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 south 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 to 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 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 Seventh street, and west of the center of Eleventh street, shall constitute the Sixth 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 next section. Each member of the Board of Trustees shall be a qualified elector, at 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. Of 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 hereinbefore 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 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 and 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 reenacted 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 same as nearly equal in population, and as geographically compact, as possible; but the city shall not be so redistricted within ninety days next before 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 repairs, or street sprinkling, lighting streets, public buildings, places 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 five 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 valid as if it had received the approval of the Mayor had signed it, and not otherwise. The votes 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 file with the Board of Trustees, a full and detailed statement upon oath of all moneys received or disbursed by him, and of his other official transactions 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 appointees 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, or 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 seem proper, or exclude 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 any house 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 hotels, lodgings-houses, restaurants, saloons, bar-rooms, bankers, brokers, gold-beaters, refiners, manufacturers, 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, dram-shops, saloons, bars, bar-rooms, raffles, hawkers, peddlers, pawnbrokers, refreshment 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 games of 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 cases 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 of fare, and to license or suppress 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 the 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 power 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 and maintain a City Prison, and to provide for the care, feeding and clothing of its prisoners.

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

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 in the 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 telephonic appliances, underground, or, under and across the streets; provided, that such 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 such 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 any 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, and upon previous petition, in writing, of the owners of two-thirds of the front feet of lands 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 determined 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 railway; provided, that all grants of 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 such road. The board may in the granting of such franchise prescribe 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 for a 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 the grade established, will prevent the same from being so covered, and to assess the cost of such filling upon such real estate, and provide that it shall be a lien thereon.

Thirty-eighth—To make all needful rules to govern the official conduct and duties of all officers in said 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 no penalty shall 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 an elector and qualified elector of the city for the five years next preceding the day of his election.

SEC. 27. He shall vigilantly observe the official conduct of all public officers, and take note of the fidelity and exactitude, or the want thereof, with which they 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 willful neglect of duty, or official misconduct which he may discover or which shall be reported to him, shall be laid by him before the Board of Trustees, City Attorney, or District Attorney, in order that the public interests shall be protected, and the person in default be proceeded against according to law. He shall, from time to time, give the Board of Trustees information in writing relative to the state of the city, and shall recommend such measures as he may deem beneficial to its interest. He shall see that the laws of the State, the provisions of this Charter, and the ordinances of the city are observed and enforced. He shall appoint a competent person or persons, expert in matters of bookkeeping and accounts, to examine the books, records, condition and affairs of every department, board or officer, and report fully thereon in writing, to him at least once in every year, and to enforce such examination. Any person refusing to submit to, or permit such examination; or purposely delaying or impeding the same, must be suspended from office by the Mayor, and may be removed for malfeasance in office. He shall have a general supervision over all 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. 28. The Mayor shall be duly notified by the City Clerk of all special meetings of the Board of Trustees, and of the time and place of all regular or special meetings of the standing or special committees thereof, and shall have the right and privilege of being present at all such meetings.

SEC. 29. He shall at least once a month, together with the President of the Board of Trustees and the City Auditor, count the cash in the City Treasury and see that it corresponds with the books of the Treasurer and Auditor, and report the result of such count to the Board of Trustees.

SEC. 30. 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. He shall have the general supervision of all city officers elected or appointed; he shall have power to suspend any city officer (except a member of the Board of Trustees) for a dereliction, neglect or non-performance of duty, and shall report the same to the Board of Trustees. If the board after a hearing, by affirmative vote of at least five members, approve of the suspension, they shall declare the office vacant, or continue the suspension for such time as they may deem proper, and such vacancy shall be filled by the Mayor, subject to the approval of the Board of Trustees. It shall be the duty of every officer and person in the employ or service of the city, when it shall come to his knowledge that any contract or agreement with the city, or with any officer or department thereof, or relating to the business of any 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 employe, as in case of malfeasance in office.

SEC. 31. When and so long as the Mayor is temporarily unable to perform his official duties, due notice to the Board of Trustees 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 Board of Trustees, assembled for the purpose. A member of the Board of Trustees, during the term for which he shall have been elected or appointed, shall be ineligible to fill such vacancy.

SEC. 32. The Mayor shall, with the consent of the Board of Trustees, shall appoint all officers of the city whose election or appointment is not otherwise provided for in this Charter or by law. When a nomination is made to the Board action shall be taken thereon by the Board in not less than five nor more than ten days thereafter; and in case the officer nominated is not confirmed, the Mayor shall within ten days thereafter nominate another, and may continue doing so until the place is filled. No member of the Board of Trustees shall ever suggest, request the appointment of, appoint, or nominate, any officer, clerk or employe to any place in the city government, except as fill a vacancy in the office of Mayor, elect the President of the Board of Trustees, City Clerk, and necessary election officers.

SEC. 33. The Mayor shall not during the term for which he shall have been elected hold any other office or be a member of any board or commission created by the laws of the Federal, State or City Government, except as in this Charter otherwise provided. Nor shall he ever receive from the city, for any cause or reason, any other or greater compensation than the salary allowed him by this Charter as Mayor.

SEC. 34. The Mayor may, when necessary, appoint a clerk to be known as Mayor's Clerk. The Mayor shall perform all such other duties as may be prescribed by law or ordinance.

CITY CLERK.

SEC. 35. There shall be a City Clerk, who shall be a qualified elector of the city, and shall be elected by the Board of Trustees. He shall have the custody of and be responsible for the corporate seal, and all books, papers, records and archives belonging to the city not in actual use by other officers or elsewhere by special provision committed to their custody; he shall be present at each meeting of the Board of Trustees and keep a record of its proceedings; he shall keep separate books in which respectively he shall record all ordinances, contracts and official bonds; he shall keep all of his books properly indexed and open to public inspection when not in actual use; he shall make out, sign and deliver to the City Auditor all licenses and receipts for water rates, and perform such other duties as are or shall be imposed upon him by this Charter or by ordinance; he shall devote his entire time to the duties of his office; 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.

SEC. 36. The term of office of the City Clerk shall be two years.

CITY AUDITOR AND ASSESSOR.

SEC. 37. There shall be a City Auditor who shall be ex officio City Assessor, and who shall be elected by the qualified voters of the city at each general municipal election. He 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. 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. As Auditor he shall number and keep a record of all demands approved by him, showing the date of approval, amount and name of original holder, the number, on what account, and out of what fund payable. It shall be his duty to be constantly acquainted with the exact condition of the treasury. He shall on application of any person indebted to the city holding money payable into the City Treasury, or desiring to pay money therein, certify to the City Treasurer the amount thereof, to what fund applicable, and by whom to be paid. He shall upon the written order of the City Treasurer directing him to issue a receipt for money paid into the City Treasury, charge the City Treasurer with the amount received by him and give the person paying the same a receipt therefor. It shall be his duty to apportion among the several funds all public moneys at any time in the City Treasury not by law or ordinance specifically apportioned and appropriated, and forthwith notify the City Treasurer of such apportionment or appropriation. He shall countersign and deliver to the proper officer all licenses and receipts for water rates. He shall on the first Monday of each month, or oftener if required, report in writing to the Mayor and likewise to the Board of Trustees, 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 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 sources from which the city's revenues were derived and how expended. He shall draw and sign all warrants upon the treasury, except as otherwise provided in this charter or ordained. Every demand must, before it can be paid, be verified by the oath of the claimant or some one in his behalf, and be presented to the Auditor to be approved, who shall satisfy himself whether the money is legally due and remains unpaid, and whether the payment thereof from the treasury of the city is authorized by law, and if so, out of what fund, and that there is sufficient money in such fund with which to pay the same. After such examination he shall approve or reject the claim in whole or in part, and indorse on such demand his approval or rejection over his signature, together with the date thereof. If it is approved, the fund out of which it is to be paid shall be designated. If the claim is rejected, or any part of it, unless the party presenting it is willing to take in full of the entire demand the sum offered, the Auditor shall return it with his reasons for rejecting it, to the board or other body which originally authorized it, then if it is allowed by a majority vote of all the members of the board or other body authorizing it, and approved by the Mayor, it shall be audited in the same manner as if it had not been rejected; provided, the said board or other body had the authority to make the expenditure out of which the claim arose. No demand upon the City Treasury shall be considered, presented for action, or acted upon, allowed or approved, unless it specifies on its face each several item composing it, and the amount and date thereof. Every demand shall be numbered and acted upon by the Auditor in the order of its presentation to him; and when allowed either in whole or in part, the warrant therefor shall be numbered and entitled to payment out of the fund on which it is drawn in the same order as allowed. No demand upon the treasury shall be allowed by the Auditor in favor of any officer or other person, or any of his 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 Board of Trustees; 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 Board of Trustees. The Auditor shall have authority to take affidavits and administer oaths necessary in the transaction of all city business, without charge, and shall perform such other duties as are imposed upon him by law or this charter.

SEC. 38. 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 inspection.

SEC. 39. The City Auditor and Assessor may appoint a deputy, who shall be a qualified elector of the city, and who shall possess the powers and may perform the duties pertaining to the offices of his principal.

SEC. 40. The City Assessor shall be allowed during the months of March, April, May and June of each year such number of additional deputies to be paid by the city, not exceeding one for every ten thousand inhabitants or fraction thereof, as may be necessary to carry the work of assessment forward promptly to completion. The salaries of such deputies shall not exceed three hundred dollars each for the entire time employed.

SEC. 41. The term of office of the Auditor shall be two years.

CITY TREASURER.

SEC. 42. There shall be a City Treasurer, who shall be elected by the qualified voters of the city at each general municipal election. He shall have been a citizen of the State and a resident and qualified elector of the city for at least five years next before his election. It shall be the duty of the City Treasurer to receive and keep all moneys that shall come to the city by taxation or otherwise, and to pay the same out on demands legally audited in the manner hereinafter provided; and without such auditing he shall disburse no public moneys whatever, except the principal and interest of the municipal debt, when payable. He shall receive no money into the City Treasury unless accompanied by the certificate of the City Auditor, provided for in Section 37 hereof. He shall issue to any person paying money into the city treasury an order to the City Auditor directing the City Auditor to issue a receipt to such person, which order shall contain a statement of the amount paid into the city treasury, the name of the person paying the same, and the fund to which the same is applied. He shall make a report at the close of business each Saturday to the Auditor, showing all moneys received during the week, together with the number of each order for a receipt given by him therefor, and from whom received, and to what fund applied. Whenever the city shall provide a proper vault and safes for the keeping of the city money, the Treasurer shall keep said moneys in said vault, and he shall not thereafter, under any circumstances, deposit with any person, corporation, or bank, any of the moneys of the city, or allow the same (except in payment of demands against the city) to pass out of his custody. If he shall violate any of the provisions of this section he shall forfeit his office and be forever disqualified from holding any position in the service of the city. As soon as possible after the adoption of this charter the Board of Trustees shall provide suitable vaults and safes for the use of the Treasurer. It shall be in the power of the Board of Trustees, by ordinance, at any time to require the City Treasurer to devote his entire time to the duties of his office.

SEC. 43. The term of office of City Treasurer shall be two years.

CITY COLLECTOR.

SEC. 44. There shall be a City Collector who shall be elected by the qualified voters of the city at the general municipal election. He shall have been a citizen of the State and a resident and qualified elector of the city for at least five years next before his election. It shall be the duty of the City Collector to receive and collect all city taxes, general and special; he shall also collect all city licenses, wharfages, water rates, cemetery receipts, and such other branches of the revenue, not otherwise herein provided for, 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 therefor in the manner and at the time in such ordinance provided; or, if any person so required to take out any license, shall refuse to do, or carry on any business, trade or occupation, without having first procured the requisite license for such business 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 in attachment cases, for an attachment, and a writ of attachment may 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 any witness fees or mileage in advance, nor shall any witness be entitled to charge 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 to do 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 provided for in 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 he may plead in bar of the action or judgment in any suit or action and the payment by him, in a civil action, of the proper license money, damages and costs.

SEC. 46. All billiard tables, bar fixtures, tenpin 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, tenpin alley, concert, 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 execution for the license money due on the business in which they are claimed 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 execution for the license money due on such dray, cart, wagon, carriage, hack, omnibus, or other vehicle. There shall be added to 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 deputy and one or more clerks 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 corresponding increase in the duties of the City Collector's office becomes impossible to be performed in a thorough manner with 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 compensation for their service at the rate of not less than twelve hundred dollars per annum.

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 to 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