his custody and safely keep all books, records, maps and papers deposited in his office. Upon demand and payment of the fees prescribed therefor by law or by ordinance, he must furnish to any one applying therefor a copy of any such book, record, map or paper, certified under the hand and seal of his office. When any papers are presented for filing or recording, he or his deputies shall write on the margin of each paper so presented the number of folios, the amount paid for recording the same, and shall number consecutively all instruments and documents filed in his office. He shall also perform all other duties at the time and in the manner prescribed by the general laws of the State.

ARTICLE V.

LEGAL DEPARTMENT.

CHAPTER I.

The Superior Court Judges.

SECTION 1. The Judges of the Superior Court of the City and County may appoint not to exceed five interpreters of foreign languages, who shall act as such interpreters in criminal actions and proceedings in all the courts in the City and County, and in examinations before Coroner's juries.

Sec. 2. The stenographers in the Criminal Departments of the Superior Court shall each receive an annual salary not exceeding twenty-four hundred dollars which shall be in full compensation for all services including transcription and all stationery used by them.

CHAPTER II.

The City Attorney.

SECTION 1. There shall be an Attorney and Counselor of the City and County, who shall be styled City Attorney, and who shall receive an annual salary of five thousand dollars. He shall be elected by the people and shall hold office for the period of two years. He must be at the time of his election an elector of the City and County and qualified to practice in all the courts of this State, and he must have been so qualified for at least ten years next preceding his election, during five years of which he must have been an actual resident of the City and County. He shall devote his entire time and attention to the duties of his office.

Sec. 2. He must prosecute and defend for the City and County all actions at law or in equity, and all special proceedings for or against the City and County; and whenever any cause of action at law or in equity or by special proceeding exists in favor of the City and County, he shall commence the same when within his knowledge, and if not within his knowledge, when directed to do so by resolution of the Supervisors. He shall give legal advice, in writing, to all officers, boards and commissions named in this Charter, when requested so to do by them, or either of them, in writing, upon questions arising in their separate departments involving the rights or liabilities of the City and County. He shall not settle or dismiss any litigation for or against the City and County under his control unless upon his written recommendation he is ordered to do so by the Mayor and Supervisors.

Sec. 3. He shall keep on file in his office all written communications and opinions given by him to any officer, board or department; the briefs and transcripts used in causes wherein he appears; and bound books of record and registry of all actions or proceedings in his charge in which the City and County is interested.

Sec. 4. He shall deliver all books and records, reports, documents, papers, statutes, law books and property of every description in his possession, belonging to his office, or to the City and County, to his successor in office, who shall give him duplicate receipts therefor, one of which he shall file with the Auditor.

Sec. 5. The City Attorney may appoint four assistants, the first of whom shall receive an annual salary of thirty-six hundred dollars; the second an annual salary of three thousand dollars; the third an annual salary of twenty-four hundred dollars, and the fourth an annual salary of eighteen hundred dollars. He may also appoint a chief clerk, who shall receive an annual salary of eighteen hundred dollars; an assistant clerk who shall receive an annual salary of nine hundred dollars; a stenographer and typewriter who shall receive an annual salary of nine hundred dollars; and a messenger who shall receive an annual salary of nine hundred dollars. An officer of the Police Department shall be permanently detailed by the Chief of Police for the purpose of doing the detective work necessary in preparing and prosecuting the litigation of the office, who shall continue to serve on such detail during the pleasure of the City Attorney. The assistants and the chief clerk must each, at the time of his appointment, be qualified to practice in all the courts of this State, and must have been so qualified at least two years next preceding his appointment. The assistants, clerks, typewriter and messenger shall be appointed by the City Attorney, and shall hold their offices at his pleasure, and the specific duties of each shall be prescribed by him.

CHAPTER III.

The District Attorney.

SECTION 1. The District Attorney shall be elected by the people and shall hold office for two years. He shall be an elector of the City and County and must at the time of his election be qualified to practice in all the courts of this State, and must have been so qualified for at least five years next preceding his election. He shall receive an annual salary of five thousand dollars.

Sec. 2. The District Attorney shall have all the powers conferred, and shall discharge all the duties imposed upon, the District Attorneys of counties by the general laws of this State, and in addition thereto shall attend, institute and conduct on behalf of the people, all prosecutions cognizable in the Police Court of the City and County. He shall draw all complaints and warrants in said Police Court, prosecute all forfeited recognizances therein, and all actions for the recovery of fines, penalties, and forfeitures accruing to the City and County; deliver receipts for money or property received in his official capacity, and file duplicates therefor with the County Treasurer; file with the Auditor on the first Mondays of January, April, July and October in each year, an itemized statement under oath showing all moneys received by him in his official capacity during the preceding three months; keep a register of his official business in which must be entered a note of every action, whether criminal or civil, prosecuted officially by him, and of the proceedings therein; and give, when required, without fee, advice to the Board of Police Commissioners, the Chief of Police, the Board of Health and the Coroner, upon matters relating to the duties of their respective offices.

Sec. 3. He may appoint seven Assistant District Attorneys to aid him in the discharge of his official duties, three of whom shall act as prosecutors in the Superior Court, and shall each receive an annual salary of thirty-six hundred dollars, and four of whom shall act as the prosecuting attorneys of the Police Court, and shall each receive an annual salary of twenty-four hundred dollars. When any of the assistants of the District Attorney acting as such prosecuting attorneys in the Police Court are not actually engaged in work connected with prosecutions therein, they shall be at the call of the District Attorney for any service connected with his department. The assistants must each, at the time of his appointment, be qualified to practice in all the courts of this State, and must have been so qualified for at least two years next preceding his appointment. The District Attorney may also appoint one chief clerk, who shall receive an annual salary of eighteen hundred dollars; one assistant clerk, who shall receive an annual salary of twelve hundred dollars; and one stenographer and typewriter who shall receive an annual salary of nine hundred dollars.

Sec. 4. The District Attorney may, in the name of the City and County, bid for and purchase property at execution sales under judgments for the recovery of fines, penalties or forfeitures accruing to the City and County.

CHAPTER IV.

The Public Administrator.

SECTION 1. The Public Administrator shall be elected by the people, and he shall hold office for two years. He shall have all the powers conferred, and shall discharge all the duties imposed upon, the Public Administrators of counties by the general laws of this State, except as in this Charter otherwise specifically provided. He shall be entitled to all such fees as may be allowed by law to the Public Administrators of the counties of the State in full compensation for all his services.

CHAPTER V.

The County Clerk.

SECTION 1. The County Clerk shall be elected by the people and shall hold office for two years. He shall have all the powers conferred, and shall discharge all the duties imposed upon, the County Clerks of counties by the general laws of this State, and in addition thereto shall attend and act as Clerk of the Police Court, keep the dockets and registers thereof, and take charge of and safely keep all books, papers and records which may be filed or deposited in his office pertaining to the Police Court. He shall receive an annual salary of four thousand dollars.

Sec. 2. To aid him in the discharge of his official duties, the County Clerk may appoint a Chief Register Clerk, who shall receive an annual salary of twenty-four hundred dollars; a Cashier, who shall receive an annual salary of eighteen hundred dollars; twelve Courtroom Clerks for the Superior Court who shall each receive an annual salary of fifteen hundred dollars; five Register Clerks, who shall each receive an annual salary of eighteen hundred dollars; ten Assistant Register Clerks, who shall each receive an annual salary of fifteen hundred dollars; sixteen Copyists, who shall each receive an annual salary of twelve hundred dollars; and four Clerks for the Police Court, who shall each receive an annual salary of fifteen hundred dollars.

Sec. 3. For copies of papers furnished and certified by him, he shall charge not more than eight cents for each one hundred words. For certifying copies, which are not prepared by him, he shall be entitled to charge twenty-five cents, and also forty cents an hour for the time exceeding one hour necessarily occupied in comparing such copies. He must certify all papers presented to him which are copies of any document, paper or record, or portions thereof, in his custody.

CHAPTER VI.

The Sheriff.

SECTION 1. The Sheriff shall be elected by the people, and he shall hold office for two years. He shall receive an annual salary of eight thousand dollars, which shall be in full compensation for all official services required of him by law; but said salary shall be exclusive of the compensation received by him from the State for the delivery of prisoners to the State prisons, and insane persons to the State asylums for the insane. He shall have all the powers conferred, and shall discharge all the duties imposed upon, the Sheriffs of counties by the general laws of this State.

Sec. 2. He may appoint the following deputies and employees, who shall each respectively receive the following annual salaries:

One Under Sheriff, twenty-four hundred dollars; one Attorney, eighteen hundred dollars; one Chief Bookkeeper, eighteen hundred dollars; two Assistant Bookkeepers, fifteen hundred dollars; ten Office Deputies, fifteen hundred dollars; fourteen Bailiffs, twelve hundred dollars; one Chief Jailer at Branch Jail Number One, eighteen hundred dollars; ten Jailers at Branch Jail Number One, twelve hundred dollars; one Superintendent of Branch Jails Numbers Two and Three, eighteen hundred dollars; sixteen Guards at Branch Jail Number Two, six hundred dollars; one Matron at Branch Jail Number Three, nine hundred dollars; six Guards at Branch Jail Number Three, six hundred dollars; one Commissary to act for all jails, fifteen hundred dollars; one Driver of Van, nine hundred dollars; and one Bookkeeper, for all said Branch Jails, fifteen hundred dollars.

Sec. 3. The Sheriff may designate the services to be performed by his deputies.

CHAPTER VII.

The Justices' Courts.

SECTION 1. The Justices of the Peace shall each receive an annual salary of twenty-four hundred dollars, except the Presiding Justice, who shall receive an annual salary of twenty-seven hundred dollars. They shall appoint a Chief Clerk who shall hold office for two years and receive an annual salary of twenty-four hundred dollars. The Chief Clerk may appoint five Deputies, each of whom shall receive an annual salary of twelve hundred dollars.

CHAPTER VIII.

The Police Court.

SECTION 1. There is hereby created and established in and for the City and County of San Francisco a Court to be known as the Police Court of the City and County of San Francisco. Said Court shall consist of four Judges, who shall be elected by the people and hold office for four years. They shall each receive an annual salary of thirty-six hundred dollars. They shall be electors of the City and County at the time of their election, and must have been such for at least five years next preceding such time. No person shall be eligible to the office of Judge of the Police Court who is not at the time of his election qualified to practice in all the Courts of this State, and who has not been so qualified for at least five years next preceding his election. The Court shall be divided into departments known as Department Number One, Department Number Two, Department Number Three and Department Number Four. The Judges of such Court may hold as many sessions of the Court at the same time as there are Judges thereof. The Judges who shall be elected at the first election under this Charter shall so classify themselves by lot that two of them shall go out of office in two years and two of them in four years.

They shall choose from their number a Presiding Judge who shall serve for one year. The Presiding Judge shall assign the Judges to their respective departments; but any of the Judges may preside in any of the departments in the absence or inability of the Judge regularly assigned thereto.

The judgments, orders and proceedings of any session of the Court held by any one or more of the Judges shall be equally effectual as if all the Judges had presided at such session.

Sec. 2. The Police Court of the City and County of San Francisco shall have:

First—Exclusive jurisdiction of all prosecutions for the violation of ordinances of the Board of Supervisors.

Second—Concurrent jurisdiction with the Superior Court of all other misdemeanors and of the examination of all felonies committed in the City and County.

Third—Said Court, or any Judge thereof, shall have the same powers in all criminal actions, cases, examinations and proceedings as are now or may hereafter be conferred by law upon Justices of the Peace.

Sec. 3. Proceedings in said Court shall be conducted in accordance with the laws of this State regulating proceedings in Justices' and Police Courts and appeals to the Superior Court; and said Court or any Judge thereof shall have the same power in all criminal actions, cases and proceedings as are now or may be hereafter conferred by the general law of this State upon Justices of the Peace; provided, that:

First—No case shall be dismissed or fine imposed until the testimony for the prosecution shall be taken.

Second—Any defendant who neglects to file his statement on appeal within ten days after sentence shall lose his right to appeal, unless good cause for the delay be shown by affidavit. Press of business on the part of defendant's attorney shall not be deemed good cause for delay. Unless the District Attorney shall file amendments to the proposed statement on appeal within five days after the same shall have been filed and served, the proposed statement on appeal shall be the statement on appeal. The Judge before whom the case was tried shall settle the statement on appeal within five days after the District Attorney shall have filed his amendments to the proposed statement.

Third—Any person who shall solicit or importune any of said Judges, either before or after judgment, to dismiss a case, or mitigate a sentence, unless the same be done in open court, shall be guilty of a contempt of court.

Fourth—A complaint may be demurred to on the ground that it does not set forth the offense charged with such particularities of time, place, person and property as to enable the defendant to understand distinctly the character of the offense complained of, and the complaint may be amended by permission of the Court after a demurrer is sustained.

Fifth—A defendant in custody shall have the right to be tried before a defendant on bail, and felonies shall be heard before misdemeanors.

Sixth—The Judges of said Court shall try all cases as speedily as possible, and must refuse continuances after the first calling of a case for trial except upon affidavit showing good cause therefor.

Seventh—Other than lawfully authorized surety companies, no person shall be eligible to be a bondsman for any defendant on trial in the Police Court, or on appeal from a judgment therein, except he take an oath that the property specified in the undertaking is in the City and County of San Francisco, and that he is worth the amount specified exclusive of property exempt from execution, and exclusive of all demands for which he may become liable by reason of the forfeiture of any appeal or bail bonds for which he is surety.

Sec. 4. The District Attorney, either in person or by his Assistants, must be present at the sessions of the Court and attend to the prosecution of all cases coming before it, and make out all complaints and warrants for the arrest of persons charged with crime to be prosecuted in said court.

Sec. 5. The District Attorney shall appoint a Warrant and Bond Clerk who shall receive a salary of twenty-four hundred dollars a year, and three Assistant Warrant and Bond Clerks, each of whom shall receive a salary of fifteen hundred dollars a year. No person shall be appointed a Warrant and Bond Clerk who is not at the time of his appointment qualified to practice in all the Courts of this State. The Warrant and Bond Clerk shall keep his office open continuously night and day for the transaction of business; shall draw complaints in actions in the Police Court, and approve the same with his written signature; shall have the custody of all bail bonds and appeal bonds taken in the Police Court; shall examine the sufficiency of every bail bond and appeal bond taken in the Police Court and make a return thereon, within forty-eight hours after such bond shall have come into his possession, in the following form:

"I, ..., Warrant and Bond Clerk of the City and County of San Francisco, have examined the within bond and find it good in law. I have examined the records of the City and County of San Francisco, and find the property, its owners and incumbrances herein described, to be correct according to said records. (Signed ....., Warrant and Bond Clerk.)"

The Warrant and Bond Clerk shall endorse upon the bond the time when it was issued by him, or when it came into his possession. He may issue bail bonds and appeal bonds when the liability thereof does not exceed two thousand dollars, and order the discharge from custody of the persons for whom the bonds are issued; and he may take cash bail to the extent in any one case of one thousand dollars. He must account for and pay to the Treasurer all moneys received as bail in the manner that the County Clerk is required by law to account for and pay moneys received as fees. No clerk of the Police Court shall ever take bail or order the release of any one charged with an offense.

Sec. 6. In the matter of fixing bail and ordering the release of prisoners the Warrant and Bond Clerk shall be subject to the Judges of the Police Court, and any violation of a valid order of any of said Judges shall be a contempt of Court.

Sec. 7. For any failure to keep the office of the Warrant and Bond Clerk open continuously he shall be immediately removed from office by the District Attorney or by the Mayor.

Sec. 8. It shall be a misdemeanor for any person other than a Judge of some Court in the City and County, or other than said Warrant and Bond Clerk, to receive bail money for defendants or to order their discharge.

Sec. 9. All demurrers to complaints, notices of motion, statements and bills of exception on appeal to the Superior Court, must be served upon the Assistant District Attorney acting in the Department of the Court in which the case is set for hearing, or heard or tried.

Sec. 10. The County Clerk shall be the Clerk of the Police Court, and he must be present either in person or by deputy at all sessions of the Court in the departments thereof; call the daily calendar of the departments, and keep full and complete records of all cases in the Court and the disposition made thereof by the Court.

Sec. 11. The Police Judges may appoint not more than two competent stenographers who shall attend the sessions of the Court and take notes of all preliminary examinations made at the sessions, and transcribe into type-written long hand all evidence taken by either of them where the parties charged have been held for trial, and deliver one copy of the same to the Clerk and one copy to the District Attorney. Each of such stenographers shall be paid for all his services, including transcription and all stationery used by him, an annual salary of twenty-four hundred dollars.

Sec. 12. The Mayor may in writing appoint any Justice of the Peace to act as Judge of the Police Court, or any department thereof, during the temporary absence or inability of the Judge to act.

Sec. 13. The Chief of Police shall cause to be made out and delivered to each of the Clerks of the Court at or before nine o'clock in the forenoon of each day a calendar of arrests in which the cases shall have been assigned to the departments of the Court in accordance with the rules and regulations established by the Police Judges. The calendar shall state "the offense charged;" whether the defendant is "in custody" or "on bail;" "the amount of bail;" "whether cash or bond," and "the name of the arresting officer."

Sec. 14. The Chief of Police shall appoint one or more Police Officers to attend the sessions of the Police Court in each department thereof to preserve order and execute the orders of the Court.

Sec. 15. The Police Judges shall adopt all necessary rules and regulations for conducting the business of the Court.

Sec. 16. No attorney shall appear in said Court to prosecute or defend persons charged with offenses unless at the time of his appearance he be qualified to practice law in all the courts of this State.

Sec. 17. The term of office of the Police Judges elected at the general election held in the year eighteen hundred and ninety-eight shall terminate at the hour of noon on the first Monday after the first day of January in the year nineteen hundred, and they shall at said time be succeeded by the Police Judges provided for in this Chapter; and all proceedings pending in said Court shall be transferred to the Police Court created under this Charter, and the Judges elected as herein provided shall have and obtain jurisdiction of the same.

CHAPTER IX.

The San Francisco Law Library.

SECTION 1. The Supervisors must provide, fit up and furnish, with fuel, lights, stationery, and all necessary conveniences, attendants and care, rooms convenient and accessible to the judges and officers of the courts and of the municipal government sufficient for the use and accommodation of the San Francisco Law Library, established under an Act of the Legislature of this State entitled: "An Act to provide for increasing the Law Library of the corporation known as the San Francisco Law Library, and to secure the use of the same to the Courts held at San Francisco, the Bar, the City and County Government and the People of the City and County of San Francisco," approved March 9th, 1870. The Supervisors must appropriate, allow, and order paid out of the proper fund such sums as may be necessary for the purposes aforesaid; and all sums lawfully appropriated and expended pursuant hereto shall be paid out of the proper fund on demands duly audited, in the mode prescribed by this Charter for auditing other demands upon the treasury. The County Clerk must pay monthly to the Treasurer of the San Francisco Law Library such moneys as he shall collect under the Act referred to for the benefit of said Law Library.

ARTICLE VI.

DEPARTMENT OF PUBLIC WORKS.

CHAPTER I.

The Board of Public Works.

SECTION 1. There shall be a Department of Public Works under the management of three Commissioners who shall constitute the Board of Public Works, and who shall give all their time during official business hours to the duties of their office. The members of said Board shall be appointed by the Mayor. Of those first appointed he shall appoint one for one year, one for two years, and one for three years. Each year thereafter he shall appoint for three years one person as the successor of the Commissioner whose term of office expires in that year. All such appointments shall be so made that not more than one member shall at any one time belong to the same political party. No person shall be eligible for appointment as such Commissioner unless he is, and has been for at least five years next preceding his appointment, an elector of the City and County. Each of said Commissioners shall receive an annual salary of four thousand dollars.

Sec. 2. Of the Commissioners first appointed under this Charter, one shall be designated by the Mayor to serve as President for one year. All subsequent Presidents of the Board shall be elected by the members thereof for terms to be fixed by said board. The President of the Board shall in each case hold office until his successor has been elected or until his membership on the Board expires.

Sec. 3. The Board may appoint a Secretary who shall receive an annual salary of eighteen hundred dollars. The Board may employ such clerks, superintendents, inspectors, engineers, surveyors, deputies, architects and workmen as shall be necessary to a proper discharge of their duties under this Article, and fix their compensation; but no compensation to any of said persons shall be greater than is paid in the case of similar employments.

Sec. 4. The Board shall establish all necessary rules and regulations for its government, and for the performance of its duties, and for the regulation and conduct of its officers and employes; and shall require adequate bonds from its officers and employes, except laborers, for the faithful performance of all their duties in such sums as may be fixed by the Supervisors. Said bonds shall be approved by the Mayor and shall be filed in the office of the Auditor.

Sec. 5. The Board shall hold regular meetings at least once each week at a place and time to be fixed by resolution entered on its minutes. No changes in place or time of regular meetings shall be made without a resolution passed at least two weeks before the time the change is to go into effect. Such special meetings may be held as the Commissioners may deem necessary after notice of the same has been posted ten hours before the time of holding any such meeting. All meetings shall be public. No business shall be transacted at an adjourned meeting except such as may have been under, or proposed for, consideration at the meeting from which the adjournment was had. No business shall be transacted at a special meeting except that which is named in the notice of said meeting. Special meetings may be called by any member of the Board. In every case where a power is exercised under this Article by the Board the vote thereon shall be taken by ayes and noes.

Sec. 6. The Board shall keep and preserve a record of all its proceedings, and copies of all plans, specifications, reports, contracts, estimates, certificates, receipts, surveys, field notes, maps, plats, profiles, and of all papers pertaining to the transactions of the Board. The Secretary of the Board shall keep a record of all its transactions, specifying therein the names of the Commissioners present at all the meetings, and giving the ayes and noes upon all votes. The Secretary shall post and publish all orders, resolutions and notices as required in this Chapter or which the Board shall order to be posted or published. He shall perform such other duties as may from time to time be prescribed by the Board.

Sec. 7. The Board shall be the successor in office and shall have all the powers and perform all the duties of the Superintendent of Streets, Highways and Squares, of the New City Hall Commissioners, and of the Commissions in existence at the time this Charter goes into effect for the opening, extending, widening, narrowing, straightening, closing or changing the grades of streets in the City and County.

Sec. 8. The Board shall immediately after its organization take possession and have the custody and control of all maps, plats, surveys, field notes, records, plans, specifications, reports, contracts, models, machinery, instruments, tools, appliances, contract rights, privileges, books, documents and archives and other property belonging to the City and County, or which may be of value and importance to the City and County, and heretofore kept by or in the offices of the City and County Surveyor, the Superintendent of Public Streets, Highways and Squares, the Board of New City Hall Commissioners, and all commissions in existence at the time this Charter goes into effect for the opening, extending, widening, narrowing, straightening, closing or changing the grades of streets, and all other business and works pertaining to any of said offices or commissions.

Sec. 9. The Board of Public Works shall have charge, superintendence and control, under such ordinances as may from time to time be adopted by the Supervisors:

1. Of all public ways, streets, avenues, lanes, alleys, places, courts, roads, highways and boulevards now opened or which may hereafter be opened in the City and County; of the manner of their use; and of all work done upon, over or under the same; and herein particularly the Board shall have exclusive authority to prescribe rules and grant permits, in conformity with the ordinances of the Supervisors, for the moving of buildings through the streets thereof, and the building or placing of cellars or vaults under the streets or sidewalks, and of temporary fences enclosing areas upon the sidewalks; the laying down and construction of railroad tracks in the streets; the erection of telegraph and telephone poles, and poles for electric lighting, and the laying under the surface of the streets or sidewalks of telegraph or telephone wires, and wires for electric lighting and power; the construction of drains and sewers; the laying down and taking up of gas, steam and water pipes, pneumatic or other tubes or pipes, and sewers and drains, and determining the location thereof; the using of the street or any portion thereof for the deposit of building material in front of a building during its construction or repair, or for any purpose other than such as ordinarily and properly belongs to the public from the dedication thereof to public use; and without such permission in writing from said Board no person shall do any of the acts in this section enumerated; but nothing in this section shall be so construed as to give said Board the power to grant permits for or allow the permanent encroachment upon any sidewalk of any structure.

2. Of all sewers, drains and cesspools, and of the work pertaining thereto or to the drainage of the City and County;

3. Of the cleaning and sprinkling of all public streets, avenues, alleys, places, courts, roads, highways and boulevards, and the lighting of the same and the lighting of the parks, squares and other public places and public buildings;

4. Of the cleaning of all the public buildings of the City and County and of the appointment of such janitors and employees as are needed for such purpose;

5. Of the supervision of any and all building construction in the City and County;

6. Of the construction of any and all public buildings and structures, under plans duly approved by the various departments, including all school houses and fire-department buildings, and the repair and maintenance of any and all buildings and structures owned by the City and County;

7. Of any and all wires and conduits, the collection and disposal of street refuse, garbage and sewage, and the designing, construction and maintenance of the sewerage and drainage systems of the City and County;

8. Of any and all public utilities owned, controlled or operated by the City and County, or which may hereafter be so owned, controlled or operated.

9. When at any time any person, company or corporation desires to have opened or torn up the roadway of any street, lane, alley, place or court in the City and County for any purpose, a written application shall be made to the Board of Public Works for permission to do so. The Board shall thereupon make an estimate of the expense of opening or tearing up such street, lane, alley, place or court and of restoring the same to as good a condition as it was in before said opening or tearing up. Such person, company or corporation must thereupon deposit the amount of such estimate with the Board of Public Works which shall thereupon pay the same into the General Fund.

The Board shall thereupon proceed to open or tear up said street, lane, alley, place or court as in said application requested, and shall at the proper time restore such street, lane, alley, place or court to as good a condition as it was in before said opening or tearing up. Contracts for the doing of such work by the Board may be let by it in the manner provided in this Chapter, or the work may, at the option of the Board, be done by days' labor.

If the expense of such work has been more than the aforesaid estimate, the person, company or corporation shall be indebted to the City and County for such balance; and the same shall constitute a lien upon the property of such person, company or corporation. Said lien shall remain in force until such balance has been paid, or until the lien shall be legally discharged. Said lien may be enforced by suit brought by the City and County in accordance with the provisions of the Code of Civil Procedure of the State of California. If the expense of such work has been less than the aforesaid estimate, then the surplus shall constitute a claim in favor of such person, company or corporation, against the City and County, and as such shall be presented, approved and paid as other claims.

Sec. 10. All examinations, plans and estimates required by the Supervisors in connection with any public improvements or utilities, shall be made by the Board of Public Works and it shall, when requested to do so, furnish information and data for the use of the Supervisors.

Sec. 11. Said Board shall appoint a Civil Engineer of not less than five years' practical experience as such, who shall be designated the City Engineer. He shall hold his office at the pleasure of the Board.

He shall perform all the civil engineering and surveying required in the prosecution of the public works and improvements done under the direction and supervision of said Board, and shall certify to the progress and completion of the same, and do such other surveying or other work as he may be directed to do by said Board or by the Supervisors. He shall possess the same power in the City and County in making surveys, plats and certificates as is or may from time to time be given by law to City Engineers and to County Surveyors, and his official acts and all plats, surveys and certificates made by him shall have the same validity and be of the same force and effect as are or may be given by law to those of City Engineers and County Surveyors. No street assessment shall be valid without his certificate as to the quantities and unless it be to the effect that the work has been done to the official lines, elevations and grades.

Sec. 12. He shall serve the Board exclusively and shall not be engaged in any other business while he is in its service. He shall receive no compensation except his salary. The Board shall by resolution establish fees and charges for the services to be performed by the City Engineer for persons, companies and corporations, and may from time to time change and adjust the same. Said Engineer shall require such fees or charges to be paid in advance for any official act or service demanded of him, and such moneys thus paid shall be paid to the Treasurer and credited by him to such fund or funds as said Board may direct.

Sec. 13. The Board shall appoint the necessary heads of departments under its charge. Each such head shall have the sole executive control in his own department, subject to the rules and regulations prescribed by the Board.

Sec. 14. All public work authorized by the Supervisors to be done under the supervision of the Board of Public Works shall, unless otherwise determined by the Board of Public Works, be done under written contract, except in case of urgent necessity as hereinafter provided; and except as otherwise specifically provided in this Charter, the following proceedings shall be taken in all cases in the matter of the letting of contracts by said Board. Before the award of any contract for doing any work authorized by this Article, the Board shall cause notice to be posted conspicuously in its office for not less than five days, and published for the same time, inviting sealed proposals for the work contemplated; except, however, that when any repairs or improvement, not exceeding an estimated cost of five hundred dollars, shall be deemed of urgent necessity by the Board, such repairs or improvement may be made by the Board under written contract or otherwise, without advertising for sealed proposals.

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

Sec. 16. All proposals shall be made upon printed forms to be prepared by the Board, and furnished gratuitously upon application, with a form for the affidavit hereinafter provided for printed thereon. Each bid shall have thereon the affidavit of the bidder that such bid is genuine, and not collusive or sham; that he has not colluded, conspired, connived or agreed, directly or indirectly, with any other bidder or person to put in a sham bid, or that such other person shall refrain from bidding; and has not in any manner sought by collusion to secure any advantage against the City and County, or any person interested in said improvement, for himself or any other person. All bids shall be clearly and distinctly written, without any erasure or interlineation, and if any bid shall have an erasure or interlineation it shall not be received or considered by the Board. Any contract made in violation of any of the foregoing provisions, and in the case of improvement of streets, any assessment for the work done under such contract, shall be absolutely void.

All proposals offered shall be accompanied by a check, certified by a responsible bank, payable to the order of the Clerk of the Supervisors, for an amount not less than ten per centum 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, all such bids shall be rejected.

Sec. 17. On the day and at the hour specified in said notice inviting sealed proposals the Board shall assemble and remain in session for at least one hour, and all bids shall be delivered to the Board while it is so in session, and within the hour named in the advertisement. No bid not so delivered to the Board shall be considered. Each bid as it shall be received shall be numbered and marked "Filed" by the President and authenticated by his signature. At the expiration of the hour stated in the advertisement within which the bids will be received, the Board shall, in open session, open, examine and publicly declare the same, and an abstract of each bid shall be recorded in the minutes of the Board by the Secretary. Before adjourning, the Board shall compare the bids with the record made by the Secretary, and shall thereupon, at said time, or at such other time, not exceeding twenty days thereafter, as the Board may adjourn to, award the contract to the lowest bidder, except as otherwise herein provided. Notice of such award shall forthwith be posted for five days by the Secretary of the Board in some conspicuous place in the office of the Board, and be published for the same period of time.

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 County, and all bids other than the lowest regular bid; and on accepting said lowest bid, shall thereupon return to the proper parties the checks corresponding to the bids so rejected. If all the bids are rejected, the Board shall return all the checks to the proper parties and again invite sealed proposals as in the first instance.

The check accompanying the accepted bid shall be held by the Secretary of the Board until the contract for doing said work, as hereinafter provided, has been entered into, whereupon said certified check shall be returned to said bidder.

If said bidder fails or refuses to enter into the contract to do said work, as hereinafter provided, then the certified check accompanying his bid, and the amount therein mentioned, shall be forfeited to the City and County, and shall be collected and paid into the General Fund. Neither the Board of Public Works nor the Supervisors shall have power to relieve from or remit such forfeiture.

Sec. 18. If at any time it shall be found that the person to whom a contract has been awarded has, in presenting any bid or bids, colluded with any other party or parties, for the purpose of preventing any other bid being made, then the contract so awarded shall be null and void, and the Board shall advertise for a new contract for said work.

Sec. 19. In the case of improvement of streets, the owners of the major part of the frontage of lots and lands upon the street whereon the work is to be done, or which are liable to be assessed for said work, or, in the case of an assessment district, the owners of a major part of the superficial area embraced in such district, or their agents, shall not be required to present sealed proposals, but may, upon making oath that they are such owners, or the agents of such owners, within ten days after the first posting of notice of said award, elect to take said work and enter into a written contract to do the whole work at the price at which the same has been awarded. Should such owners not enter into a written contract therefor within said ten days, or should they enter into such contract and fail to commence the work within the time stated therein, which time shall not be less than ten nor more than twenty days from the time of the execution of such contract, the Board shall enter into a contract with the original bidder to whom the contract was awarded at the price specified in his bid. If the original bidder shall fail or refuse for fifteen days after the first posting of notice of the award to enter into the contract, the Board shall again advertise for proposals as in the first instance.

Sec. 20. If the owners or contractor who may have entered into any contract do not complete the same within the time limited in the contract, or within such further time as is hereinafter provided, the Board may relet the unfinished portion of said work in accordance with the provisions in this Chapter prescribed for the letting of the whole.

Sec. 21. All contracts shall be drawn under the supervision of the City Attorney, and shall contain detailed specifications of the work to be done, the manner in which it shall be executed, and the quality of the material to be used.

Every contract entered into by the Board shall be signed by all the members thereof and by the other contracting party. All contracts shall be signed in triplicate, one of which, with the specifications and drawings, if any, of the work to be done, and the materials to be furnished, shall be filed with the Clerk of the Supervisors; one thereof, with said specifications and drawings, shall be kept in the office of the Board, and the other with said specifications and drawings shall be delivered to the contractor.

At the same time with the execution of the contract the contractor shall execute to the City and County and deliver to the Secretary of the Board a bond in the sum named in the notice for proposals, with two or more sufficient sureties to be approved by the Board, or shall deposit with the Secretary a certified check upon some solvent bank for said amount, for the faithful performance of the contract. No surety on any bond, other than lawfully authorized surety companies, shall be taken unless he shall be a payer of taxes on real property, the assessed value of which, over and above all incumbrances, is equal in amount to his liabilities on all bonds on which he may be security to the City and County; and each surety shall justify and make an affidavit (for which a form shall be printed upon said bond), signed by him, that he is assessed upon the last Assessment Book of the City and County in his own name for real property in an amount greater than his liability on all bonds on which he is surety to the City and County, and that the taxes on such property so assessed are not delinquent.

The contract shall specify the time within which the work shall be commenced, and when to be completed, as was specified in the notice inviting proposals therefor. Upon the recommendation of the Board, the Supervisors may extend said time; but in no event shall the time for the performance of said contract be extended by the Supervisors more than ninety days beyond the time originally fixed for its completion; but, on the unanimous recommendation of the Board of Public Works, a further extension may be granted by vote of fourteen members of the Board of Supervisors. In case of failure on the part of the contractor to complete his contract within the time fixed in the contract, or within such extension of said time as is herein provided, his contract shall be void, and the Supervisors shall not pay or allow to him any compensation for any work done by him under said contract; and, in the case of the improvement of streets, no assessment shall be made for the work done under said contract.

Sec. 22. The work in this Article provided for must be done under the direction and to the satisfaction of the Board of Public Works; and the materials used must be in accordance with the specifications and be to the satisfaction of said Board, and all contracts provided for in this Article must contain a provision to that effect, and also, that in no case, except where it is otherwise provided in this Charter, will the City and County, or any department or officer thereof, be liable for any portion of the expense, or in the case of improvement of streets, for any delinquency of persons or property assessed.

When said work shall have been completed to the satisfaction and acceptance of the Board, it shall so declare by resolution, and thereupon the Board shall deliver to the contractor a certificate to that effect.

CHAPTER II.

Improvement of Streets.

SECTION 1. All streets, lanes, alleys, places or courts in the City and County, now open or dedicated or which may hereafter be opened or dedicated to public use, shall be deemed and held to be open public streets, lanes, alleys, places or courts, for the purposes of this Chapter; and the Supervisors are hereby empowered to fix the width and grade thereof, and to order to be done therein and thereon any and all street work and street improvement under the proceedings hereinafter described.

Sec. 2. Application for the doing of any such work or improvement must in the first instance, except where otherwise provided in this Article, be made in writing to the Board of Public Works; and if the expense thereof is to be assessed upon private property, the Board shall investigate the same; and if it determine that such improvement is expedient, it shall so report to the Supervisors; and the Supervisors shall not order any such improvement until the same has been recommended by said Board. When the construction of any sewer or drain shall involve a cost of more than five dollars per lineal foot for any block, it shall not be authorized except by an ordinance passed by the affirmative vote of not less than fourteen members of the Board of Supervisors. If an application is made for any work or improvement of which the expense is to be paid by the City and County, and the Board of Public Works shall not approve of such application, it shall report to the Supervisors its reasons for such disapproval, and the Supervisors may then, after having obtained from the Board of Public Works an estimate of the expense of said work or improvement, by ordinance passed by the affirmative vote of not less than fourteen members of the Board of Supervisors, order the doing of said work, or the making of said improvement.

The Board of Public Works may also, except as herein prohibited, recommend any improvement, the expense of which is to be paid by the City and County, though no application may have been made therefor, and must make, with said recommendation to the Supervisors, an estimate of the expense, and in such case the Supervisors may order the same done.

No street work or street improvements of any kind shall be ordered to be done by the Supervisors unless a written recommendation to do the same has been made to them by the Board of Public Works, and all such recommendations shall be made matters of record in the office of said Board.

When the Board shall recommend any work to be done on a street intersection or crossing, where the streets do not intersect each other at right angles, it shall in each such case determine what lots in the blocks adjacent to such intersection or crossing will be benefited by said work, and shall cause a map to be made on which shall be delineated the lots so to be benefited. Such map shall be transmitted to the Supervisors with said recommendation.

Sec. 3. Before recommending to the Supervisors the ordering of any work or improvement, the expense of which, or any part thereof, is to be assessed upon private property, the Board of Public Works shall pass a resolution of its intention to recommend the same, specifying the work to be recommended, and shall fix a day when it shall take final action upon said resolution.

Upon the passage thereof the Secretary of the Board shall forthwith, without any further authority, cause a copy of said resolution to be posted conspicuously for five days in the office of said Secretary, and to be published for a period of ten days (legal holidays excepted) and cause a copy to be deposited in the Post Office at the City and County,