

352.9  
Sa 52 ep <sup>3</sup>/<sub>2</sub>

**PROPOSED**

**CHARTER**

**AMENDMENT**

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**TO BE SUBMITTED**  
**MARCH 26, 1931**

**ISSUED IN ACCORDANCE WITH SECTION 9,  
CHAPTER III, ARTICLE XI OF THE CHARTER OF  
THE CITY AND COUNTY OF SAN FRANCISCO**

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*Issued by Order of the*  
**BOARD OF ELECTION COMMISSIONERS**



Attest:

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418258

*[Handwritten Signature]*

**Registrar of Voters and Secretary of the  
Board of Election Commissioners.**

# CHARTER AMENDMENT

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## **Charter Amendment No. 1.**

**A proposition to amend the Charter of the City and County of San Francisco by adding a new article providing for the government of territory in San Mateo County in the event of its consolidation with the City and County of San Francisco.**

## **CHARTER AMENDMENT NO. 1**

Charter Amendment No. 1, describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said city and county by adding a new article thereto to be known as Article 19 thereof, providing for the government of the territory in San Mateo County in the event of its consolidation with the City and County of San Francisco.

The Board of Supervisors of the City and County of San Francisco hereby submits to the qualified electors of said city and county at the special election to be held on the 26th day of March, 1931, a proposal to amend the Charter as follows:

That said Charter be amended by the addition thereto of a new article to be known as Article 19 thereof, to read as follows:

### **Article XIX.**

#### **CONSOLIDATION OF SAN MATEO COUNTY.**

#### **Other Provisions of the Charter Superseded.**

**Section 1.** In event that all or any part of the area of the County of San Mateo shall be consolidated with the city and county in accordance with law and the constitution of the State, the provisions of Article XIX of this Charter shall become effective on the effective date of such consolidation and all other provisions of this Charter in conflict with the provisions of said article shall be thereupon and thereby superseded.

## **Definitions.**

**Section 2.** The following terms as used in Article XIX, to-wit, "city and county," "county," "city," "governmental agency," "consolidate," and "consolidation," unless the context clearly indicates otherwise, shall have the same meanings as in that certain act of the legislature of the State of California known as the San Francisco-San Mateo Consolidation Act of 1929, approved June 11, 1929. The term "voter" as used in said article means a qualified and registered elector of the city, county, city and county, borough, or other territory concerned.

## **Continuation of Offices, Officers, Employees and Services.**

**Section 3.** Upon the consolidation of the county as a whole, the offices of Assessor, Auditor, Coroner, County Clerk, District Attorney, Recorder, Sheriff, Tax Collector, and Treasurer of said county shall become branch offices of the corresponding respective offices of the city and county, and the incumbents thereof shall become deputies in the said respective offices of the city and county and shall continue as such to the end of the terms for which they were respectively elected or appointed.

The offices, departments, boards, and commissions of the city and county shall establish such branch offices in the territory consolidated as shall be necessary or convenient and as directed by the Board of Supervisors, but with no less amount of service in the said territory than shall have been provided by the county, or any city, or governmental agency of the county just prior to the time consolidation shall become effective.

Any full-time incumbent appointive officer or employee of the county, or any city, or governmental agency of the county, who shall have held such office or employment continuously for one year next prior to consolidation and whose duties shall be assumed by the city and county, shall become an employee of the office, department, board, or commissions of the city and county assuming said duties and he shall as such employee thereafter be subject, without examination, to the civil service provisions of this Charter, if any, applying to said employment.

## **Retirement Rights.**

**Section 4.** Any policeman or fireman of the county, or any city, or governmental agency of the county, who shall become an employee of the police or fire department of the city and county, and who may participate in any pension or retirement system of the city and county, shall receive credit for his prior

continuous full-time service to said county, city, or governmental agency.

#### **Municipal Court.**

**Section 5.** All cases pending in any justices' court, police court or court of any Recorder or other judicial municipal magistrate or office of the county, or any city, or governmental agency of the county consolidated with the city and county shall ipso facto be deemed to be and be transferred to the municipal court of the city and county. Such municipal court shall hold regular sessions in such borough or boroughs as the Board of Supervisors may, by ordinance, direct, and at least one such borough shall be so designated.

#### **Recording.**

**Section 6.** Any instrument or judgment affecting the title to or the possession of real property situated in the territory of the county which may be consolidated with the city and county must be recorded in the branch office of the Recorder of the city and county located in the territory so consolidated and all records in said branch office shall for all purposes be deemed records in the office of the Recorder of the city and county.

#### **Establishment of Boroughs.**

**Section 7.** Any territory included in the area that has become a part of the city and county by consolidation and which at that time is not already within a borough may be organized into a borough in the manner hereinafter set forth, provided such territory contain at least 3000 population, as determined by ordinance of the Board of Supervisors. Any incorporated city included in the area that has become a part of the city and county by consolidation, which was such a city on or prior to January 1, 1931, shall automatically become a borough when consolidation becomes effective.

#### **New Boroughs, Consolidation, Change in Boundaries, and Disestablishment of Boroughs.**

**Section 8.** Any new borough may be established, any two or more boroughs may be consolidated, the boundaries of any borough may be enlarged or diminished, or a borough may be disestablished, provided a majority of the voters of the borough, or boroughs, and/or of the territory concerned, voting on such a proposition at an election called for the purpose, shall first

have voted in favor thereof; provided, further, that no borough shall be disestablished nor the boundaries of a borough diminished, unless the same be approved by the Board of Supervisors by ordinance, or a majority of the voters of the city and county voting thereon at an election called for the purpose, shall first have voted in favor thereof. Such elections shall be called by the Board of Supervisors upon receiving the report of the borough commission hereinafter provided for, and at any time thereafter upon receiving a petition of at least twenty-five per cent of the voters of the borough or boroughs and/or the territory concerned. If any petition of voters requests the establishment of a new borough, or any change in the boundaries of an existing borough, the Supervisors, before calling an election thereunder, must set the petition for public hearing and give notice thereof by publication at least once a week for two weeks in a newspaper published in the city and county. Upon such hearing, the Board of Supervisors shall have power to change and determine the boundaries as set forth in any such petition. No new borough shall be established, nor shall two or more boroughs be consolidated, nor shall the boundaries of a borough be enlarged or diminished, nor shall a borough be disestablished, unless a majority of the voters of the borough, or boroughs, and/or the territory concerned, voting on such a proposition, shall first have voted in favor thereof.

Within thirty days after consolidation is effective, every Borough Council must appoint one member to a commission to be known as the Borough Commission. The Commission shall be charged with the duty of studying the boundaries of all boroughs within the city and county and of making recommendations to the Board of Supervisors concerning consolidation, disestablishment, or any change in boundaries of any borough or boroughs. This report shall be submitted to the Board of Supervisors within two years from the time consolidation shall become effective. Upon receiving the report of the Commission, the Board of Supervisors shall without delay call an election or elections and submit appropriate propositions in accord with the recommendations of the Commission to a vote of the voters of the territory concerned.

Upon the consolidation of two or more boroughs, all property thereof shall belong to the consolidated borough and such borough shall become responsible for all the debts and obligations of the boroughs consolidated. Upon a change of boundaries or disestablishment of a borough, the Board of Supervisors shall

provide for the equitable adjustment and payment of any borough debts.

The Board of Supervisors, by ordinance, shall provide for the method and manner of calling and holding elections provided for in this section and for the canvassing of the returns thereof.

### **Borough Powers.**

Section 9. Every borough shall have and may exercise, subject to the provisions of this Charter, the following powers and duties which shall be exclusive within borough limits except as otherwise provided herein:

(1) To create districts for the purpose of regulating the location, height, area, bulk, and use of buildings, lands and premises, and to exercise zoning and planning powers.

(2) To maintain public libraries and reading rooms.

(3) To maintain parks, playgrounds and other recreational facilities, and to construct and maintain buildings and works appurtenant thereto, except parks, playgrounds and recreational facilities maintained by the city and county.

(4) To construct, improve, and maintain streets and the bridges, sidewalks, street signs, lighting fixtures and all other appurtenances incident thereto; except highways maintained by the State or any joint highway district and any highway or street which the Board of Supervisors shall declare to be a major highway to be maintained by the city and county.

(5) To construct and maintain local sewers, sewage disposal plants, storm drains, and outfalls.

(6) To collect garbage and other wastes and to dispose of the same within or without borough limits, or provide therefor, except as the Board of Supervisors shall otherwise provide for such disposal. Permission to dispose of garbage and other wastes outside of borough limits shall be first obtained from the city and county or the borough having jurisdiction of the territory in which such disposal is made.

(7) To erect, maintain and repair public buildings, and improve and maintain public property within borough limits devoted exclusively to borough uses; provided a borough shall maintain at least one public building, which the Borough Council shall select and in which the Council shall meet.

(8) To have and exercise the same power within limits of the borough to open, widen, narrow, or close public streets and highways, and to establish the grades thereof, as is possessed by the city and county, except no borough shall close or narrow

any highway maintained by the city and county without the approval of the Board of Supervisors.

(9) To exercise the powers of eminent domain whenever necessary to acquire property and easements for streets, highways, or other public purposes.

(10) To issue permits for any privilege in or on any street within the jurisdiction of the borough, and to make regulations with regard to advertising by signs, billboards, banners, placards, posters, or pictures on any street, sidewalk, or private property, or upon any buildings, poles, or fences thereof, except within two hundred feet of any street or highway not under its jurisdiction.

(11) To issue permits for spur tracks.

(12) To establish fire limits for the regulation of building and construction of buildings.

(13) To license for purpose of regulation only such occupations as shall require regulation in the interest of public peace, health, safety, or welfare, and to prescribe the terms and conditions under which such licenses shall issue.

(14) To declare what shall constitute a nuisance and to provide for the summary abatement of the same at the expense of the person or persons creating, causing, committing or maintaining such nuisance, by suit or otherwise.

(15) To enact local police ordinances, not inconsistent with the laws of the State or ordinances of the city and county, and to make rules and regulations for the exercise of any power conferred herein on boroughs, and to provide penalties for the violation thereof, provided such penalties shall not exceed the penalty limits applicable by law or under this Charter to city and county ordinances; such local police ordinances to have all the force and effect within the limits of the borough of an ordinance of the city and county and as though passed and adopted by the Board of Supervisors.

(16) To create and define the powers and duties of all borough offices and employments, not established by this Charter, necessary for the purpose of carrying out the provisions of this Charter and executing the powers and duties of a borough; and to fix the compensation of all officers and employees of the borough not fixed by this Charter.

(17) To call and hold borough elections whenever necessary,

(18) To levy borough taxes.

(19) To prepare and adopt an annual budget of estimated borough expenditures and to exercise control of all borough funds,

(20) To incur indebtedness for the purpose of carrying out any of the powers conferred on the borough.

(21) To create special districts for the purpose of defraying the cost of any public improvement which the borough is authorized to make, and to levy special assessments upon property materially benefited by such public improvement, and to issue bonds to represent or be secured by such assessments.

(22) To contract for such supplies, services, or labor, and to enter into such contracts as may be necessary.

(23) To employ a qualified person or persons to make an independent audit of borough funds and financial transactions of all kinds as the Borough Council may direct. If an audit is not made by the city and county, then the Council shall provide for such an audit at least once in every two years.

(24) To accept devises, bequests, legacies, donations or services to or for the use of the borough and to administer the same in accordance with the conditions thereof.

(25) To issue subpoenas for the attendance of witnesses or the production of books or documents for the purpose of producing evidence or testimony in any matter pending before the Borough Council.

(26) To employ legal counsel.

(27) To change the name of the borough, by ordinance, provided the ordinance making such change in name shall first be approved by a majority of the voters of the borough voting thereon.

(28) To provide, by ordinance, for civil service for borough employees under such conditions as are hereinafter provided, provided such ordinance shall first be approved by a majority of the borough voters voting thereon.

(29) To provide, by ordinance, for a system of retirement allowances for old age and disability and death benefits to dependents, applicable to officers and employees of the borough under conditions hereinafter provided, provided such ordinance shall first be approved by a majority of the borough voters voting thereon.

(30) To appropriate borough funds for supplementing any city and county service or function within the borough; such appropriations to be expended through the appropriate departments of the city and county.

(31) To enter into an agreement with any other borough or boroughs for the joint undertaking of any power conferred on a borough herein.

(32) To have and exercise all appropriate municipal powers which may be necessary or proper to the exercise of the foregoing powers or to the discharge of the foregoing duties, and which are not inconsistent with the other provisions of this Charter.

### **Transfer of Borough Powers.**

**Section 10.** Any power over which a borough shall have exclusive jurisdiction within its limits, as herein provided, may be transferred to the city and county by a borough by ordinance of the Borough Council thereof, but not unless a majority of the voters of the borough, voting on the question of the transfer of such power, shall first have voted in favor thereof; provided, that no such power shall be transferred to the city and county unless such transfer is also approved by ordinance of the Board of Supervisors.

### **Borough Elective Officers and Terms.**

**Section 11.** The voters of a borough shall elect five members of the Borough Council, except as otherwise provided; and also a Borough Controller, unless a borough shall, by ordinance of the Council approved by a majority of the voters thereof voting on such ordinance, vest the powers of Borough Controller in a Borough Manager. Except as otherwise provided, borough elective officers shall be elected to serve for terms of four years and until their successors are elected and qualify.

Within fifteen days after the establishment of a new borough created upon petition, as herein provided, the Mayor of the city and county shall appoint five qualified residents of the borough as members of the Council to serve until their successors are elected and qualify. At the next succeeding general borough election, the voters thereof shall elect three members of the Council to serve for terms of two years, and two members to serve for terms of four years, beginning at twelve o'clock noon on the eighth day of January following the date of their election.

The Council of a borough which by consolidation is automatically established, shall consist of the same number of members as shall compose the Council of the city at the time consolidation becomes effective. The City Councilmen in office at the time of such consolidation shall continue in office as Borough Councilmen until the end of the terms for which they were respectively elected, and thereafter until twelve o'clock noon on the eighth day of January of the first succeeding even-numbered year. At the general borough election immediately preceding the expiration of the terms of any such members of a Borough

**Council, the voters of the borough shall elect their successors to serve for terms of four years. At every borough general election the successors to those elective borough officers whose terms are next expiring shall be elected to serve for terms of four years.**

**At the first meeting of the Council of a borough, it shall appoint a Borough Controller to serve until his successor is elected and qualifies. At the next succeeding general borough election, the borough voters shall elect a Borough Controller to serve for a term of four years, beginning at twelve o'clock noon on the eighth day of January following the date of his election; provided, however, that if a majority of the members of the Borough Council are elected at the same time, the Borough Controller shall be elected to serve for a two-year term, and thereafter his term shall be for four years.**

**A candidate for any elective borough office shall have been an elector of the borough, or of the area comprising the same, for a period of at least five years prior to the date of election at which he is a candidate. No person who shall hold an elective or appointive office of the city and county shall hold any elective borough office.**

**A Borough Council may fill any vacancy in an elective office of a borough for the unexpired term thereof.**

### **Duties, Meetings, and Compensation of Borough Councilmen.**

**Section 12. The Council shall constitute the legislative body of the borough, and, except as otherwise provided, shall exercise the powers thereof.**

**The Council shall provide by ordinance for the time and place of holding its meetings and the manner in which its special meetings may be called, provided, however, that there shall be at least two regular meetings in each month. The first meeting shall be held within thirty days after its establishment at the time and place upon which a majority of the Council shall in writing agree. All legislative sessions of the Council, whether regular or special, shall be open to the public. A majority of all members of the Council shall constitute a quorum for the transaction of business. All borough records shall be open to the public.**

**No member of the Council shall receive compensation for his services unless an ordinance providing for such compensation shall first have been approved by a majority of the borough voters voting thereon; provided, however, that Councilmen of a borough automatically established shall continue to receive the same compensation as provided for Councilmen by the city**

which it succeeds at the time consolidation becomes effective, until the borough provides otherwise by ordinance approved by a majority vote of the vote cast thereon.

The Council shall by ordinance determine what bonds, if any, are to be given by the elective and appointive officers of the borough, and shall fix their amounts and form, and such bonds shall be approved in the case of a Borough Controller by the Council and in the case of all other officers by the Borough Controller, and the premiums thereon shall be paid by the borough.

#### **Borough President.**

**Section 13.** The Council shall choose one of its own number as President to serve at its pleasure. The President shall be the executive head of the borough, upon whom process issued by authority of law shall be served. In the name and on behalf of the borough he shall sign all legal instruments and documents to which the borough is a party except where otherwise provided herein or by ordinance. He shall have such other powers and perform such other duties as may be prescribed by law, or by ordinance or resolution of the Council.

#### **Borough Controller.**

**Section 14.** The Borough Controller shall have, in addition to such duties as are prescribed by this Charter, such other duties as may be prescribed by borough ordinance. No borough funds shall be drawn from the treasury of the city and county except by warrant issued or countersigned by him, and he shall countersign no such warrant unless the claim is a legal obligation of the borough. He shall keep in his office sufficient and proper records and accounts of the financial transactions of the borough. Such records and accounts shall be kept in the forms and manner as prescribed by ordinance of the Board of Supervisors. He shall have access at all times for himself, or for any person designated by him, to books, records and cash in any office of the city and county and/or of the borough in which accounts are kept or money handled on behalf of the borough. He shall have power to inquire into all contracts, including the performance thereof and into all proceedings involving the expenditure of public funds to which the borough is a party, and into the financial transactions of all officers and employees of the borough. For this purpose he may administer oaths, summon witnesses and order the production of relevant books and papers. If any person fails to obey such summons or order or refuses to answer any proper question, the Borough Controller

may petition a court of competent jurisdiction for an order directing such person to comply with said summons or order or to answer such questions. He shall have power to employ such expert accountants or other agents as he may deem necessary to carry out his powers, and the Borough Council shall appropriate such funds as may be needed for this purpose.

#### **Borough Clerk.**

**Section 15.** When consolidation becomes effective, the Clerk of any city which is automatically established as a borough shall continue in office as Borough Clerk thereof until the expiration of the term for which he may be elected or appointed, and thereafter the Council shall appoint a Borough Clerk who shall act as Clerk of the Council. He shall have power to administer oaths and affirmations, to take affidavits, and to certify the same. He shall have such other powers and perform such other duties as may be provided by this Charter, or by ordinance, or order of the Council.

#### **Borough Planning Commission.**

**Section 16.** The Council may provide, by ordinance, for a Borough Planning Commission of five members. The ordinance shall provide for the qualifications, manner of appointment, terms, and compensation of the members of such Commission, but no compensation shall be paid any member unless the ordinance providing for such compensation shall first have been approved by a majority of the borough voters voting thereon. Said ordinance shall provide that the Borough Planning Commission shall have and exercise within the borough such powers and duties as shall correspond to, so far as possible, the powers and duties of the Planning Commission of the city and county.

Until a Borough Planning Commission is provided, the Council shall have and exercise within the borough such powers and duties of a Planning Commission as the Council, by ordinance, may provide.

The Borough Planning Commission, or the Council, as the case may be, shall have such advisory powers relating to any planning matter of the city and county affecting any property, streets, public work or public improvement of or within the borough, as may be provided by ordinance of the Board of Supervisors.

The Borough Planning Commission, or the Council, as the case may be, shall have power to recommend changes in or the repeal of any city ordinance establishing zones for the uses of

property within the borough which may be continued in effect upon consolidation. In the determination of which class of occupation zones the property within a borough may be divided, or in the modification of any city zoning ordinance continued in effect, the Borough Planning Commission, or the Council, as the case may be, shall accept the classification of occupation zones which the Board of Supervisors, by ordinance, shall establish for the city and county.

#### **Borough Library Board.**

**Section 17.** The Council may provide, by ordinance, for a Borough Library Board of five members. The ordinance shall provide for the qualifications, manner of appointment, terms and compensation of the members of such board, but no compensation shall be paid to any member unless the ordinance providing for such compensation shall first have been approved by a majority of the borough voters voting thereon.

The Borough Library Board shall have control and management of the borough library and the funds provided for same and shall have power to make such rules and regulations as necessary for the conduct of its affairs, but the Treasurer of the city and county shall have custody of such funds.

#### **Borough Manager.**

**Section 18.** The Council may appoint a Borough Manager, provided, however, that no Borough Manager shall be appointed unless an ordinance creating such office shall first have been approved by a majority of the borough voters voting thereon, and which ordinance, when so approved, shall not be amended or repealed except by ordinance also approved by a majority of the borough voters voting thereon. The City Manager of a city automatically established as a borough shall continue to hold such office as Borough Manager until removed by the Council and the Council may appoint his successor.

The Borough Manager shall be chosen by the Council without regard to political consideration and solely with reference to his executive and administrative qualifications. Residence within the borough shall not be a qualification for his appointment; but promptly thereafter during his term of office, he shall become and shall remain an actual resident of the borough.

The powers and duties of the Borough Manager shall be as follows:

- (a) To act as administrative head of the borough government.
- (b) To see that all borough ordinances are enforced.

(c) To appoint, remove, and have control of all subordinates and employees, except as otherwise provided by this Charter or by ordinance of the borough.

(d) To see that all permits and privileges granted by the borough are observed and to report any violations thereof to the Council.

(e) To attend meetings of the Council.

(f) To advise the Council on the needs of the borough.

(g) To devote his entire time to the interests of the borough.

(h) To have general supervision of borough parks and playgrounds.

(i) To appoint such borough advisory boards as he may deem desirable to advise and assist him in his work; provided such boards shall not receive any compensation.

(j) To prepare the annual borough budget, as herein provided.

(k) From time to time, in order to facilitate the prompt, economical and efficient dispatch of borough business, to assign assistants, deputies or employees from any office or department of the borough government to perform work or service in any other office or department thereof, or to work in more than one of said offices or departments.

(l) To possess such additional powers and duties as may be provided in this Charter or by ordinance.

The Borough Manager shall have the right to take part in the discussion of all matters coming before the Council, but shall have no vote therein.

In case of the absence or disability of the Borough Manager, the Council may designate some qualified person to perform the duties of the office temporarily.

No member of the Council shall in any manner, directly or indirectly, by suggestion or otherwise, attempt to influence or coerce the Borough Manager in making of any appointment or the purchase of supplies, or attempt to exact any promise relative to any appointment from any candidate for Borough Manager, or discuss, directly or indirectly, with any such candidate, the matter of appointments to borough offices or employments. Any violation of the foregoing provisions of this section shall constitute a misdemeanor and shall work a forfeiture of the office of the offending member of the Council, who may be removed therefrom by the Council or by any court of competent jurisdiction.

No persons related to a Borough Manager by blood or by marriage shall be eligible for borough employment.

A Borough Manager may, by written agreement of the Councils of the boroughs interested, act as joint manager for two or more boroughs, in which case he shall become a resident of one of the boroughs so interested and shall devote his entire time to the interest of such boroughs.

### **Borough Legislation.**

**Section 19.** The Council shall act in legislative matters by ordinance only. Other action of the Council, unless otherwise provided, may be taken by resolution, motion or order. No ordinance or resolution or order for the expenditure of money shall be passed without receiving the affirmative votes of a majority of all members of the Council.

The enacting clause of all borough ordinances shall be as follows: "The people of the Borough of \_\_\_\_\_ (inserting the name of the borough) of the City and County of San Francisco do ordain as follows." No ordinance shall be passed by the Council on the day of its introduction, nor within five days thereafter, nor at any time other than a regular meeting. A proposed ordinance may be amended or modified between the time of its introduction and the time of its final passage, providing its general scope and original purpose are retained. All ordinances shall be signed by the President and attested by the Borough Clerk, and shall be published at least once in some newspaper of general circulation established, printed and published in the borough, and if there be no such newspaper they shall be posted in at least three public places in the borough before becoming effective.

Every ordinance passed by a Council shall go into effect at the expiration of thirty days after its final passage, unless otherwise provided in said ordinance and as otherwise provided herein. Ordinances declared by the Council to be necessary as emergency measures for the immediate preservation of public peace, health, safety, or welfare, containing a statement of the reasons for their urgency, and ordinances ordering or otherwise relating to elections and ordinances relating to public improvements, the cost of which is to be borne wholly or in part by special assessments, may go into effect at the will of the Council.

### **Borough Fiscal Procedure.**

**Section 20.** Within the time limits fixed by this Charter for the preparation and adoption of the budget of the city and

county, every borough shall cause to be prepared and shall adopt a borough budget which shall be a complete statement of the estimate of the revenues and expenditures of the borough departments for the ensuing year. Such budget shall be prepared substantially in the same manner and in such detail as required for the budget of the city and county so far as the same may be applicable. Upon the adoption of the budget, it shall take effect at the same time and shall be binding upon the borough in substantially the same degree and in the same manner as the city and county budget shall be effective and binding upon the city and county.

The fiscal year of a borough shall be the same as for the city and county.

Within the time limits fixed by law or by this Charter for the city and county, the Council may levy a borough tax sufficient to raise the amount estimated to be required in the annual budget as herein provided, less the amounts estimated to be received from fines, licenses, and other sources of revenue; but such levy, exclusive of the tax to pay the interest and maintain the sinking funds of the bonded indebtedness of the borough, and exclusive of special assessment and district taxes and of the library tax, shall not exceed the rate of one dollar on each one hundred dollars of the assessed valuation of the taxable property within the borough. Should the Council fail to fix the tax rate within the time prescribed, then the borough tax rate of the previous year shall constitute the rate of the current year. The Council, by ordinance, may provide for a higher tax limit, but such tax limit shall not be effective unless the ordinance fixing such tax limit shall first have been approved by a majority of the borough voters voting thereon.

All borough taxes levied, together with interest thereon and any percentage imposed for delinquency and the cost of collection, which shall be those prescribed in this Charter for the city and county, shall constitute liens on the property assessed, which taxes, interest, penalties and charges shall be collected in the same manner as is provided for the collection of city and county taxes, and which liens may be foreclosed upon in the same manner as is provided for the foreclosure of liens for city and county taxes.

All borough taxes shall be levied on the valuation of the taxable property within the borough as shall be fixed by the Assessor of the city and county for city and county tax purposes.

There shall be a borough fund for each borough. All borough

taxes shall be collected by the Tax Collector of the city and county and shall be paid into the city and county treasury to the credit of the borough concerned, together with all revenues of a borough received from fines, licenses, and other sources of revenue, except as otherwise provided. Money shall be payable from a borough fund only on warrants drawn with the approval of a Council by such borough officer as the Council may authorize, and when countersigned by the Borough Controller.

The manner and time within which deposits of borough moneys received from taxes, licenses, fees, fines, penalties, forfeitures, and all moneys accruing to a borough from any source shall be made, the transfer and disposition of all surplus funds, and the manner in which borough accounts shall be kept, shall be provided for by ordinance of the Board of Supervisors, and shall be uniform for all boroughs.

The Council shall not create, audit, or permit to accrue, any debt or liability in excess of the available money in the borough fund of the borough that may be legally apportioned and appropriated for such purpose; provided that taxes levied though uncollected are deemed available income and revenue for the year for which levied; and provided, that any borough, during the first year of its existence, may incur such indebtedness or liability as may be necessary, not exceeding in all the income and revenue provided for it in such year, nor shall any warrant be drawn, or evidence of indebtedness be issued, unless there be at the time sufficient money in the borough fund legally applicable to the payment of the same, except as hereinafter provided. When any order or demand is presented to the Borough Controller for approval, and such order or demand is a proper and legal order or demand, and the amount of said order or demand does not exceed the amount of the unexpended and not otherwise appropriated moneys remaining in the fund out of which said order is payable, but where there are not actual moneys on hand in said fund for the payment of said order or demand, the Borough Controller must indorse thereon the words, "not approved for want of funds," with the date of presentation, and shall, in attestation thereof, affix his signature thereto; and shall number such indorsement and shall register said order or demand in the records of his office, and shall thereupon deliver said order or demand to the claimant, or his order. From that time, such order or demand shall bear interest at the rate of six per cent per annum. Such orders or demands, so registered

as herein provided, shall be paid in the order in which the same are registered.

All license taxes collected by the city and county within the limits of any borough shall be credited to the borough fund of such borough by the Treasurer of the city and county.

#### **Borough Tax Subventions.**

**Section 21.** The Board of Supervisors shall provide by ordinance for a system of subventions from tax funds of the city and county to boroughs which expend funds for the maintenance of streets, sewers, libraries, parks, or playgrounds during any fiscal year; provided that in no event shall the subvention to any borough either exceed the aggregate amount which such borough shall appropriate out of borough funds in said fiscal year for said purposes, or exceed the amount which the city and county shall raise in said fiscal year by city and county taxes levied and assessed for like purposes against taxable property within such borough. Such system of subventions may be modified from time to time by the Board of Supervisors by ordinance, but all ordinances so providing shall apply generally to all boroughs.

#### **Borough Bonded Indebtedness.**

**Section 22.** A borough may incur an indebtedness, exceeding in any year the income and revenue provided for such year, for the purposes of paying the cost of any borough improvement or acquisition within the power of the borough to make or acquire and may issue and sell borough bonds for such purposes, provided said indebtedness and bonds are authorized as herein provided by ordinance or resolution of the borough pledging the faith and credit of the borough therefor. Such ordinance or resolution shall be adopted and the proposition for the issue and sale of such bonds shall be submitted to a vote of the voters of the borough in substantially the same form and manner and according to the same procedure as is provided in this Charter for the issue and sale of bonds by the city and county, or in the manner and form and according to the procedure provided in any general law of the State of California in force at the time governing the issue and sale of bonds by municipalities, so far as the same may be applicable.

No such debt shall be incurred and no such bonds shall be issued by any borough without the assent of two-thirds of the voters thereof voting thereon at an election to be held for that purpose, nor unless before or at the time of incurring said debt

or issuing said bonds provision shall be made for the collection of an annual tax sufficient to pay the interest on such debt or bonds as it falls due, and provision shall also be made to constitute a sinking fund for the payment of the principal thereof on or before maturity.

In no case shall borough bonds be issued for a term which shall exceed the estimated life of the work or improvement for the payment of which they are issued as certified by the Council in the ordinance calling the bond election, nor for a term to exceed forty years.

No bond shall be issued on the faith and credit of the borough which will increase the bonded indebtedness thereof beyond five per cent of the assessed valuation of the property within the borough subject to direct taxation as shown by the last preceding assessed valuation.

The proceeds from the sale of borough bonds shall be applied exclusively to the purposes and objects to which the voters of the borough have assented, until such purposes and objects have been accomplished, after which the surplus, if any, shall be transferred to the bond interest or redemption fund of the borough.

Borough bonds shall not constitute or be a debt or general obligation of the city and county.

### **Borough Special Assessments.**

Section 23. In the exercise of its power to provide for the payment of the cost of any public improvement in whole or in part by special assessment levied against the property benefited thereby, a borough acting through its Council may establish local improvement districts and levy and collect special assessments and reassessments to pay the costs and expenses of such improvements, which expenses shall be made and assessments levied and collected in conformity with the procedure set forth in this Charter for the city and county, or with the procedure set forth in any ordinance passed or adopted thereunder, or with the procedure set forth in any one or more of the general laws of the State of California in force at the time of the improvement relating to the doing of public work or the making of public improvements in municipalities or in counties, so far as the same may be applicable. The Council may provide in accordance with the procedure set forth in said Charter or said ordinance or general law or laws for the issuance, sale, payment and redemption of interest bearing bonds to represent or to be secured

by such assessments or any reassessments remaining unpaid after a certain period, either singly or in the aggregate, and may provide that such assessments or reassessments may be paid in installments and be collected in the same manner in which city and county taxes are collected or otherwise, and for the sale of lands burdened by such assessments or reassessments and for the purchase of same on behalf of the borough in event of nonpayment, and may provide other or alternative methods for such collection by foreclosure or otherwise. Such work or improvements are any permitted to be done by boroughs under this Charter or by the city and county or by any such procedure, ordinance or general law.

Nothing contained herein shall prevent the Board of Supervisors from establishing similar local improvement districts where the same shall cover territory in two or more boroughs or parts thereof, or cover territory lying partly within and partly without a borough, or from levying and collecting special assessments and reassessments to pay the cost and expenses of such local public improvements.

#### **Borough Contracts and Official Advertising.**

**Section 24.** In the preparation of estimates, calling for bids, advertising, and awarding of contracts for supplies, materials, labor, official advertising, or for any public work, a borough shall be subject to the provisions of any ordinance as the Board of Supervisors shall provide to be applicable uniformly to all boroughs. Such ordinance shall follow as closely as practicable the provisions of this Charter relating to such matters applicable to the city and county and shall charge borough officers with appropriate duties in the premises.

Contracts for the official advertising of a borough shall be let as this Charter provides for the letting of contracts for official advertising of the city and county, provided that any such contract shall be let to a daily or weekly newspaper of general circulation established, printed, and published in the borough, if any such there be. If there be no such newspaper, then such contract shall be let to a daily or weekly newspaper of general circulation established, printed and published in the city and county.

Any newspaper of general circulation which for one year next prior to consolidation was established, printed and published in the territory consolidated with the city and county shall thereafter be deemed to have been so established, printed

and published as a newspaper of general circulation for said period of one year within said city and county for all purposes of official publication or advertising.

The advertising of the delinquent borough tax list of the property within a borough shall be let by the Board of Supervisors to the lowest responsible bidder for publication in a newspaper of general circulation established, printed, and published within such borough, if any such there be, and otherwise in such a newspaper established, printed and published in the city and county, and such delinquent tax list shall be published in such newspaper at least once.

### **Interest in Borough Contracts.**

**Section 25.** No officer or employee of a borough shall be or become directly or indirectly interested in any contract of such borough. Any such officer or employee violating the provisions of this section shall forfeit his office of employment and be disqualified from being elected, appointed or employed in the service of such borough, or the city and county, or any other borough thereof, and such contract shall be void.

### **Borough Civil Service.**

**Section 26.** Whenever the voters of a borough shall approve an ordinance of the Council providing for Civil Service for officers and employees of the borough, the Council shall enter into an agreement with the Civil Service Commission of the city and county for the administration of the Civil Service system of the borough, and it shall provide in the borough budget for the payment to the city and county of the costs of such services.

In any such ordinance it shall be provided that all borough officers and employees, not otherwise exempt as herein provided, shall be subject to the Civil Service provisions of this Charter as far as they may be consistently applicable to such officers and employees. Such ordinance shall further provide that there shall be no exemption of any borough officers or employees from the borough Civil Service system except in the case of elective borough officers, appointees to any borough board or commission not required to give full-time service, and the Borough Manager, if any. Such ordinance may also provide that any borough officer or employee, who shall be subject to the borough Civil Service system and who has been continuously employed full time for one year prior thereto by the

borough or by the city automatically established as such borough, shall without examination be deemed appointed within the Civil Service provisions of this Charter to the position to which he may be assigned, and entitled to all the benefits of said Civil Service provisions thereafter.

#### **Borough Pensions.**

Section 27. Whenever the voters of a borough shall approve an ordinance of the Council providing for retirement allowances and death benefits applicable to officers and employees of the borough, the Council shall enter into an agreement with the Board of Administration of the employees' retirement system of the city and county for the administration of the borough retirement allowances and death benefits, and for contributions by the borough and the borough officers and employees to the employees' retirement system of the city and county in like manner as is provided for such administration and contributions by the city and county and city and county officers and employees.

The right of borough officers and employees to participate in such a retirement system, the manner in which they may participate, and the benefits they may enjoy, shall be those provided by the employees' retirement system for officers and employees of the city and county.

In any such ordinance it may be provided that any officer or employee participating in its benefits shall receive credit for his prior continuous full-time service to the borough and/or to the city automatically established as such borough, and all liabilities accruing under such system because of such prior service shall be met by the borough.

#### **Borough Elections.**

Section 28. The primary and general elections of a borough shall be held at the time provided in this Charter for municipal primary and general elections of the city and county. Except as otherwise provided in this Charter, the Council by ordinance shall call any special borough election and notice of such special election shall be given by proclamation issued by the President of the Council and posted and published as the Council may direct for the period of at least thirty days next preceding the date of such election. Any borough election shall be conducted and canvassed in the same manner as an election of the city and county, but the cost of any special election shall be borne by the borough. A borough special election may be

called to be held on any day appointed for any primary or general election of the city and county.

### **Borough Initiative, Referendum, and Recall.**

**Section 29.** The voters of a borough may invoke the initiative provisions of this Charter to apply to any borough ordinance, and they may also invoke the referendum provisions of this Charter to apply to any ordinance, act or measure of a Council. The Council may submit any ordinance it is empowered to pass to a vote of the borough voters. The voters of a borough may invoke the recall provisions of this Charter to apply to any elective borough officer. It shall be the duty of the Board of Supervisors, by ordinance uniformly applicable to all boroughs, to make the provisions of this section effective.

### **Interchange of Services.**

**Section 30.** Any department, officer, or employee of a borough may be permitted to perform services for any office, board, or department of the city and county, and may be compensated for such services by the city and county, provided approval thereof is first obtained from the proper borough authority.

### **Borough Continuation of Employees, Contracts, and Ordinances.**

**Section 31.** Except as otherwise provided, any employee of a city consolidated with the city and county, who shall be in the employ of any department or office of such city, the duties of which shall be undertaken by a borough automatically established as successor to any such city, shall continue in the position to which he may be assigned in the employ of the borough until the end of his term or if without a term until removed by the authority to whom power of removal is committed.

All contracts for materials, supplies and labor, and all public works, special assessments or similar proceedings entered into or undertaken by a city consolidated with the city and county in force or in course of performance when consolidation becomes effective, shall be continued and perfected by the borough automatically succeeding any such city, provided the borough shall have jurisdiction in the matter for which such contracts were entered into or over such public works, special assessment or similar proceedings, and otherwise by the city and county.

All ordinances of a city consolidated with the city and county which are not inconsistent with the provisions of this Charter or with any ordinance of the city and county shall, until repealed

or amended by borough ordinances, be continued, in force as ordinances of the borough automatically succeeding such city.

### **General Legislation for Boroughs.**

Section 32. The Board of Supervisors shall have general power to enact all legislation necessary to permit boroughs to exercise their powers or perform their duties under any provisions of this Charter and not otherwise provided for herein. Such legislation shall be consistent with the provisions of this Charter relating to the city and county or to boroughs and shall be uniform for all boroughs.

Ordered submitted—Board of Supervisors, San Francisco, February 9, 1931.

Ayes—Supervisors Andriano, Canepa, Colman, Gallagher, Garrity, Havenner, Hayden, McGovern, McSheehy, Miles, Peyser, Roncovieri, Stanton, Suhr.

Noes—Supervisors Shannon, Spaulding.

Absent—Supervisors Breyer, Power.

J. S. DUNNIGAN, Clerk. ]



# SAMPLE BALLOT

# SPECIAL ELECTION MARCH 26, 1931

Propositions  
VOTE  
YES or NO



  
YES

  
NO

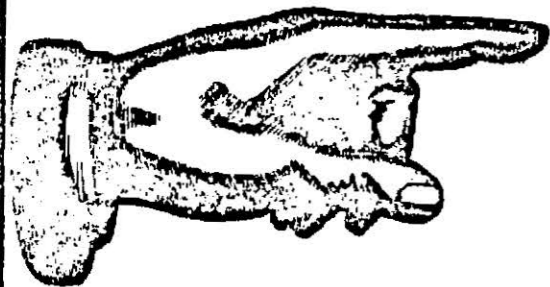
1 SHALL THE PROPOSED CHARTER FOR THE CITY AND COUNTY OF SAN FRANCISCO AS SUBMITTED BY THE BOARD OF FREEHOLDERS AND FILED WITH THE BOARD OF SUPERVISORS JANUARY 19, 1931 BE ADOPTED?

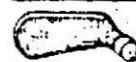

  
YES

  
NO

2 CHARTER AMENDMENT No. 1. A PROPOSITION TO AMEND THE CHARTER OF THE CITY AND COUNTY OF SAN FRANCISCO BY ADDING A NEW ARTICLE PROVIDING FOR THE GOVERNMENT OF TERRITORY IN SAN MATEO COUNTY IN THE EVENT OF ITS CONSOLIDATION WITH THE CITY AND COUNTY OF SAN FRANCISCO.

**DIRECTIONS**  
For Voting on  
Voting Machine



- 1st. Move Red HANDLE at the top of MACHINE to the RIGHT as far as it will go and LEAVE IT THERE.
- 2nd. TO VOTE FOR OR AGAINST ANY PROPOSITION pull down the POINTER from this position  to this position  over the word YES or NO, and LEAVE IT DOWN.
- 3rd. LEAVING the pointers as you have placed them (DOWN in the voting position) move the RED HANDLE at top of the MACHINE to the LEFT as far as it will go and you have voted.