STAFF REPORT

TO: HONORABLE MAYOR AND CITY COUNCIL
FROM: ROBERT PERRAULT, CITY MANAGER
SUBJECT: DISCUSSION REGARDING CHARTER CITY CONCEPT

BACKGROUND

In 1959 when Grover Beach became a city, it was incorporated as a general law city as prescribed in state law. Recent discussions at the Council level have indicated that there may be some interest on the part of the City in converting from a general law city to a charter city. On March 19, 2012, the Council endorsed staff’s recommended framework strategy to balance the FY 13 Budget and the review of this concept was included as a part of that strategy. The purpose of this report is to review the concept of conversion, discuss its advantages and disadvantages, and to review the process and costs required to place this item on the ballot.

DISCUSSION

General Law City / Charter City

Cities within California may be organized as either general law cities or charter cities. A city which has adopted its own charter or “constitution” is known as a charter city. Cities without charters are by default general law cities. There are approximately 480 cities organized within the State of California and of this amount 120 are charter cities. (Please see Attachment 1.)

The authority of a general law city is derived from the general powers granted to it by the state legislature and from the police power granted to it by the state constitution. In effect, the city can only conduct its affairs as prescribed by state law. In contrast, a “charter” city has a greater degree of authority over matters which are identified as “municipal affairs”.

Charter cities derive their powers directly from the California Constitution. Section 3(a) of Article 11 of the California Constitution describes the legal effect to a city charter as follows:

“The provisions of a charter are the law of the State and have the force and effect of legislative enactments.”

• Section 5(a) of the same article states that city charters “shall supersede all laws inconsistent therewith” with respect to municipal affairs and city charters grant cities supreme authority to “make and enforce all ordinances and regulations with respect to municipal affairs”.
The term "municipal affairs" is not expressly defined by the constitution, but over the years and based on case law are at least in part noted on the following list:

- Processes and procedures associated with city contracts, including application of prevailing wage standards for city-funded projects.
- Municipal election matters
- Procedures for initiative, referendum and recall
- Procedures for adopting ordinances
- Compensation of city officers and employees
- Financing public improvements.
- Making charitable gifts of public funds for public purposes
- Term limits for council members
- Land use and zoning decisions

Charters are not applicable to areas considered to be of state-wide concern. Examples of areas that are considered to be of state-wide concern include:

- School systems
- Traffic and vehicle regulations
- Licensing of members of a trade or professions
- Open meeting laws
- Exercise of the power of eminent domain

An analysis that details the specific characteristics of a general law city versus a charter city is provided in a chart attached to this report. (Please see the Attachment 2.)

As noted, the charter document becomes the written constitution of the city once it is approved. A charter can only be approved, amended or repealed by a vote of the electorate following a prolonged development and public hearing phase. The document can be scripted very simply or all encompassing. Many older cities within California have charters that tend to cover a broad range of municipal affairs and consequently can become difficult to manage. Lately, cities have been adopting charters that incorporate the municipal affair matters over which the city wishes to have the greatest control, while leaving the remaining matters as prescribed in state law. The charter adopted by the City of Santa Maria is a good example. The Santa Maria Charter was approved by the electorate in 2000 and incorporates primarily cost saving measures and efficiencies, including public works contracts, purchasing, and public financing. (Please see Attachment 3.) On the other hand, the City of Auburn has drafted a charter that will be placed in front of its voters that incorporates statements regarding several of the items listed as municipal affairs while also referencing the intact general powers of the State. (Please see Attachment 4.)
Advantages / Disadvantages

There are several advantages to the charter city concept. The charter provides a city with the ability to control purely local affairs. Depending on the form of the proposed charter that a city chooses to move forward with, the charter could provide a city with greater flexibility in the operations of its municipal government which, if properly utilized, can translate into greater efficiency, effectiveness, and innovation.

In particular, the charter can help a city realize cost savings associated with streamlined public works contracting procedures, including the avoidance of prevailing wages for locally funded projects that do not have a state-wide concern or affect. Typically the ability to eliminate the application of the prevailing wage requirement will reduce local public project costs from 15% to 20%. It should be noted that public works projects funded whole or in part with federal or state funds, and those of state-wide concern, will still be subject to prevailing wage laws. Additionally, there is currently a case pending before the California Supreme Court that could invalidate the prevailing wage exemption for charter cities. The Supreme Court decision is likely to be made later this spring. Provided the Court rules in favor of charter cities on this issue, the cost savings benefit derived from the exemption could be significant over time.

There are also disadvantages associated with the conversion to a charter city concept that should be carefully weighed. The effort and time required to develop and place a proposed charter on the ballot can be extensive. It is estimated that drafting a charter and the public hearing process required to place the proposed charter on the ballot will cost between $5,000 and $7,000 dollars. As previously noted to the Council, election costs for placing a ballot measure on the November 2012 ballot is expected to cost the City between $10,000 and $12,000. The hearing process itself is extensive, requiring at least three months to complete. Finally, any changes to the charter will require a repeat of the same process and can only be effectuated with voter approval.

Process

According to current state law, there are two ways to draft and adopt a city charter. The first is to elect a 15-member charter committee. The committee has the responsibility to develop and debate the charter. Once the draft charter is acceptable to a simple majority of the commission members, the draft is submitted to the office of the City Clerk in preparation for the vote of the electorate. This approach appears to be overly cumbersome and time consuming and would be impossible to make the timeframe required for a November 2012 ballot.

The other alternative allows the City Council to draft the charter and place the proposed charter before the voters. Recent state law has added additional steps in the hearing process to allow adequate opportunity for public input in the process. The development and public hearing process now requires approximately 90 days. In order to place a charter on the ballot, two public hearings must take place following an initial 21-day notice period. During the first public hearing, a draft of the charter would need to be considered by the Council. The second public hearing is required to take place 30 days after the first hearing. Following the second public hearing, the item may be set for final council deliberation after another 21-day waiting period. Once this process is completed, the City Clerk can forward the measure regarding the proposed charter to the County Clerk-Recorder’s Office. The County’s deadline for submittal of measures for the November 2012 ballot is July 25th. At this point in the calendar year (April 2012), this is a very tight timeframe, but is manageable provided major revisions to the proposed draft charter are avoided and the public hearings are not continued. The current schedule would also require the
addition of a special meeting at the end of the process in order to meet the submittal date established by the County.

ALTERNATIVES
The City Council has the following alternatives to consider:

1. Provide staff with direction regarding changing the City's form of government from a general law city to a charter city, or
2. Decide not to pursue the conversion to a charter city at this time.

RECOMMENDED ACTION
It is recommended that the Council provide staff with direction regarding changing the City's form of government from a general law city to a charter city.

FISCAL IMPACT
Costs associated with developing a charter measure and placing it before the voters is expected to range between $15,000 and $19,000. Savings attributed to modifications to the provisions for bidding and public works project could be significant, provided the Supreme Court maintains the exemption from prevailing wage requirements for charter cities.

PUBLIC NOTIFICATION
The agenda was posted in accordance with the Brown Act.

ATTACHMENTS
1. List of Charter Cities in California
2. General Law v. Charter Cities - Characteristics
3. Santa Maria Charter (adopted November 2000)
4. City of Auburn Charter (draft – scheduled for June 2012 ballot)
5. Solvang Charter
Charter Cities

Adelanto
Alameda
Albany
Alhambra
Anaheim
Arcadia
Bakersfield
Bell
Berkeley
Big Bear Lake
Buena Park
Burbank
Carlsbad
Cerritos
Chico
Chula Vista
Compton
Culver City
Cypress
Del Mar
Desert Hot Springs
Dinuba
Downey
El Centro
Eureka
Exeter
Folsom
Fortuna
Fresno
Gilroy
Glendale
Grass Valley
Hayward
Huntington Beach
Indian Wells
Industry
Inglewood
Irvine
Inwindale
King City
Kingsburg
Lancaster
La Quinta
Lemoore
Lindsay
Loma Linda
Long Beach
Los Alamitos
Los Angeles
Marina
Marysville
Merced
Modesto
Monterey
Mountain View
Napa
Needles
Newport Beach
Norco
Oakland
Oceanside
Oroville
Pacific Grove
Palm Desert
Palm Springs
Palmdale
Palo Alto
Pasadena
Petaluma
Piedmont
Placentia
Pomona
Port Hueneme
Porterville
Rancho Mirage
Redondo Beach
Redwood City
Richmond
Riverside
Roseville
Sacramento
Salinas
San Bernardino
San Diego
San Francisco
San Jose
San Leandro
San Luis Obispo
San Marcos
San Mateo
San Rafael
San Ramon
Sand City
Santa Ana
Santa Barbara
Santa Clara
Santa Cruz
Santa Maria
Santa Monica
Santa Rosa
Santee
Seal Beach
Shafter
Signal Hill

Solvang
Stockton
Sunnyvale
Temple City
Torrance
Truckee
Tulare
Vallejo
Ventura
Vernon
Victorville
Visalia
Vista
Watsonville
Whittier
Woodlake

Total Cities: 120
## General Law City v. Charter City

<table>
<thead>
<tr>
<th>Characteristic</th>
<th>General Law City</th>
<th>Charter City</th>
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<tr>
<td>Ability to Govern Municipal Affairs</td>
<td>Bound by the state's general law, regardless of whether the subject concerns a municipal affair.</td>
<td>Has supreme authority over &quot;municipal affairs.&quot; Cal. Const. art. XI, § 5(b).</td>
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<td>Form of Government</td>
<td>State law describes the city's form of government. For example, Government Code section 36501 authorizes general law cities be governed by a city council of five members, a city clerk, a city treasurer, a police chief, a fire chief and any subordinate officers or employees as required by law. City electors may adopt ordinance which provides for a different number of council members. Cal. Gov't section 34871. The Government Code also authorizes the &quot;city manager&quot; form of government. Cal. Gov't Code § 34851.</td>
<td>Charter can provide for any form of government including the &quot;strong mayor,&quot; and &quot;city manager&quot; forms. See Cal. Const. art. XI, § 5(b); Cal. Gov't Code § 34450 et seq.</td>
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<td>Methods of Elections</td>
<td>Generally holds at-large elections whereby voters vote for any candidate on the ballot. Cities may also choose to elect the city council &quot;by&quot; or &quot;from&quot; districts, so long as the election system has been established by ordinance and approved by the voters. Cal. Gov't Code § 34871. Mayor may be elected by the city council or by vote of the people. Cal. Gov't Code §§ 34902.</td>
<td>May establish procedures for selecting officers. May hold at-large or district elections. See Cal. Const. art. XI, § 5(b).</td>
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<tr>
<td>City Council Member Qualifications</td>
<td>Minimum qualifications are:</td>
<td>Can establish own criteria for city office provided it does not violate the U.S. Constitution. Cal. Const. art. XI, § 5(b), 82 Cal. Op. Att'y Gen. 6, 8 (1999).</td>
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<td>1. United States citizen</td>
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<td>2. At least 18 years old</td>
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<td>3. Registered voter</td>
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<td>4. Resident of the city at least 15 days prior to the election and throughout his or her term</td>
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<td>5. If elected by or from a district, be a resident of the geographical area comprising the district from which he or she is elected.</td>
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<td><strong>Term Limits</strong></td>
<td>May provide for term limits. Cal. Gov't Code § 36502(b).</td>
<td>May provide for term limits. Cal. Const. art. XI, § 5(b); Cal Gov't Code Section 36502 (b).</td>
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<tr>
<td><strong>Vacancies and Termination of Office</strong></td>
<td>An office becomes vacant in several instances including death, resignation, removal for failure to perform official duties, electorate irregularities, absence from meetings without permission, and upon non-residency. Cal. Gov't Code §§ 1770, 36502, 36513.</td>
<td>May establish criteria for vacating and terminating city offices so long as it does not violate the state and federal constitutions. Cal. Const. art. XI, § 5(b).</td>
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<tr>
<td><strong>Council Member Compensation and Expense Reimbursement</strong></td>
<td>Salary-ceiling is set by city population and salary increases set by state law except for compensation established by city electors. See Cal. Gov't Code § 36516. If a city provides any type of compensation or payment of expenses to council members, then all council members are required to have two hours of ethics training. See Cal. Gov't Code §§ 53234 - 53235.</td>
<td>May establish council members' salaries. See Cal. Const. art. XI, § 5(b). If a city provides any type of compensation or payment of expenses to council members, then all council members are required to have two hours of ethics training. See Cal. Gov't Code §§ 53234 - 53235.</td>
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<td><strong>Legislative Authority</strong></td>
<td>Ordinances may not be passed within five days of introduction unless they are urgency ordinances. Cal. Gov't Code § 36934. Ordinances may only be passed at a regular meeting, and must be read in full at time of introduction and passage except when, after reading the title, further reading is waived. Cal. Gov't Code § 36934.</td>
<td>May establish procedures for enacting local ordinances. <em>Brougher v. Bd. of Public Works</em>, 205 Cal. 426 (1928).</td>
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<tr>
<td><strong>Quorum and Voting Requirements</strong></td>
<td>A majority of the city council constitutes a quorum for transaction of business. Cal. Gov't Code § 36810. All ordinances, resolutions, and orders for the payment of money require a recorded majority vote of the total membership of the city council. Cal. Gov't Code § 36936. Specific legislation requires supermajority votes for certain actions.</td>
<td>May establish own procedures and quorum requirements. However, certain legislation requiring supermajority votes is applicable to charter cities. For example, see California Code of Civil Procedure section 1245.240 requiring a vote of two-thirds of all the members of the governing body unless a greater vote is required by charter.</td>
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<td>Conflict of interest laws are applicable. See Cal. Gov't Code § 87300 et seq.</td>
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<td>May have &quot;civil service&quot; system, which includes comprehensive procedures for recruiting, hiring, testing and promotion. See Cal. Gov't Code § 45000 et seq.</td>
<td>May provide provisions related to ethics, conflicts, campaign financing and incompatibility of office.</td>
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<td>Cannot require employees be residents of the city, but can require them to reside within a reasonable and specific distance of their place of employment. Cal. Const. art. XI, § 10(b).</td>
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<tr>
<td>Personnel Matters</td>
<td>May establish standards, requirements and procedures for hiring personnel consistent with Government Code requirements.</td>
<td>May establish standards, requirements, and procedures, including compensation, terms and conditions of employment for personnel. See Cal. Const. art. XI, § 5(b).</td>
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<td>Procedures set forth in Meyers-Milias-Brown Act (Cal. Gov't Code § 3500) apply, but note, &quot;[T]here is a clear distinction between the substance of a public employee labor issue and the procedure by which it is resolved. Thus there is no question that 'salaries of local employees of a charter city constitute municipal affairs and are not subject to general laws.&quot; Voters for Responsible Retirement v. Board of Supervisors, 8 Cal.4th 765, 781 (1994).</td>
<td>For charter cities, California Constitution section 10(b).</td>
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<td>Cannot require employees be residents of the city, but can require them to reside within a reasonable and specific distance of their place of employment. Cal. Const. art. XI, section 10(b).</td>
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<td>Contracting Services</td>
<td>Authority to enter into contracts to carry out necessary functions, including those expressly granted and those implied by necessity. See Cal. Gov't Code § 37103; Carruth v. City of Madera, 233 Cal. App. 2d 688 (1965).</td>
<td>Full authority to contract consistent with charter.</td>
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<td>May transfer some of its functions to the county including tax collection, assessment collection and sale of property for non-payment of taxes and assessments. Cal. Gov't Code §§ 51330, 51334, 51335.</td>
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<td>Public Contracts</td>
<td>Competitive bidding required for public works contracts over $5,000. Cal. Pub. Cont. Code § 20162. Such contracts must be awarded to the lowest responsible bidder. Pub. Cont. Code § 20162. If city elects subject itself to uniform construction accounting procedures, less formal procedures may be available for contracts less than $100,000. See Cal. Pub. Cont. Code §§ 22000, 22032. Contracts for professional services such as private architectural, landscape architectural, engineering, environmental, land surveying, or construction management firms need not be competitively bid, but must be awarded on basis of demonstrated competence and professional qualifications necessary for the satisfactory performance of services. Cal. Gov't Code § 4526.</td>
<td>Not required to comply with bidding statutes provided the city charter or a city ordinance exempts the city from such statutes, and the subject matter of the bid constitutes a municipal affair. Pub. Cont. Code § 1100.7; see R &amp; A Vending Services, Inc. v. City of Los Angeles, 172 Cal. App. 3d 1188 (1985); Howard Contracting, Inc. v. G.A. MacDonald Constr. Co., 71 Cal. App. 4th 38 (1998). Historically, charter cities have not been bound by state law prevailing-wage requirements so long as the project is a municipal affair, and not one funded by state or federal grants. Vial v. City of San Diego, 122 Cal. App. 3d 346, 348 (1981). However, there is a growing trend on the part of the courts and the Legislature to expand the applicability of prevailing wages to charter cities under an analysis that argues that the payment of prevailing wages is a matter of statewide concern. The California Supreme Court currently has before them a case that will provide the opportunity to decide whether prevailing wage is a municipal affair or whether it has become a matter of statewide concern.</td>
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<tr>
<td>Payment of Prevailing Wages</td>
<td>In general, prevailing wages must be paid on public works projects over $1,000. Cal. Lab. Code § 1771. Higher thresholds apply ($15,000 or $25,000) if the public entity has adopted a special labor compliance program. See Cal. Labor Code § 1771.5(a)-(c).</td>
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<tr>
<td>Finance and Taxing Power</td>
<td>May impose the same kinds of taxes and assessment as charter cities. See Cal. Gov't Code § 37100.5.</td>
<td>Have the power to tax.</td>
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<td>Imposition of taxes and assessments subject to Proposition 218. Cal. Const. art.XIII.C.</td>
<td>Have broader assessment powers than a general law city, as well as taxation power as determined on a case-by-case basis.</td>
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<td>Examples of common forms used in assessment district financing include:</td>
<td>Imposition of taxes and assessments subject to Proposition 218, Cal. Const. art. XIIIC, § 2, and own charter limitations</td>
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<td>May impose business license taxes for regulatory purposes, revenue purposes, or both. See Cal. Gov't Code § 37101.</td>
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<td>May not impose real property transfer tax. See Cal. Const. art. XIII A, § 4; Cal. Gov't Code § 53725; but see authority to impose documentary transfer taxes under certain circumstances. Cal. Rev. &amp; Tax. Code § 11911(a), (c).</td>
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<td>Penalties &amp; Cost Recovery</td>
<td>May impose fines, penalties and forfeitures, with a fine not exceeding $1,000. Cal. Gov't Code § 36901.</td>
<td>May enact ordinances providing for various penalties so long as such penalties do not exceed any maximum limits set by the charter. County of Los Angeles v. City of Los Angeles, 219 Cal. App. 2d 838, 844 (1963).</td>
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<td>Zoning</td>
<td>Zoning ordinances must be consistent with general plan. Cal. Gov't Code § 65800.</td>
<td>Zoning ordinances are not required to be consistent with general plan unless the city has adopted a consistency requirement by charter or ordinance. Cal. Gov't. Code § 65803.</td>
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CHARTER OF THE
CITY OF SANTA MARIA
CALIFORNIA

AS ADOPTED BY THE ELECTORATE OF THE
CITY OF SANTA MARIA
AT THE GENERAL MUNICIPAL ELECTION
HELD NOVEMBER 7, 2000
CHARTER OF THE CITY OF SANTA MARIA

PREAMBLE

We, the people of the City of Santa Maria, declare our intent to restore our community to the historic principles of self-governance inherent in the doctrine of home-rule. We are sincerely committed to the belief that local government has the closest affinity to the people governed, and firm in the conviction that the economic and fiscal independence of our local government will promote the health, safety, and welfare of all the citizens of this City. We do hereby exercise the express right granted by the Constitution of the State of California to enact and adopt this Charter for the City of Santa Maria.

ARTICLE I. MUNICIPAL AFFAIRS

Section 100. Municipal Affairs.
The City shall have full power and authority to adopt, make, exercise, and enforce all legislation, laws, and regulations and to take all actions relating to municipal affairs which may be lawfully adopted, made, exercised, taken or enforced under the Constitution of the State of California. Without limiting in any manner the foregoing power and authority, each of the powers, rights, and responsibilities described in this Charter is hereby declared to be a municipal affair, the performance of which is unique to the benefit and welfare of the citizens of the City of Santa Maria.

ARTICLE II. GENERAL LAWS

In addition to the power and authority granted by the terms of this Charter and the Constitution of the State of California, the City shall have the power and authority to adopt, make, exercise and enforce all legislation, laws and regulations and to take all actions and to exercise any and all rights, powers, and privileges heretofore or hereafter established, granted or prescribed by any law of the State of California or by any other lawful authority. In the event of any conflict between the provisions of this Charter and the provisions of the general laws of the State of California, the provisions of this Charter shall control.

ARTICLE III. AMENDMENTS

Section 300. Amendment to Charter, Revised or Repealed.
This Charter, and any of its provisions, may be amended by a majority vote of its electors voting on the question. Amendment or repeal may be proposed by initiative or by the governing body.

ARTICLE IV. INTERPRETATION

Section 400. Construction and Interpretation.
The language contained in this Charter is intended to be permissive rather than exclusive or limiting and shall be liberally and broadly construed in favor of the exercise by the City of its power to govern with respect to any matter which is a municipal affair.

Section 401. Severability.
If any provision of this Charter should be held by a court of competent jurisdiction to be invalid, void, or otherwise unenforceable, the remaining provisions shall remain enforceable to the fullest extent permitted by law.

ARTICLE V. REVENUE RETENTION

Section 500. Reductions Prohibited.
Any revenues accrued to and/or collected by the City shall not be subject to subtraction, retention, attachment, withdrawal or any other form of involuntary reduction by any other level of government.
Section 501. Mandates Limited.
No person, whether elected or appointed, acting on behalf of the City, shall be required to perform any function which is mandated by any other level of government, unless and until funds sufficient for the performance of such function are provided by said mandating authority.

ARTICLE VI. COST SAVINGS AND EFFICIENCIES

Section 600. Public Works Contracts.
The City shall have the power to establish standards, procedures, rules or regulations to regulate all aspects of the bidding, award and performance of any public works contract, including, but not limited to, the compensation rates to be paid for the performance of such work, and the establishment of local preferences.

Section 601. Purchasing.
The City shall have the power to establish standards, procedures, rules, or regulations related to the purchasing of goods, property, or services, including, but not limited to, the establishment of local preferences.

Section 602. Public Financing.
The City shall have the power to establish standards, procedures, rules, or regulations related to any public financing.

Section 603. Utility Franchises.
The City shall have the power to adopt ordinances providing for the acquisition, development, or operation by the City of any utility, or any ordinance providing for the granting of a franchise, license, permit, or easements to any utility which proposes to use or is using City streets, highways, or other rights-of-way.

Certification

Pursuant to Government Code Section 34460, the undersigned officers of the City of Santa Maria hereby certify that the foregoing Charter of the City of Santa Maria was approved by the voters of the City at an election duly called and held on November 7, 2000 in the City of Santa Maria pursuant to Section 15301, et seq. of the California Elections Code.

Donald E. Lahr, Mayor 12/7/00 Stephanie Swarner, City Clerk 12/7/00

ATTEST:
Stephanie Swarner, City Clerk 12/7/00

Filed with and chaptered by the California Secretary of State, and effective on the 12th day of December in the year 2000.
CHARTER
OF THE
CITY OF AUBURN

PREAMBLE

WE THE PEOPLE of the City of Auburn declare our intent to restore to our community the historic principles of self-governance inherent in the doctrine of home rule. Sincerely committed to the belief that local government has the closest affinity to the people, and firm in the conviction that the maximum economic, fiscal and policy-making independence of local government will better serve and promote the health, safety and welfare of all the citizens of this City, we do hereby exercise the express right granted by the Constitution of the State of California to adopt this Charter for the City of Auburn.

CHARTER
Article I
Municipal Affairs

Section 100. Municipal Affairs
Each of the responsibilities of governance set forth and described in this Charter, and as established by the Constitutional, statutory and common law of the State of California, is hereby declared to be a municipal affair or concern, the performance of which is uniquely to the benefit of the citizens of the City of Auburn.

Section 101. Powers
The City shall have all powers that a City can have under the Constitution and laws of the State of California as fully and completely as though they were specifically enumerated in this Charter. The enumeration in this Charter of any particular power, duty or procedure shall not be held to be exclusive of, or any limitation or restriction upon, this general grant of power.

Section 102. Incorporation and Succession
The City shall continue to be a municipal corporation known as the City of Auburn. The boundaries of the City of Auburn shall continue as now established until changed in the manner authorized by law. The City shall remain vested with and shall continue to own, possess, control and enjoy all property rights and rights of action of every nature and description owned, had, possessed, controlled or enjoyed by it when this Charter takes effect. It shall be subject to all debts, obligations and liabilities which exist against the City when this Charter takes effect. All lawful ordinances, resolutions, rules and regulations, or portions thereof, in force when this Charter takes effect and not in conflict with or inconsistent herewith, are hereby continued in force until the same have been duly repealed, amended, changed or superseded by proper authority.
Article 2
Form of Government

Section 200. Form of Government
The City shall continue to be governed under this Charter by a “Council-Manager” form of government. The City Council will establish the policy of the City and the City Manager will carry out that policy.

Section 201. Elected Officials
The City Council shall consist of five members, each elected at-large who, along with the Clerk and Treasurer, shall be the sole elected officials of the City. The minimum qualifications for these offices shall be as provided by law for general law cities and any vacancy in office shall be filled in the manner provided by that law. The Council shall choose from among their own number a Mayor and a Mayor pro tempore, who may also use the title Vice Mayor.

Section 202. Council Member Compensation
The salary of the Mayor and Council Members shall continue to be set pursuant to the law applicable to general law cities provided, however, that neither the Mayor nor any Council Member may receive a pension or unemployment insurance.

Section 203. Elections
Elections shall be conducted in accordance with the law applicable to general law cities. The powers of initiative, referendum and recall shall apply in the City as they do in general law cities under the applicable provisions of state and federal law.

Article 3
Fiscal Accountability and Transparency

Section 300. Performance-Based Management and Budget
The City shall each year enact a Performance-Based Budget, which shall include, but not be limited to, information about revenues, expenditures, assets, liabilities, Council-established goals, department and program objectives and measurable service levels provided to city residents and business owners. The City shall place on its Internet Website, or otherwise make available to residents and business owners free and convenient access to, current budgetary and other information that shows how tax and fee revenues received by the City are being used to provide services to Auburn residents and business owners.

Section 301. Economic and Community Development
The City shall encourage, support, and promote economic and community development and preserve and enhance the small-town and historic character of Auburn.

Section 302. Public Works Contracts
The City shall comply with law applicable to general law cities with regard to:

(i) competitive bidding for public works contracts; and
(ii) contracts for professional services based on demonstrated competence and professional qualifications.

Section 303. Prevailing Wage
No City contract shall require payment of the prevailing wage schedule unless:
(i) the prevailing wage is legally required, and constitutionally permitted, to be imposed;
(ii) required by federal or state grants pursuant to federal or state law;
(iii) the City Council does not consider the project to be a municipal affair; or
(iv) payment of the prevailing wage schedule is authorized by resolution of the City Council.

Payment of the prevailing wage schedule, if authorized hereunder, shall use the pertinent rates established by the State of California.

Section 304. The Think-Local-First Option
To the extent permitted by state and federal law, the City may establish by ordinance specified and limited bid advantages for firms based within a specified distance of the City. The City may enact such an ordinance in recognition of the fact that local firms and local employees help support Auburn’s economy and provide air and water quality benefits for local citizens. The City shall establish all standards, procedures, rules or regulations to regulate all other aspects of public contracting.

Section 305. Supporting Volunteers in Auburn
The City seeks to support volunteers in creating a higher quality of life for Auburn citizens and as such declares itself exempt from any state laws or regulations that would make it more difficult or expensive for volunteers to participate in any community project, whether funded with City revenues or not.

Section 306. Limitation on Taxing Authority
This Charter shall not be interpreted as giving the City greater authority to raise the level of taxes or fees or to create new taxes or fees beyond the powers granted to general law cities nor to exempt the City from any procedures for raising the level of taxes or fees or for creating new taxes or fees required by the law applicable to general law cities.

Article 4
Revenue Retention

Section 400. Reductions Prohibited
Revenues raised and collected by the City shall not be subject to subtraction, retention, attachment, withdrawal or any other form of involuntary reduction by any other level of government.

Section 401. Mandates Limited
No person, whether elected or appointed, acting on behalf of the City, shall be required to perform any function which is mandated by any other level of government, unless and
until funds sufficient for the performance of such function are provided by the mandating
authority.

Article 5
General Laws

Section 500. General Law Powers
In addition to the power and authority granted by this Charter and the Constitution of the
State of California, the City shall have the power and authority to adopt, make, exercise
and enforce all legislation, laws and regulations and to take all actions and to exercise any
and all rights, powers, and privileges heretofore or hereafter established, granted or
prescribed by any law of the State of California or by any other lawful authority. In the
event of any conflict between this Charter and the general laws of the State of California,
this Charter shall control.

Section 501. General Plan and Zoning Consistency
The zoning ordinance of the City shall be consistent with the City’s general plan as
required by the law applicable to general law cities.

Article 6
Interpretation and Amendment

Section 600. Construction & Interpretation
The language of this Charter is intended to be permissive rather than exclusive or limiting
and shall be liberally and broadly construed in favor of the exercise by the City of its
power to govern with respect to any matter that is a municipal affair. Every reference in
this Charter to state or federal law shall mean that law as it exists when this Charter takes
effect or as it may thereafter be amended.

Section 601. Title
This Act shall be known as the “Home Rule for Auburn Charter of 2012.”

Section 602. Severability
If any provision of this Charter should be held by a court of competent jurisdiction to be
invalid, void or otherwise unenforceable, the remaining provisions shall remain
enforceable to the fullest extent permitted by law.

Section 603. Amendment to Charter, revised or repealed
As provided by state law, this Charter, and any of its provisions, may be amended by a
majority vote of the electors voting on the question. Amendment or repeal may be
proposed by initiative or by the City Council.
I hereby affirm that the foregoing Home Rule for Auburn Charter of 2012 was submitted to a vote of, and ratified by, a majority of the voters of the City of Auburn in a special election held for that purpose on June 5, 2012.

________________________________________
Mayor

ATTEST:

________________________________________
City Clerk
Public Service Announcements

Community Emergency Response Team (CERT) Training opportunity.

New Class beginning January 11, 2012

Please contact Tom Walton, CERT coordinator at 805 686-7435
or Tomw@cityofbuelton.com

City Hall/Council Chambers Location

1644 Oak Street
Solvang, Ca. 93463
(805) 688-5575

Hours of Operation

8:00 a.m. to 5:00 p.m.
Monday thru Friday

City Charter

CHARTER OF THE CITY OF SOLVANG

ARTICLE I. MUNICIPAL AFFAIRS

ARTICLE II. CONTRACTS, PUBLIC FINANCING AND FRANCHISES

ARTICLE III. REVENUE RETENTION

ARTICLE IV. GENERAL LAWS

ARTICLE V. INTERPRETATION

ARTICLE VI. ELECTIVE OFFICIALS

ARTICLE VII. OFFICE OF CITY AUDITOR

PREAMBLE

We the people of the City of Solvang declare our intent to restore our community to the historic principles of self-governance inherent in the doctrine of home-rule. Sincerely committed to the
belief that local government has the closest affinity to the people governed, and firm in the conviction that the economic and fiscal independence of our local government will promote the health, safety and welfare of all the citizens of this City, we do hereby exercise the express right granted by the Constitution of the State of California to enact and adopt this Charter for the City of Solvang.

ARTICLE I. MUNICIPAL AFFAIRS

Section 100. Municipal Affairs. The City shall have full power and authority to adopt, make, exercise and enforce all legislation, laws, and regulations and to take all actions relating to municipal affairs, without limitation, which may be lawfully adopted, made, exercised, taken or enforced under the Constitution of the State of California. Without limiting in any manner the foregoing power and authority, each of the powers, rights, and responsibilities described in this Charter is hereby declared to be a municipal affair, the performance of which is unique to the benefit and welfare of the citizens of the City of Solvang.

Section 101. Incorporation and Succession. The City of Solvang, in the County of Santa Barbara, State of California, shall continue to be a municipal corporation under its present name City of Solvang. The boundaries of the City of Solvang shall continue as now established until changed in the manner authorized by law. The City of Solvang shall remain vested with and shall continue to own, have, possess, control and enjoy all property rights of property and rights of action of every nature and description owned, had, possessed, controlled or enjoyed by it at the time this Charter takes effect, and is hereby declared to be the successor of same. It shall be subject to all debts, obligations and liabilities, which exist against the municipality at the time this Charter takes effect. All lawful ordinances, resolutions, rules and regulations, or portions thereof, in force at the time this Charter takes effect and not in conflict with or inconsistent herewith, are hereby continued in force until the same have been duly repealed, amended, changed or superseded by proper authority.

Section 102. No Increased Power to Tax. The citizens of Solvang, being ever mindful of the increasing tax burden upon them, confer no increased power to tax upon the City. The City of Solvang shall have only that power to tax allowed to general law cities.

ARTICLE II. CONTRACTS, PUBLIC FINANCING AND FRANCHISES

Section 200. Public Works Contracts. Except as provided by ordinance or by agreement approved by the City Council, the City of Solvang, as a Charter City, is exempt from the provisions of the California Public Contract Code. The City shall have the power to establish standards, procedures, rules or regulations to regulate all aspects of the bidding, award and performance of any public works contract, including, but not limited to, the compensation rates to be paid for the performance of such work. The City shall have the power to accept gifts and donations, including donations of material and labor, in the construction of any public works project. The City shall have the power to perform any work of improvement by use of its own forces and is not required to contract for the construction of works of public improvement. The City may also contract with other public agencies for the construction of works of public
Section 201. Purchasing. The City shall have the power to establish standards, procedures, rules or regulations related to the purchasing of goods, property, or services, including, but not limited to, the establishment of local preferences;

Section 202. Public Financing. The City shall have the power to establish standards, procedures, rules or regulations related to any public financing.

Section 203. Utility Franchises. The City shall have the power to adopt any ordinance providing for the acquisition, development, or operation by the City of any utility, or any ordinance providing for the granting of a franchise to any utility not owned by the City which proposes to use or is using City streets, highways or other rights-of-way.

ARTICLE III. REVENUE RETENTION

Section 300. Reductions Prohibited. Any revenues raised and collected by the City shall not be subject to subtraction, retention, attachment, withdrawal or any other form of involuntary reduction by any other level of government.

Section 301. Mandates Limited. No person, whether elected or appointed, acting on behalf of the City, shall be required to perform any function which is mandated by any other level of government, unless and until funds sufficient for the performance of such function are provided by said mandating authority.

ARTICLE IV. GENERAL LAWS

Section 400. General Law Powers. In addition to the power and authority granted by the terms of this Charter and the Constitution of the State of California, the City shall have the power and authority to adopt, make, exercise and enforce all legislation, laws and regulations and to take all actions and to exercise any and all rights, powers, and privileges heretofore or hereafter established, granted or prescribed by any law of the State of California or by any other lawful authority. In the event of any conflict between the provisions of this Charter and the provisions of the general laws of the State of California, the provisions of this Charter shall control.

ARTICLE V. INTERPRETATION

Section 500. Construction and Interpretation. The language contained in this Charter is intended to be permissive rather than conclusive or limiting and shall be liberally and broadly construed in favor of the exercise by the City of its power to govern with respect to any matter, which is a municipal affair.

Section 501. Severability. If any provision of this Charter should be held by a court of competent jurisdiction to be invalid, void or otherwise unenforceable, the remaining provisions shall remain enforceable to the fullest extent permitted by law.
ARTICLE VI. ELECTIVE OFFICIALS

Section 601. Enumeration. The elective officers of the City of Solvang shall be a Mayor and four (4) Council members each of whom, including the Mayor, shall have the right to vote on all questions coming before the Council.

Section 602. Election at Large. The Mayor shall be elected at the general municipal election on a general ticket from the City at large. The Council members shall be elected at the general municipal election from the City at large, two (2) being selected biennially.

Section 603. Eligibility for Office. Eligibility for such elected offices shall be as mandated by general law.

Section 604. Terms of Office. The term of the Mayor shall be two (2) years, and the terms of the Council members shall be four (4) years. Terms shall commence on the first regular Council meeting in December following the election and each shall serve until a successor is elected or appointed and qualified. Ties in voting shall be settled by the casting of lots. The office of each member of the Council, including the office of the member who is Mayor, is a separate office to be filled separately. Any incumbent member of the Council may run for the office of Mayor, and the Mayor may run for the office of Mayor or for any other seat on the Council for which the Mayor is otherwise eligible; however, no member of the Council shall hold more than one seat, and no person may be a candidate for more than one seat or office. The first general election for Mayor shall take place in the general election in November 2008. Until that time, the current policy of rotation shall govern the selection of the mayor amongst the regularly elected or appointed council members.

Section 605. Mayor. Powers and Duties. The Mayor shall preside at all meetings of the City Council and perform such other duties consistent with the office as may be imposed by the Council or by the vote of the people. The Mayor shall be entitled to vote, and must vote when present, except as prohibited by State law, but shall possess no veto power. As presiding officer of the Council the Mayor will faithfully communicate the will of the Council majority to the Administrative Officers in matters of policy. The Mayor shall be recognized as the official head of the City for all ceremonial purposes.

ARTICLE VII. OFFICE OF SPECIAL CITY AUDITOR

Section 700. Creation of Office. The office of Special City Auditor is hereby established. The Special City Auditor shall be appointed by the Council. Each such appointment shall be made on a case-by-case basis as determined by the City Council from time to time. The Special City Auditor shall be qualified to investigate issues as directed by the City Council and shall be compensated at such times and such amounts as may be determined by the City Council. The Special City Auditor shall have the following powers and duties: (a) Conduct special audits and investigations as assigned by the City Council. "Special audits" and "investigations" mean assignments of limited scope, intended to determine: (1) The accuracy of information provided to the City Council. (2) The costs and consequences of recommendations made to the City Council. (3) Other information concerning the performance of City departments, offices, or agencies as
requested by the Council.

Section 701. Auditor’s Right of Access. The Special City Auditor shall have access to, and authority to examine any and all documents, including but not limited to books, accounts, internal memoranda, writings and tapes, reports, vouchers, correspondence, files and other records, bank accounts, money and other property of any City department, office or agency, whether created by the Charter or otherwise, with the exception of the office of any elected official. It is the duty of any officer, employee or agent of the City having control of such records to permit access to, and examination thereof, upon the request of the Special City Auditor or his or her authorized representative. It is also the duty of any such officer, employee or agent to fully cooperate with, and to make full disclosure of all pertinent information.

Newsflash

Do you have a hand cranked or battery operated radio?

If so, do you know where to go for information?

Are You Radio Ready?

City of Solvang, California | 1644 Oak Street, Solvang, California 93463 | 805.688.5575