



Staff Report

TO: City Council
FROM: John Pinkney, City Attorney
DATE: September 7, 2021
SUBJECT: Charter City Presentation and Discussion

Background and Analysis:

The City Attorney's office has prepared a presentation for the City Council comparing general law and charter cities. Charter cities have slightly more autonomy than general law cities because they retain control over matters of statewide concern. Charter cities remain subject to the same state laws applicable to general law cities.

Municipal Affairs

- a. Processes and procedures associated with city contracts, including application of prevailing wage standards for city-funded projects (projects using State or Federal funding are still subject to State prevailing wage laws);
- b. Municipal election matters (through the California Voting Rights Act still applies to charter cities);
- c. Procedures for initiative, referendum, and recall;
- d. Procedures for adopting ordinances;
- e. Compensation of city officers and employees;
- f. Financing public improvements;
- g. Making charitable gifts of public funds for public purposes;
- h. Term limits for council members; and
- i. Land use and zoning decisions.

Matters of Statewide Concern

- a. Regulation of traffic control,
- b. Government Claims Act,
- c. Brown Act – open meeting laws,
- d. Meters – Milias – Brown Act – local government labor relations,
- e. CEQA – California Environmental Quality Act,
- f. Public Records Act,
- g. School systems, and

- h. Licensing of members for trade or profession.

Even where a matter is a municipal affair the state may directly limit the City's authority. For example, charter cities may exempt themselves from the prevailing wage laws as to locally funded projects. However, if a charter city fails to pay prevailing wages, the city may be prohibited from receiving certain state funding for public works projects.

In order to become a charter city, a charter must be proposed. It may be as long or as short as the drafters decide. Article XI, Section 3 of the California Constitution provides three ways for a general law city to draft and adopt a city charter. The City Council can:

- a. Call for the election of an elected charter commission,
- b. Appoint a charter committee that submits a draft charter to the City Council, or
- c. Draft the proposed charter itself.

Regardless of the manner in which the City prepares a proposed charter, a majority of the voters must approve the charter.

Fiscal Impact:

City Staff estimates the cost to prepare this report to be \$2,500.

Recommended Action:

Receive and file presentation.

Attachments:

- A. Presentation – Charter v General Cities