

City Charter Issues List

Item	Issue	General Law City	Carson	Charter Options
-	Ability to govern Municipal Affairs	Bound by the state's generic general law, regardless of whether the subject concerns Carson, i.e. a one sized fits all approach to governing	General Law City	<p>Has supreme authority over "municipal affairs." Cal. Const. art. XI, § 5(b).</p> <ul style="list-style-type: none"> - May follow general law / continue current policy - May establish alternative Charter standards - May authorize establishing standards by ordinance
1	Form of Government	<p>State law describes the city's form of government. Absent council action, the council has authority over management of the city.</p> <p>General law provides procedural requirements for a city to have alternative form. (Government Code section 36501)</p> <p>electors may adopt ordinance for a different number of council. Gov't § 34851 - authorizes the "city manager" form. Gov't section 34871</p>	<p>Council-Manager form - CC sets policy and CM administers government</p>	<ul style="list-style-type: none"> • Continue current policy • CC governing – council, clerk, treasurer, police and fire chief govern city • Strong mayor – authority over CM and Dept. heads, can present budget • Strong CM – CM authority to make decisions without direct interference from the council members
2	Elections Generally	<p>Municipal elections conducted in accordance with the generic California Elections Code. Cal. Elec. Code §§ 10101 <i>et seq.</i></p> <p>Generally hold at-large elections whereby voters vote for any candidate on the ballot.</p> <p>Cities may also choose to elect the city council by districts. Gov't Code § 34871</p> <p>Mayor may be elected by the city council or by vote of the people. Gov't Code § 34902</p>	<p>Elections in line with general election. CMC Art II ch. 1.5 Mayor elected by the people</p>	<ul style="list-style-type: none"> • Continue current policy • May set standards for own election dates, rules, and procedures for elections of officers and election official standards (eg – majority vote requirements; tie vote procedures) • May establish at-large or district elections. • May establish minimum signature requirements for initiative/petition by voters • May establish procedures for selecting mayor from elected CC members, or on a rotating annual basis

City Council and Other Officials

3	<p>Municipal Office Qualifications</p>	<p>Minimum CC qualifications are:</p> <ol style="list-style-type: none"> 1. United States citizen 2. At least 18 years old 3. Registered voter in city at time of nomination 4. Resident of the city at least 15 days prior to the election and throughout his or her term <p>Cal. Elec. Code § 321; Cal. Gov't Code §§ 34882, 36502; 87 Cal. Op. Att'y Gen. 30 (2004).</p>	<p>Follows general law</p>	<ul style="list-style-type: none"> • Continue current policy • May establish own criteria for CC and other public offices, provided it does not violate the U.S. Constitution. • May establish standards for appointments and removals • May establish durational and concurrent residency requirements • May establish limits on service by officials who have resigned
4	<p>Public Funds for Candidate in Municipal Elections</p>	<p>No public officer shall expend and no candidate shall accept public money for the purpose of seeking elected office. Cal. Gov't Code § 85300.</p>	<p>No public funding</p>	<ul style="list-style-type: none"> • Continue current policy • May establish standards for public financing of election campaigns
5	<p>Term Limits</p>	<p>May provide for term limits. Cal. Gov't Code § 36502(b).</p>	<p>Max of 3 terms as an elected official, or in any combination of elected offices</p>	<ul style="list-style-type: none"> • Continue current policy • May provide for different term limits • May establish limits on revolving service and terms
6	<p>Vacancies and Termination of Office</p>	<p>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.</p>	<p>Follows general law</p>	<ul style="list-style-type: none"> • Continue current policy • May establish criteria for vacating and terminating city offices so long as it does not violate the state and federal constitutions.
7	<p>Council Member Compensation and Expense Reimbursement</p>	<p>Salary-ceiling is set by generic state law and salary increases set by state law except for compensation established by city electors. Cal. Gov't Code § 36516</p> <p>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. Gov't Code §§ 53234 - 53235.</p> <p>Sets requirements for reimbursement of</p>	<p>Follows general law</p> <p>Last salary increase was 2006</p> <p>Elected mayor gets +10%</p> <p>Flat rate reimbursement of \$500</p>	<ul style="list-style-type: none"> • Continue current policy • May establish council member and other officer' salaries, benefits, reimbursement • All council members are required to have two hours of ethics training (GL) • Health and welfare benefits cannot be more than city employees (GL)

<p>8</p>	<p>Legislative Authority</p>	<p>Ordinances may not be passed within five days of introduction unless they are urgency. 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. May establish rules regarding the procedures for adopting, amending or repealing</p>	<p>Follows general law CC established procedures for resolutions</p>	<ul style="list-style-type: none"> • Continue current policy • May establish procedures for enacting local ordinances (eg – timeline, reading, adoption, publications procedures) • May establish procedures for adopting, amending or repealing resolutions.
<p>9</p>	<p>Quorum and Voting Requirements</p>	<p>A majority of the city council constitutes a quorum for transaction of city business. 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.</p>	<p>CMC Art II Ch. 4 Roll call voting for ordinances</p>	<ul style="list-style-type: none"> • Continue current policy • May establish own procedures, quorum, and voting requirements. • Certain legislation requiring supermajority votes is applicable to charter cities. (GL) • May allow for more efficient and cost-effective city operations
<p>10</p>	<p>Rules Governing Procedure and Decorum</p>	<p>Ralph Brown Act is applicable. Cal. Gov't Code §§ 54951, 54953(a). Conflict of interest laws are applicable. See Cal. Gov't Code § 87300 et seq..</p>	<p>CMC Art II Ch. 4</p>	<ul style="list-style-type: none"> • Continue current policy • May establish rules for CC/public meetings • Ralph Brown Act is applicable (GL) • Conflict of interest laws are applicable. (GL)

Public Employees			
11	Personnel Matters	<p>May establish standards, requirements and procedures for hiring personnel consistent with Government Code requirements.</p> <p>May have "civil service" system, which includes comprehensive procedures for recruitment, hiring, testing and promotion. See Cal. Gov't Code § 45000 et seq.</p> <p>Meyers-Milias-Brown Act applies. Cal. Gov't Code § 3500.</p> <p>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).</p>	<p>CMC Art II Ch. 9</p>
			<ul style="list-style-type: none"> • Continue current policy • May establish standards and procedures, including compensation, terms and conditions of employment for personnel. • May continue as contracting City under CalPERS • Procedures set forth in Meyers-Milias-Brown Act apply (GL) • 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.

Contracting			
12	Contracting Services	<p>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).</p> <p>May not contract services that city is able to provide</p>	<p style="text-align: center;">CMC Art II ch. 6</p> <ul style="list-style-type: none"> • Continue current policy • Full authority to contract consistent with charter. • 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.
13	Public Contracts	<p>Competitive bidding and award to the lowest responsible bidder required for public works contracts over \$5,000. Pub. Cont. Code § 20162.</p> <p>May subject to uniform construction accounting procedures, for less formal procedures for contracts less than \$100,000. See Cal. Pub. Cont. Code §§ 22000, 22032.</p> <p>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 §</p>	<p style="text-align: center;">CMC chapter 6 Uniform Public Construction Cost Accounting Act adopted</p> <ul style="list-style-type: none"> • Continue current policy • May expressly exempt city from bidding statutes when the subject matter of the bid constitutes a municipal affair. • May establish purchasing/bidding requirements • May be subject to general law requirements if accepting funding from source that requires contracting in accordance with GL
14	Payment of Prevailing Wages	<p>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).</p>	<p style="text-align: center;">Follows general law</p> <ul style="list-style-type: none"> • Continue current policy • Generally, not bound by prevailing-wage law requirements so long as the project is a municipal affair, and not one funded by state or federal grants.

Regulatory Authority			
15	Gifts of Public Funds	Constitutional ban on giving of public funds.	Follows general law
		<p>Constitutional ban on giving of public funds.</p> <p>May impose the same kinds of taxes and assessment as charter cities. See Cal. Gov't Code § 37100.5.</p> <p>Imposition of taxes and assessments subject to Proposition 218. Cal. Const. art. XIII C.</p> <p>Examples of common forms used in assessment district financing include the Improvement Bond Act, Municipal Improvement Act; Landscaping and Lighting Act. See Cal. Sts. & High. Code §§ 8500 <i>et seq.</i>; 10000 <i>et seq.</i>; 22500 <i>et seq.</i>, and the Benefit Assessment Act, Gov't Code §§ 54703 <i>et seq.</i></p> <p>May impose business license taxes for regulatory purposes, revenue purposes, or both. See Cal. Gov't Code § 37101.</p> <p>May not impose real property transfer tax. See Cal. Const. art. XIII A, § 4; Cal. Gov't Code § 53725; <i>but see</i> authority to impose documentary transfer taxes under certain circumstances. Cal. Rev. & Tax. Code § 11911(a), (c).</p>	<ul style="list-style-type: none"> • Continue current policy • May establish standards where gifts of public funds authorized
16	Finance and Taxing Power		<p>CMC Art VI</p> <ul style="list-style-type: none"> • Continue current policy • Have broader assessment powers than a general law city, as well as taxation power as determined on a case-by case basis. • May impose license tax on local businesses and occupations, with voter approval • Imposition of taxes and assessments subject to Proposition 218, Cal. Const. art. XIII C, § 2, and own charter limitations • May proceed under a general assessment law, or enact local assessment laws and then elect to proceed under the local law. See <i>J.W. Jones Companies v. City of San Diego</i>, 157 Cal. App. 3d 745 (1984). • May impose business license taxes for any purpose unless limited by state or federal constitutions, or city charter. • May impose real property transfer tax; does not violate either Cal. Const art. XIII A or California Government Code section 53725. See <i>Cohn v. City of Oakland</i>, 223 Cal. App. 3d 261 (1990); <i>Fielder v. City of Los Angeles</i>, 14 Cal. App. 4th 137 (1993).

17	Penalties & Cost Recovery	May impose fines, penalties and forfeitures, with a fine not exceeding \$1,000. Cal. Gov't Code § 36901.	CMC Art 1, ch. 2	<ul style="list-style-type: none"> • Continue current policy • May establish penalties and enact ordinances providing for various penalties
18	Public Utilities/ Franchises	<p>May establish, purchase, and operate public works to furnish its inhabitants with electric power. See Cal. Const. art. XI, § 9(a); Cal. Gov't Code § 39732; Cal. Pub. Util. Code § 10002.</p> <p>May grant franchises to persons or corporations seeking to furnish light, water, power, heat, transportation or communication services in the city to allow use of city streets for such purposes. The grant of franchises can be done through a bidding process, under the Broughton Act, Cal. Pub. Util. Code §§ 6001-6092, or without a bidding process under the Franchise Act of 1937, Cal. Pub. Util. Code §§ 6201-6302.</p>	<p>Adopts LA County Codes</p> <p>Pipeline franchise CMC Art VI ch. 8</p> <p>Established underground utility districts. CMC Art X, ch. 1</p>	<ul style="list-style-type: none"> • Continue current policy • May establish, purchase, and operate public works to furnish its inhabitants with electric power. • May establish conditions and regulations on the granting of franchises to use city streets to persons or corporations seeking to furnish light, water, power, heat, transportation or communication services in the city. • Franchise Act of 1937 is not applicable if charter provides. Cal. Pub. Util. Code § 6205. • May create and govern municipally-owned utilities
19	Planning & Zoning	Zoning ordinances must be consistent with general plan. Cal. Gov't Code § 65860.	CMC Art IX	<ul style="list-style-type: none"> • Continue current policy • Planning and Land Use Law generally does not apply • May enact zoning ordinances that are not consistent with general plan unless the city has adopted a consistency requirement by charter or ordinance. Cal. Gov't. Code § 65803. • Minimum standards for zoning hearings, sans notice requirements. Gov't Code 65804 (GL) • May not discriminate against residential developments Gov't Code 65008(g) (GL) • Permit Streamlining Act; Subdivision Map Act; and CEQA apply (GL)

Note: Any current ordinance of the City may be included in the charter, and if included the a vote of the people is required too amend and/or repeal.