receiving it. If he shall sign the same it shall then become an ordinance, but if he shall disapprove the bill, he shall state his objections thereto in writing. If the bill is not returned with such approval or disapproval within the time specified, it shall take effect as if he had approved the same.

SEC. 17. When a bill is returned without the approval of the Mayor the board shall, within fifteen days thereafter, proceed to consider and vote on the same. If the bill is again passed by an affirmative vote of not less than six members it shall take effect as if the Mayor had approved the same. If the bill shall fail, on being so considered, to receive six affirmative votes, it shall then be finally lost. The vote shall be taken by yeas and nays, and the result shall be entered in the minutes of the board.

SEC. 18. No ordinance passed by the board shall take effect until ten days after its passage and approval, unless otherwise provided in the enactment.

SEC. 19. The Board of Trustees shall in the year 1900, and every tenth year thereafter, redistrict the city into nine wards, making the sections as nearly equal in population, and as geographically compact, as possible, and the city shall not be so redistricted within ninety days previous to any municipal election.

SEC. 20. The Board of Trustees shall, during the first year after its organization under this Charter, cause all ordinances then in force to be classified under appropriate heads, and shall provide for the publication of the same in book form. Every officer of the city shall be entitled to one copy of such ordinances without charge, and every citizen applying for a copy shall be entitled to the same at the cost of publication. The board shall every five years after the publication, as herein provided, cause all the ordinances at that time in force to be compiled, and shall publish the same, subject to the terms and conditions herein expressed. The board shall also, at the end of each year, except the years above provided for, cause to be published in pamphlet form all ordinances passed during said year.

SEC. 21. The enacting clause of all ordinances shall be in these words: "The Board of Trustees of the City of Sacramento ordain as follows."

SEC. 22. No contract for supplies, printing, advertising, stationery, maintenance of prisoners, fuel, street sprinkling, street repairs, or lighting streets, public buildings, parks or offices, shall be made for a longer period than one year; nor shall any contract be made to pay for fuel, gas, electric lights, or any other illuminating material at a higher rate than is charged to any other consumer.

SEC. 23. No contract calling for the payment of more than one hundred dollars shall be effective unless authorized by vote of the Board of Trustees; when any contract shall be so authorized it shall, before it becomes effective, be presented to the Mayor for his approval; and the Mayor shall return the same to the board, or to the clerk thereof, within two days after receiving it. If he shall sign the same it shall then become a contract, but if he shall disapprove it he shall state his objections thereto in writing. If the proposed contract is not returned with such approval or disapproval within said five days, it shall become valid as if he had approved the same. When a proposed contract is returned without the approval of the Mayor, the Board of Trustees shall, within ten days thereafter, proceed to consider and vote on the same. If it is again authorized by an affirmative vote of not less than six members, it shall become a valid contract of the city the same as if the Mayor had signed it, and not otherwise. The vote shall be taken by yeas and nays, and the result shall be entered in the minutes of the board.

SEC. 24. Every officer of the city shall, at the end of each month, make, in writing, and furnish to the Board of Trustees, a full and detailed statement upon oath of all moneys received by him, and of his other official doings during said month. He shall also make like statements at such other times as the Board of Trustees may require.

SEC. 25. The Board of Trustees shall have power:

First—To try, and by a majority vote of all the members of the board, to remove from office any officer or employee against whom charges have been preferred; and by not less than seven affirmative votes to remove any appointee at any time when in the judgment of the board the public service will be improved thereby.

Second—To make by-laws and ordinances not repugnant to the Constitution of the United States or of the State of California, or any of the provisions of this charter.

Third—To levy and collect taxes and assessments on all property within the city, both real and personal, made taxable by law for State or county purposes, which taxes shall not exceed 1 per cent. per annum upon the assessed value for all property, for a general fund.

Fourth—To sell, use, lease, control, improve and take care of the real estate and personal property of the city; provided, however, that said board shall have no power to mortgage or hypothecate any property of said city for any purpose.

Fifth—To lay out, extend, alter or close streets and alleys, provide for the grading, draining, cleaning, repairing, widening, lighting, sprinkling, and otherwise permanently improving the same, and for the construction, repair, regulation and preservation of sidewalks, bridges, drains, curbs, gutters and sewers, and to prevent or remove obstructions thereto or to any part thereof, and to provide for the numbering of houses.

Sixth—To organize, regulate, and maintain a Fire Department; also, to organize, regulate, and maintain a Police Department.

Seventh—To regulate or exclude the landing and storage of gunpowder and other combustible materials.

Eighth—To determine what are nuisances, and prevent and remove the same.

Ninth—To regulate the maintenance of acid works, slaughter-houses, wash-houses, laundries, tanneries, offensive trades, and all other manufactories, works and business of every description that may endanger the public safety, health or comfort, and to restrict the prosecution thereof to such fixed limits as may be most convenient for such works and business from the city.

Tenth—To fix and collect license tax on, and to regulate, theaters, melodeons, balls, concerts, dances and all theatrical or melodeon performances, and performances of any kind for which an admission fee is charged, or which may be held in places where wines or liquors are sold, circuses, shows, billiard tables, bowling-alleys and all exhibitions and amusements. To fix and collect a license tax on all taverns, hotels, restaurants, saloons, barrooms, bankers, brokers, gold-dust buyers, manufactories, livery stable keepers, express companies and persons engaged in transmitting letters or packages, railroad and stage and steamboat companies, or owners, whose principal place of business is in said city or who shall have an agency therein; to license and regulate auctioneers; to license, tax, regulate, prohibit or suppress all tippling-houses, grocheries, groceries, bars, bar-rooms, raffles, hawkers, peddlers, pawnbrokers, restaurants or coffee stands, booths and sheds; to prohibit and suppress all dog-fights, prize-fights, cock-fights, bear or bull or badger baits; also, to prohibit or suppress all gaming and all gambling or disorderly houses; also, to regulate, prohibit or suppress all houses of ill-fame; also, to fix and collect a license tax upon all lawful professions, trades or business, not heretofore specified, having regard in such case to the amount of business done by each person, firm or association thus licensed.

Eleventh—To provide and maintain all public buildings, parks or squares necessary or proper for the use of the city.

Twelfth—To provide and maintain a labor bureau, and to thereby assist worthy persons in obtaining employment.

Thirteenth—To provide and maintain a Morgue.

Fourteenth—To prevent and restrain any riot or riotous assemblage or disorderly conduct within said city.

Fifteenth—To provide for the formation of a chain-gang for persons convicted of crimes, vagrancy or other misdemeanors, and for their proper employment for the benefit of the city.

Sixteenth—To establish and regulate markets.

Seventeenth—To provide for conducting elections, establishing election precincts, and appointing the necessary election officers.

Eighteenth—To build, alter, improve, keep in repair, and control the water front; to erect, regulate and repair wharves, and to fix the rate of wharfage and transit levee dues upon vessels and commodities, and to provide for the collection thereof; to provide for the regulation of berth, landing, stationing, and removing of steamboats, sail vessels, rafts, and all other watercraft; fix the rate of speed at which steamboats may run along the water front of the city; to fix, alter, and change the route of any railroad in the city, and regulate the speed at which the cars may run within the city limits, or any portion thereof.

Nineteenth—To examine, either in open session or by committee or commission, books, papers, vouchers, reports and statements, of the several officers, or of any other person having custody, care, management, collection, disbursement, or control, of any moneys or property belonging, appertaining, or appropriated to, the city or either of its funds, trusts or uses.

Twentieth—To license hackney coaches, cabs, omnibuses, drays, and other vehicles used for hire, and to regulate their stands and rates; also, to license and regulate runners for steamboats, taverns or hotels.

Twenty-first—To examine and liquidate all accounts against the city, and to allow or reject the same or any part thereof, as found legal or illegal.

Twenty-second—To make appropriations, examine and audit, reject or allow, the accounts of all officers or other persons having the care, management, collection or disbursement, of any money collected for, belonging, appertaining or appropriated to the city or any of its uses or trusts, and to determine, allow and pay the salary, fees or percentage which such officer or other person may by law be entitled to receive, except as otherwise herein provided; to make contracts and agreements for the use and benefit of the city, such contracts and agreements in all cases to specify the fund or funds out of which payment for the same is to be made, and that the same shall be paid out of the moneys appropriated to such fund or funds for the fiscal year. In no case shall a liability be created, or a warrant drawn, against any fund beyond the actual amount of money existing in such fund wherewith to meet the same; provided, however, should the board, or a majority thereof, contract or create any debt against the city contrary to the provisions of this Charter, such debt, claim or obligation shall be null and void as against the city or any of its funds; but every Trustee voting in favor of the contracting or creation of any such illegal debt shall be held personally responsible, jointly and severally, for the entire debt so created or contracted, and shall be deemed guilty of a malfeasance in office, and upon conviction shall be removed therefrom.

Twenty-third—To license ferries and bridges under the law regulating the granting of such license.

Twenty-fourth—To control, enlarge and improve or abolish the cemeteries heretofore belonging to the city, and to create other cemeteries, and to sell or lease lots therein; to control and regulate interments, and prohibit them within the city limits.

Twenty-fifth—To establish fire limits and prevent the erection of wooden buildings therein; to regulate the construction of buildings, sheds, awnings and signs.

Twenty-sixth—To provide for supplying the city with water, and to regulate the sale and distribution thereof; provided, however, the city shall always have and control the distribution of water within the city limits and collect the water rates therefor, and shall not grant or lease the right of distribution, or the collection of water rates to any person, firm or corporation; but the city may contract for a supply of water, to be furnished for a term not exceeding twenty years, with any person, firm or corporation, or may purchase, lease or hold its own water supply, either within or without the city limits; provided, however, no contract for furnishing the city with water shall be made, unless approved by a vote of two-thirds of the electors voting at any general or special election at which the proposition may be submitted.

Twenty-seventh—To provide for lighting the streets, alleys, public buildings and public grounds, and to construct, purchase, lease, own, control, maintain and operate a system of lighting by artificial gas, natural gas, electricity or other means of illumination.

Twenty-eighth—To provide and maintain a City Prison, and to provide for the care, feeding and clothing of the city prisoners.

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

Thirtieth—To prevent or regulate the running at large of any animals; to establish a pound, and to authorize the destruction, sale, or impounding of any animals found running at large.

Thirty-first—To regulate or prohibit the use of steam boilers, the location of telegraph, telephone, electric light and other poles and wires, and the construction of entrances to cellars and basements from sidewalks.

Thirty-second—To regulate the entrances to and exits from theaters, lecture-rooms, public halls and churches, and the number and construction of such entrances and exits, and to prohibit the placing of chairs, stools, benches, or other obstacles in the aisles of such buildings.

Thirty-third—To regulate and control the construction and maintenance of, and to grant to railroad corporations the right to construct and maintain, subject to control by the board, pipes, tubes, conduits, signal bells, warning signs, wires and other electric, telegraph and mechanical appliances, in, along, over, under and across the streets; provided, that said appliances shall be so constructed and placed as not to interfere with the fire alarm system, nor with the extinguishing of fires, nor with the free use of the sidewalks and streets. Also, to require railway companies either to station flagmen or to place sufficient warning signals or signal bells on such street crossings as may in the judgment of the board be necessary.

Thirty-fourth—To grant franchises permitting any person, company or corporation to lay and maintain tracks and to pass with steam railroads along, upon and across or elevated above or placed below any street of the city; provided, that the free use of such street shall not be unnecessarily obstructed thereby; and, provided further, that no such franchise shall be granted only after notice published for thirty days in a daily newspaper published in the city, and by ordinance passed by the affirmative votes of not less than six members of the board, and upon previous petition, in writing, of the owners of two-thirds of land fronting upon that part of the street to be so used. Such grants shall be without prejudice to the rights of not consenting owners to compensation for damages.

Thirty-fifth—To grant franchises for a term not exceeding twenty-five years for the construction and operation of street railways on and along the streets of the city, upon the following terms, viz: Whenever the Board of Trustees shall determine that a franchise to construct and operate a street railway along and upon any of the streets of the city should be granted, the board shall, after such determination, cause notice to be published for ten days in a daily newspaper published in the city, specifying the route over and along which it is proposed to grant such franchise, and shall offer to grant the same to the person, company, or corporation that shall agree to pay to the City of Sacramento at the expiration of five years after the franchise is granted, and thereafter semi-annually, the largest percentum of the gross receipts of such road; provided, that all grants or franchises for street railways shall be upon condition that single fares on such roads shall not exceed five cents, and that only such rails as are of the most approved pattern shall be made use of in the construction of the road. The board may in the granting of such franchise impose such further regulations and restrictions in the use thereof as to the board may appear expedient, and the board may also reject any and all bids, and refuse to grant any franchise for the proposed route; provided, further, that the board shall not grant any franchise for the construction of a street railway, except upon condition that at least one per cent. of the gross receipts of such railway shall be paid to the city each year after the expiration of five years from the granting of the franchise.

Thirty-sixth—To require every railroad company to keep the streets in repair between the tracks, and along and within the distance of two feet upon each side of the tracks occupied by the company.

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

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

Thirty-ninth—To prescribe fines, forfeitures, and penalties for the breach of any ordinance, and for the violation of any provision of this charter; but such penalty shall not exceed the amount of five hundred dollars, or six months' imprisonment, or both such fine and imprisonment.

Fortieth—To authorize the Mayor to employ, in addition to the City Attorney, an attorney-at-law, at a salary not to exceed fifteen hundred dollars a year, and whose duty it shall be to advise the city officials, and attend to all civil suits and other matters in which the city may be legally interested.

Forty-first—To make all rules and regulations necessary and proper for carrying into execution the foregoing powers and all other powers vested in the board by this charter or by general laws.

Forty-second—To make and enforce all such other local, police, sanitary and other regulations as are not in conflict with general laws or of the provisions of this charter.

ARTICLE III.

Executive Department.

OF THE MAYOR.

SEC. 26. There shall be a Mayor, who shall be the chief executive officer of the city. He shall be elected by the qualified voters of the City of Sacramento at each general municipal election, and his term of office shall be two years. He shall be at least twenty-six years of age, and shall have been a citizen of the State and a resident and qualified elector of the city for at least two years next before his election. He shall be the duty of the City Collector to receive and collect all city taxes, general and special; he shall also collect all city licenses, water rates, harbor dues, cemetery receipts, and other miscellaneous items of the city revenue, not otherwise herein provided, and such as the Board of Trustees may by ordinance direct, and pay the same over to the City Treasurer weekly. The time and manner of collection of licenses shall be provided by the Board of Trustees.

SEC. 45. Whenever any person required by any city ordinance to take out a license shall fail, neglect or refuse to take out such license and pay thereto in the manner and at the time in such ordinance provided; or, if any person so required to take out any license, shall transact, do, or carry on any business, trade or occupation, without having first procured the license for such trading or carrying on, the City Collector shall report such delinquent to the City Attorney, who shall at once bring suit, in the name of the city, against the delinquent; and in such case the City Collector or City Attorney may make the necessary affidavit as in other cases, for an attachment, and the writ of attachment shall issue upon the filing of the affidavit against the property of such delinquent, without an undertaking being filed by or on behalf of the city; and in such action the sum of fifteen dollars shall be included in the judgment as liquidated damages, together with the original debt and costs of the action; provided, however, nothing in this section shall authorize the court, officer, or any other person whomsoever to make any claim or charge against the city for any services rendered in or about any such action; and provided further, that in any such suit no witness for the plaintiff shall be entitled to demand or receive witness fees or mileage in advance, nor shall any witness be entitled to demand or receive any fees or mileage whatever, unless the same are made as costs out of the defendant; and provided further, that if judgment is rendered for the defendant, it shall be general, and without costs; and provided further, that any person who shall commence or continue any business, trade, profession or calling, for which a license may by any ordinance by required to be taken out, without first procuring such license, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than ten dollars nor more than one hundred dollars, or be imprisoned for not less than five nor more than fifty days. Upon the trial of any criminal action or proceeding for this section, the defendant shall be deemed not to have procured the proper license, unless he either produces it or proves that he did procure it; but no may plead in bar of the criminal action a recovery against him and the payment by him, in a civil action, of the proper license money, costs and costs.

SEC. 46. All billiard tables, bar fixtures, ten-pin alleys, pins and balls, furniture, crockery, glassware, liquors and chattels of every kind used in transacting or carrying on or doing the business of a drinking saloon, bar, restaurant, billiard saloon, ten-pin alley, tavern, eating-house, ball-room, dance-house, theater or circus, where by ordinance such business is required to be licensed, shall, without reference to the actual ownership of such property, be liable for and may be taken in attachment or on execution for the license money due on the business in which they are allowed to be used; and every dray, cart, wagon, carriage, hack, omnibus, or other vehicle, required by ordinance to be licensed, together with the horse or horses commonly used thereon, shall without reference to the actual ownership of such property, be liable for and may be taken in attachment or on execution for the license money due on such dray, cart, wagon, carriage, hack, omnibus, or other vehicle. There shall be in every license not obtained within five days after the same becomes due and payable, the sum of one dollar, which shall become a part of the license, and be paid into the treasury in the same manner as other revenues.

SEC. 47. The City Collector shall be allowed one clerk and two more clerks if not to exceed three in number, as the Board of Trustees may determine, except as herein otherwise provided. Such deputy and all such clerks shall be appointed by the City Collector and shall retain their positions during the term of office of the City Collector appointing them, unless sooner removed by the City Collector or the Board of Trustees as in this charter provided for the removal of any appointee, when in the judgment of said board the public service will be improved thereby. If at any time by reason of the growth of the city and a large increase of population the duties of the City Collector's office becomes so arduous to be performed in a thorough manner within the maximum force herein provided for, then the Board of Trustees may allow one or more additional clerks as in the judgment of said board, the increased duties of the Collector's office demand. Such additional clerks shall receive a greater compensation for service than the salary allowed other clerks.

SEC. 48. The term of office of the City Collector shall be two years.

CITY ATTORNEY.

SEC. 49. There shall be a City Attorney, who shall be elected by the qualified voters of the city at each general municipal election and who shall have been an elector of the city for at least two years next before his election, and shall be an attorney and counselor-at-law, duly admitted to practice by the Supreme Court of this State, and whose term of office shall be two years, and until his successor is elected and qualified. It shall be his duty to prosecute on behalf of the people all criminal cases before the Police Court and the City Justices of the Peace, and all violations of this Charter and of city ordinances and resolutions. It shall be his duty to attend to all suits and other matters to which the city is a party, or in which the city may be legally interested; provided, the Board of Trustees shall have control of all litigation of the city, and may direct an attorney selected by the Mayor to take charge thereof, or to assist the City Attorney therein. The City Attorney shall give his advice or opinion, when required by the Mayor, Board of Trustees, Board of Education or other city officers, whenever required to do so, and do such other things appertaining to his office, as by the Board of Trustees or Mayor may be required of him. He shall approve the form of all bonds given to, and all contracts made with the city. He shall when required by the Board of Trustees or any member thereof, draft any and all proposed ordinances for the city.

ARTICLE IV.

Judicial Department.

SEC. 50. All the powers, jurisdiction and authority which, prior to the adoption of this charter, have been exercised by the Police Judge and the Police Court of the City of Sacramento, or either of them, shall hereafter be vested in and exercised by the City Justice of the Peace, or if there be more than one such City Justice, then by the one to be designated by the Mayor; and it is hereby made the duty of said City Justice, in addition to the duties otherwise required of him by law, to hold a Police Court in said city. Said City Justice and the court so held by him shall have, in addition to the civil jurisdiction conferred by law upon Justices' Courts, jurisdiction of the following public offenses committed within the city, and which shall be prosecuted in the name of the people of the State of California:

First—Petit larceny.

Second—Assault or battery not charged to have been committed upon a public officer in the discharge of his duties, or to have been committed with such intent as to render the same a felony.

Third—Breaches of the peace, riots, routs, affrays, committing a wrongful injury to property, and all misdemeanors punishable by fine not exceeding five hundred dollars, or imprisonment not exceeding six months, or by both such fine and imprisonment.

Fourth—Of all proceedings for the violation of any ordinance of the city, or of any provision of this charter.

Fifth—The examination of persons charged with the committing of any offense to be prosecuted by indictment or information.

Sixth—Such other criminal jurisdiction as is, or may hereafter be, conferred by law upon Police Courts, Justices' Courts or Justices of the Peace; and in the exercise of his jurisdiction he may punish persons guilty of contempt of court, and may issue warrants of arrest, subpœnas, venires, writs, executions, attachments and all other processes necessary and proper.

SEC. 51. In all cases in which the Justice is a party, or in which he is interested, or related to either party by consanguinity or affinity within the third degree, and in case of his sickness, absence or inability to act, any Justice of the Peace of the County of Sacramento may, at the request of the Mayor, act in the place and stead of said City Justice.

SEC. 52. Said City Justice, holding the Police Court, shall have a clerk, to be designated the Clerk of the Police Court, who shall be appointed by the Mayor, by and with the consent of the Board of Trustees, and his term of office shall be two years. The Clerk shall keep a record of the proceedings of and issue all process ordered by the City Justice, or by said Police Court, and receive and pay weekly into the City Treasury all fines imposed by said court. He shall each month render to the Auditor, and also to the Board of Trustees, an exact and detailed account in writing, upon oath, of all fines imposed and collected, and of all fines imposed and uncollected, and of all other moneys collected or on behalf of the city since his last report, which said report shall be certified to by the City Justice. He shall prepare bonds and justify bail, when the amount has been fixed by the Justice, in cases where the bail does not exceed two hundred dollars, and he may administer oaths. The Clerk shall remain at the court-room of said court during business hours, and during such reasonable time thereafter as may be necessary for discharging his duty.

SEC. 53. The city shall furnish a suitable courtroom for said City Justice, at which he shall remain from nine A. M. to twelve M. and from one P. M. to five P. M.; and shall also furnish the necessary dockets and blanks for the use of said court. Said court shall always be open, except upon non-judicial days, and also on such days for such purposes as are by law required of other courts of the State on such days.

SEC. 54. Said court shall be considered a court of record, and shall have a seal, to be furnished by the city. Certified transcripts of the dockets, files, records or any papers, process or proceedings of said court made by the Clerk thereof under seal of said court, shall be received in evidence in any court of this State, and all warrants and process issued by said court and all acts done by said court and certified under its seal shall have the same force and validity in any part of this State as though issued or done by any other court of record in the State.

SEC. 55. In all cases where said court is authorized to impose a fine, or imprisonment, or both, upon a defendant convicted in said court of any offense triable therein, the court may sentence the offender to be imprisoned in the City Jail, if there be one, or in the County Jail, and in addition to imprisonment may sentence offenders to labor in the chain-gang, or at other labor for the benefit of the city.

SEC. 56. The said court and the Justice thereof shall have power to commit any offender under eighteen years of age, duly convicted, to the Preston School of Industry, or to the Whittier Reform School, or to any other reformatory institution for juvenile offenders that may at any time be provided by law.

SEC. 57. The Police Court and the City Justice shall be governed in their proceedings by the provisions of law regulating proceedings before Justices' Courts, Justices of the Peace, and Police Courts, except so far as the same are added to or modified by this charter, and such Police Court may be treated and considered as a Justices' Court whenever necessary to sustain and uphold the jurisdiction thereof, or of any proceedings had therein; and all provisions of law relating to Justices of the Peace and to Justices' Courts are hereby made applicable to said Police Court, and nothing in the title of the court or of any papers or proceedings therein shall affect the question of jurisdiction; and said City Justice and Justice shall have all the powers and jurisdiction now or hereafter conferred by law upon Justices' Courts, Police Courts or Justices of the Peace, and shall charge and receive, for the benefit of the city, like fees for services.

SEC. 58. All actions and proceedings pending and undetermined in the Justices' Court or in the Police Court of the City of Sacramento, as said court existed prior to the taking effect of this Charter, shall be proceeded with, heard, tried and determined in the Police Court herein provided for, before said City Justice of the Peace, the same as if such actions and proceedings had been originally commenced therein.

SEC. 59. The City Justice of the Peace who shall hold the Police Court shall not be entitled by reason thereof to any new or additional salary, or compensation, but the salary allowed him by law as City Justice of the Peace shall be in full for all services performed by him in holding such Police Court, and he shall receive for and pay to the city all costs and fees by him collected; provided, however, that if, at any time, the law providing for payment of a salary to said City Justice is repealed, the Board of Trustees may by ordinance provide for the payment by the city of a salary to said Justice, not exceeding two thousand dollars a year.

SEC. 60. Any and all Acts by which a Clerk of the Police Court of this city is provided, shall not be considered as applicable to the City of Sacramento after this Charter takes effect.

ARTICLE V.

Department of Public Works.

SEC. 61. The Board of Trustees shall immediately after its organization take possession and have the custody and control of all maps, surveys, field notes, records, plans, specifications, contracts, models, machinery, tools, appliances, contract rights, privileges, books, documents, papers, and records, and property belonging to said city, heretofore held by or in the offices of the City Surveyor, Superintendent of Streets and Superintendent of Water Works, or kept by or in the possession of any other officer, and pertaining to any public buildings or public works of the city.

SEC. 62. The board shall have charge and superintendence of all public work of every kind not otherwise controlled by general law to be done for the city, and also of furnishing all material and supplies for public use, except as otherwise provided in this Charter. It shall be the duty of the board to vigilantly inspect all parts of the city and cause to be done from time to time such work as it shall deem necessary or proper.

SEC. 63. There shall be a City Surveyor who shall be a qualified elector, and shall be appointed by the Mayor, by and with the consent of the Board of Trustees and whose term of office shall be two years, and who shall perform all civil engineering and surveying required in the prosecution of the 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 any general law of the State of California. He shall keep a public office within the city, as provided by the Board of Trustees, and shall keep therein the records of his office and all maps, plats, surveys and certificates pertaining thereto, with an index for easy reference. All such records, maps, plats, surveys and certificates, and all other instruments, shall be considered the property of the city, and shall be turned over to his successor in office.

SEC. 64. There shall be a Superintendent of Streets, who shall be a qualified elector, and shall be appointed by the Mayor, by and with the consent of the Board of Trustees, and whose term of office shall be two years, and whose duty shall be to see that the laws, ordinances, orders and regulations, relating to sewers, drains, levees, streets, alleys and highways are fully carried into execution, and that the penalties thereof are rigidly enforced. He shall superintend and direct the cleaning of all sewers and drains, and keep himself informed of the condition of all the public streets and highways, and also of all public buildings, parks, lots, sewers, levees, and grounds of the city, and report the same to the board, and shall perform such other duties as are hereinafter specified, or as the board may require of him, and he shall have the power and shall perform the duties required of the Superintendent of Streets by the Act of the Legislature of the State of California, entitled "An Act to provide for work upon streets, lanes, alleys, courts, places and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885, or by any Acts amendatory thereof, or supplementary thereto or substituted therefor. He shall keep a public office in the city as provided by the board, and shall keep therein the records of his office and a register of all streets, alleys, sewers and drains and all improvements and repairs made thereon, with an index for easy reference. Should he fail to see the laws, ordinances and regulations relating to the public streets and highways carried into execution, he and his sureties shall be liable upon his official bond to any person injured in person or property in consequence of said official neglect. All registers, records, books, contracts, plats, diagrams, and all papers and documents belonging to his office shall be delivered to his successor in office.

SEC. 65. All public work authorized by the board to be done and not within the provisions of the general law of the State of California operating thereon, shall be done under written contract, except as hereinafter provided. Before awarding any such contract for doing any work for the city, the board shall cause notice to be posted conspicuously in its office and published not less than ten days, in a daily newspaper published in the city, inviting sealed proposals for the contemplated work, and in case the estimated cost of the work exceeds five thousand dollars, to be so posted and published for not less than twenty days, except that any repair or improvement not exceeding an estimated cost of one hundred dollars may be made by the board under written contract, or otherwise, without advertising for sealed proposals; *provided, however*, that should there be imminent danger to the city from inundation the board may, in its discretion, contract for the immediate repair of its levees without such notice, posting or publication.

SEC. 66. All proposals shall be made upon printed forms to be prepared by the board and furnished gratuitously upon application. All proposals offered shall be accompanied by a check, certified by a responsible bank, payable to the order of the Clerk of the board, for an amount not less than ten 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 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, such bids shall be rejected.

SEC. 67. 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 before the expiration of 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 City Clerk 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 Clerk. Before adjourning the board shall compare the bids with the record made by the City Clerk, 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 Clerk 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 contract 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 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 Clerk 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. The board shall have no power to relieve from or remit such forfeiture.

SEC. 68. If at any time it shall be found that the person to whom a contract has been awarded has, in presen