

CITY OF CARSON
ROLE OF THE COMMITTEE OF THE PROPOSED CITY CHARTER

The California State Constitution authorizes the City of Carson to adopt a charter for the purpose of its own government. In order to become effective, a proposed charter must be submitted to and approved by a majority vote of the City's electors and filed with the Secretary of State. The Constitution and the California Government Code authorize two methods for developing and proposing a charter to the voters:

- 1) The City Council on its own motion may propose a charter at a statewide general election. (Cal. Const. art. XI, § 3(b); Cal. Gov't Code § 34458).

The City Council may, on its own motion, develop a proposed charter and submit the proposal for its adoption to the voters at the next established statewide general election. Therefore, the Council may develop, or cause to be developed by any process it so chooses, the content of a proposed charter, subject to the public notice and hearing requirements required by state general law. Before the Council may vote to submit a proposed charter to the voters, it must hold two noticed public hearings on the matter of the proposal of a charter and the content of the proposed charter. The City has undertaken this method to develop and potentially submit a proposed city charter to the Carson voters.

- 2) A charter commission elected by the voters may propose a charter at a special or general election. (Cal. Const. art. XI, §§ 3(b-c); Cal. Gov't Code §§ 34451-34457).

An election for choosing charter commissioners may be called by the City Council or on presentation of a petition by the voters. Each elected commissioner must be a registered voter of the City and commission vacancies must be filled by appointment by the mayor. Once elected, the charter commissioners shall develop a proposed charter and file the proposal with the City Clerk for submission to the voters at the next established statewide general election.

Role of the Committee:

On May 1, 2018, the City Council voted to explore the option of adopting a city charter for the City of Carson and to appoint the members of the Committee of the Proposed City Charter. The Council may, on its own motion, develop and submit to the voters a proposed charter at the November 6, 2018 statewide general election. The Council established and appointed nine community members to the ad hoc committee to participate in the process of developing a proposed charter.

The committee will participate in developing the proposed charter by identifying topics and providing recommendations to the Council in regards to the content of the proposed charter. The committee will also provide additional opportunities for public participation, beyond the public hearings required by state law, by holding public committee meetings to facilitate public input in the development of the proposed city charter. The committee's recommendations will be strongly considered by the Council for inclusion, but are not required to be included, in the proposed charter. The City Council has the final word on the contents of the proposal that will be submitted to the voters at the November 6, 2018 election.

Authority:

California Constitution Article XI, Section 3

§ 3. Charters; adoption by counties and cities; amendment, revision, or repeal; conflicting measures

Sec. 3. (a) For its own government, a county or city may adopt a charter by majority vote of its electors voting on the question. The charter is effective when filed with the Secretary of State. A charter may be amended, revised, or repealed in the same manner. A charter, amendment, revision, or repeal thereof shall be published in the official state statutes. County charters adopted pursuant to this section shall supersede any existing charter and all laws inconsistent therewith. The provisions of a charter are the law of the State and have the force and effect of legislative enactments.

(b) The governing body or charter commission of a county or city may propose a charter or revision. Amendment or repeal may be proposed by initiative or by the governing body.

(c) An election to determine whether to draft or revise a charter and elect a charter commission may be required by initiative or by the governing body.

(d) If provisions of 2 or more measures approved at the same election conflict, those of the measure receiving the highest affirmative vote shall prevail.

California Government Code, Title 4, Division 2, Part 1, Chapter 2, Sections 34450 *et seq.*

§ 34450. Authorization

Any city or city and county may enact, amend, or repeal a charter for its own government according to this article or Article 3 (commencing with Section 9255) of Chapter 3 of Division 9 of the Elections Code.

§ 34451. Charter commission; proposals; eligibility of candidates

The charter may be proposed by a charter commission chosen by the voters of the city or city and county, at any general or special election, but no person shall be eligible as a candidate for the commission unless he or she is a registered voter of the city or city and county.

§ 34452. Election of charter commissioners; vacancies

(a) An election for choosing charter commissioners may be called by a majority vote of the governing body of a city or city and county, or on presentation of a petition signed by not less than 15 percent of the registered voters of the city or city and county. The petition shall be verified by the authority having charge of the registration records of the city or city and county and the expenses of the verification shall be provided by the governing body thereof. The governing body shall call an election pursuant to Sections 1000 and 10403 of the Elections Code.

(b) If any vacancy arises in a charter commission established for a city or city and county pursuant to this chapter, the vacancy shall be filled by an appointment by the mayor of the city or city and county.

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§ 34453. Questions submitted; effect of vote

At an election the voters shall vote first on the question “Shall a charter commission be elected to propose a new charter?” and, secondly, for the candidates of the office of charter commissioner. If the first question receives a majority of the votes of the qualified voters voting thereon at the election, the 15 candidates for the office of charter commissioner receiving the highest number of votes shall forthwith organize as a charter commission. However, if the first question receives less than a majority of the votes of the qualified voters voting thereon at the election no charter commission shall be deemed to have been elected.

§ 34454. Nomination of candidates for charter commission

Candidates for the office of charter commissioner shall be nominated either in the same manner provided for the nomination of officers of the municipal or city and county government, or by petition substantially in the same manner provided by general laws for the nomination by petition of candidates for public offices to be voted for at general elections.

§ 34455. Proposed or amended charter; signatures; filing

The charter commissioners shall propose a charter and may propose amendments to a charter, for the government of the city or city and county. The charter so prepared shall be signed by a majority of the charter commissioners and shall be filed in the office of the clerk of the governing body of the city or city and county.

§ 34456. Printing and mailing of copies of charter; type styles

In any city or city and county, the governing body shall cause copies of the charter to be printed in type of not less than 10-point. If the governing body causes copies of the proposed charter to be mailed to the voters, the text of the proposed charter may show the difference from existing provisions of law by the use of distinguishing type styles.

§ 34457. Proposed charter; submission to the voters

After the charter prepared by the charter commission has been filed in the office of the clerk of the governing body of the city or city and county pursuant to Section 34455, the proposed charter shall be submitted to the voters of the city or city and county at the next established statewide general election pursuant to Section 1200 of the Elections Code, provided there are at least 95 days before the election.

§ 34458. Proposal of governing body; election; public hearings

(a) As an alternative to the procedure provided for in Sections 34450 to 34457, inclusive, the governing body of a city or city and county, on its own motion may propose or cause to be proposed, amend or cause to be amended, or repeal or cause to be repealed, a charter, and may submit the proposal for the adoption, amendment, or repeal thereof, to the voters at the next established statewide general election pursuant to Section 1200 of the Elections Code, provided there are at least

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88 days before the election, or, for a proposal described in paragraph (2) of subdivision (a) of Section 1415 of the Elections Code, at an election specified in that paragraph.

(b) Prior to approving the submission to the voters of a proposal to adopt a charter, the governing body shall hold at least two public hearings on the matter of the proposal of a charter and the content of the proposed charter. Notice of the public hearings shall be given by publication pursuant to Section 6066, in a newspaper designated by the governing body and circulated throughout the city, and by posting the notice in three public places within the jurisdiction at least 21 calendar days prior to the date of each public hearing. The second public hearing shall be held at least 30 days after the first public hearing. At least one of the public hearings shall be held outside of normal business hours to facilitate public participation. The governing body shall not conduct a vote on whether to approve the submission to the voters of the proposal to adopt a charter until 21 days after the second public hearing.

§ 34458.5. Charter proposal; ballot description

A proposal to adopt or amend a charter, whether submitted to the voters pursuant to Section 34457 or 34458, shall include in the ballot description an enumeration of new city powers as a result of the adoption of the charter, including, but not limited to, whether the city council will, pursuant to an adopted charter, have the power to raise its own compensation and the compensation of other city officials without voter approval.

§ 34459. Charter proposal, amendment or repeal; ratification; acceptance and filing

If the voters vote in favor of the charter proposal, amendment, or repeal, it shall be deemed to be ratified, but shall not take effect until accepted and filed by the Secretary of State pursuant to Section 34460.

§ 34460. Certification; authentication; recording and filing; contents

Three copies of the complete text of a charter proposal or of any amended or repealed section ratified by the voters of a city or city and county shall be certified and authenticated by the chairperson and the clerk of the governing body and attested by the city clerk, setting forth the submission of the charter to the voters of the city, and its ratification by them. One copy shall be recorded with the recorder of the county in which the city is located, and one filed in the archives of the city. In the case of a city and county, one copy shall be recorded with the recorder thereof, and one filed in the archives of the city and county. The third copy shall be filed with the Secretary of State. Each copy recorded with the recorder of the county or city and county and filed in the archives of the city or city and county shall be filed with the following:

- (a) Certified copies of all publications and notices required of the city by this chapter or by the laws of this state in connection with the calling of an election to propose, amend, or repeal a city charter.
- (b) Certified copies of any arguments for or against the charter proposal, amendment, or repeal that were mailed to voters pursuant to Sections 9281 and 13303 of the Elections Code.
- (c) A certified abstract of the vote at the election at which the charter proposal, amendment, or repeal was approved by the voters.

§ 34461. Secretary of state; acceptance and filing; publication; judicial notice

A charter proposal, amendment, or repeal by the voters of a city or city and county and submitted to the Secretary of State in compliance with this chapter shall be accepted and filed by the Secretary of State. The charter proposal, amendment, or repeal shall be published in the statutes in a charter chapter series under the designation “Statutes of _____ (year), Charter Chapter _____.” Under the chapter number, the date of the ratification election and the date of filing with the Secretary of State shall be indicated.

After a charter proposal, amendment, or repeal is accepted and filed by the Secretary of State, the courts shall take judicial notice thereof.

§ 34462. Cities and counties; proposed or amended charters; submission to voters

(a) A charter commission established for a city and county pursuant to this chapter shall complete a proposed or amended charter and submit the charter to the voters of the city and county within two years of the date of the election of the charter commissioners, and at the expiration of that period is abolished.

(b) A charter commission may submit portions of the proposed or amended charter to the voters periodically.