

PROS & CONS FOR THE PROPOSED CITY CHARTER FOR THE CITY OF CARSON

Article XI, section 5, of the Constitution, commonly referred to as the “home rule” provision, generally gives charter cities full authority over their municipal affairs while recognizing state law supremacy over matters of statewide concern. Based on this constitutional grant of authority, an adopted city charter operates as an instrument of limitation and restriction on the broad power of a city over its municipal affairs. The charter provisions set the standards for a city’s exercise of its authority.

During the July 31, 2018 public hearing / special council meeting on the proposed City Charter, Mayor Pro Tem Jawane Hilton requested a listing of the pros and cons, specific to the City of Carson, of adopting the proposed City Charter. These are some of the pros and cons of the charter as staff view the current charter.

PROS:

As a charter city and under the terms of the proposed City Charter, the City of Carson is authorized to:

- Exercise full authority over the municipal affairs of the City. As a general law City, the City is required to comply with all state laws regardless of the needs or goals of the City. (s. Preamble, 100)
- Provide for all ordinances, contracts (including for all present officers and employees), franchises, actions and proceedings to continue in effect . A charter city may still follow state law in regards to it municipal affairs, which allows for a smooth, informed, and inclusive transition as the City-tailored policies are developed over time but can make laws tailored to its own community’s needs. (s. 101, 102, 103 104, 105)
- Adopt and amend the City Charter by a vote of the people of the City- not just a vote of majority of City Council. The residents of Carson will have more checks and balances on the council and may amend the Charter to curb abuses of power and institute new policy goals for their own city. (s. 111)
- Use incentives beyond that available to general law cities to attract business and responsible development and economic growth. The redevelopment program provided by state law to create different economic development strategies was rescinded by the state for general law cities. (s. 206)
- Establish an entity to facilitate economic development and growth, and redevelopment of contaminated sites. The redevelopment program provided by state law to create different economic development strategies was rescinded for general law cities. (s. 206D)
- Establishes greater land use powers on the city to eliminate nuisances and implement the planning goals and policies of the city.
- Consider votes of mobilehome park residents regarding park closures and change of use [similar to conversions to condominiums]. (s. 207(10))

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- Consider and enforce social and environmental quality and justice concerns in development, management, and use of land. (s. 207(14))
- Prohibit all retail dispensaries of cannabis and cannabis products. (s. 210)
- Determine its own process for publication of ordinances and legal notices. As a general law City, the City is required to post legal notices in a newspaper that has been adjudicated. Currently, there is only one adjudicated paper in the City that is not adequate for providing notice to the people of Carson. As a charter city, the City may use a newspaper of wider circulation. (s. 314, 318)
- Restrict nepotism, favoritism, and corruption by elected and appointed officials, and executive management, in the appointment or advancement of employees or board or commission members, or the providing of money or gifts beyond what state law provides. (s. 505)
- Create special assessment districts and procedures therefore for the purposes of raising revenue while mitigating impacts of certain uses within the city. (s. 908)
- Establish procedures for the procurement of supplies, services, construction, contracts, and the like in a manner that varies from that provided by state law. State law restricts the manner in which the various procurement procedures may be used. As a charter city, the City would be able to tailor its procurement procedures for operation in an effective and efficient manner that supports the goals of the City, such as a local hiring preferences. (s. 914)
- Use its best efforts to use project labor agreements for the efficient management of large construction projects, to provide uniform wages, benefits, and rules for work, and to ensure compliance with all specifications that advance the City's goals, such as collective bargaining and local hires. (s. 915)
- Provide a local preference of 5% on contracts up \$1,000,000. (s. 916)
- Provide public funds for the benefit of schools in the City, as well as for other public or charitable organizations. (s. 917)
- The sale of City-owned real property valued at more than \$2,500,000 requires two-thirds vote of City Council. (s. 319D)
- City Council prohibited from approving an increase to City Council compensation during any fiscal year for which the budget was not adopted on or before the first date of such fiscal year – encourages timely budget adoption. (s. 904)
- Requires a balanced budget and two-thirds vote of the City Council to approve any public funds to schools in the City, or other public or charitable organizations. (s. 917)

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CONS:

The proposed Carson charter restricts certain City Council authorities:

- Authority to establish City law enforcement and fire protection services restricted by Charter requirement for a comprehensive financial analysis. The City would have to comply with this restriction in addition to all other state law requirements for establishing a City law enforcement or city fire protection services. (s. 205)
- Restrict eminent domain powers for properties zoned and used for residential purposes. The City would not have the authority to use its eminent domain powers to the full extent of the law- under state law the City can condemn residential properties for public purposes. (s. 207(13))
- Total compensation for City Council set at Federal HUD “Low Income Limit” for a family of four. Ties City Council compensation to a regulated amount and prohibits setting total compensation at an amount different from such regulated amount. Adjustments to City Council compensation restricted to state law procedures. Charter cities have full authority over manner in which the City Council is compensation. (s. 304)
- Payment of \$50 per meeting to members of appointive boards and commissions instead of current \$35 set in charter as a base. (s. 604)
- Restriction on the City’s powers to tax: (s. 907)
 - Requires two-thirds vote of the City Council to approve general taxes, special taxes, and property taxes for submission to the voters.
 - Reinforces the existing oil industry business license tax (Carson Municipal Code Art. VI, Ch. 3.5), but prohibits the enactment of any new business license tax, per barrel tax, or storage tax on uses that are in compliance with the municipal code requirements.
- Two-thirds vote of the City Council required for appropriation/expenditures of City funds in excess of \$20,000,000 for capital improvement projects. Council should retain discretion on this issue (s. 910)