



File #: 2018-285, Version: 1

Report to Mayor and City Council

Tuesday, May 01, 2018

Discussion

SUBJECT:

**INTRODUCTION OF CONSIDERATION FOR POTENTIAL CITY CHARTER;
FORMATION OF A CHARTER COMMITTEE AND APPOINTMENT OF COMMUNITY
MEMBERS TO CHARTER COMMITTEE FOR THE PURPOSE OF IDENTIFYING THE
CONTENTS OF AND DRAFTING A POSSIBLE CITY CHARTER; PROCESS FOR
ADOPTION OF A CITY CHARTER (CITY COUNCIL)**

I. SUMMARY

The City Council has determined that it would like to explore the possibility of a city charter for adoption by the voters in the November 6, 2018 general election. A charter city allows for a greater degree of local control and charter amendments require a vote of the people. A charter is also subject to citizen initiative measures, which can also lead to special interest proposals to amend the charter. A City Charter would give the City the power to adopt legislation or regulatory authority or oversight in areas deemed to be purely municipal affairs. The process of developing a city charter will involve the establishing of a Charter Committee, drafting of a City Charter, and the holding of two public hearings on the proposed city charter.

II. RECOMMENDATION

TAKE the following action:

1. RECEIVE and FILE this report.
2. FORM a Charter Committee made up of appointed Carson community members to identify topics to be included in the charter and to draft the proposed city charter.
3. INSTRUCT staff to notice the required public hearings pursuant to government code section 34458.

III. ALTERNATIVES

1. ALLOW voters to elect members of a charter commission to identify charter contents and to draft the city charter.
2. TAKE such other action as the City Council deems appropriate.

IV. BACKGROUND

The City of Carson has, since its incorporation, operated as a general law city as specified by state law. The voters of this community could, if they so chose, adopt a charter, sometimes considered a city constitution. A charter would have the legal effect of transferring the power to adopt legislation or regulatory authority and oversight in those areas of unique local concern, which are referred to as “municipal affairs.” (Cal. Const. Art. XI, §5.) However, even charter cities remain subject to laws of “statewide concern” on matters that require state-wide uniformity or that affect cities state-wide.

As a charter city, Carson would have greater authority and autonomy, in some instances, to adopt its own rules relating to such matters as the conduct of elections, councilmember compensation, city council procedures and protocols, the process of public contracting, the payment of prevailing wages, taxation issues, and zoning regulations, among many other topics that could be included in a charter. General law cities must follow all state statutes. A Charter provides independence from the state that is not available to general law cities, and thus may constrain the power of the state over actions like “borrowing” local funds to balance its budget shortfalls or the City’s disincorporation. Furthermore, the people are in control of the charter and can draft a charter and/or amend as necessary to curb any potential abuses of power.

The City may undertake a public charter drafting process by electing a charter committee, by the City Council’s appointment of a charter committee, or through some other public process. (Gov. Code § 34458.) Such a committee has the responsibility of considering what topics should be addressed in the charter, and then such committee would be tasked with actually drafting a charter for presentation to the voters for consideration and possible approval. (Cal. Const. Art. XI § 3.)

Prior to submitting the proposed city charter to the voters, the City Council is required to hold at least two public hearings on the matters of the proposal of a city charter and the content of the proposed charter. A charter can only be adopted, amended, or repealed by the voters of the City of Carson at any special or general election, as long as that election date is at least **eighty-eight (88)** days after the proposal for adopting the charter is filed with the city clerk. If the charter is approved by the voters, its deemed ratified. The ratified charter becomes effective upon approval and filing by the Secretary of State. (Gov. Code §§ 34458-34459.) The process of developing a draft city charter is a substantial undertaking which should commence immediately.

V. FISCAL IMPACT

Unknown at this time. Should the City Council decide to proceed with the process of developing a City Charter, staff will return with estimated election costs.

VI. EXHIBITS

None.

Prepared by: City Attorney's Office