

April 10, 2014

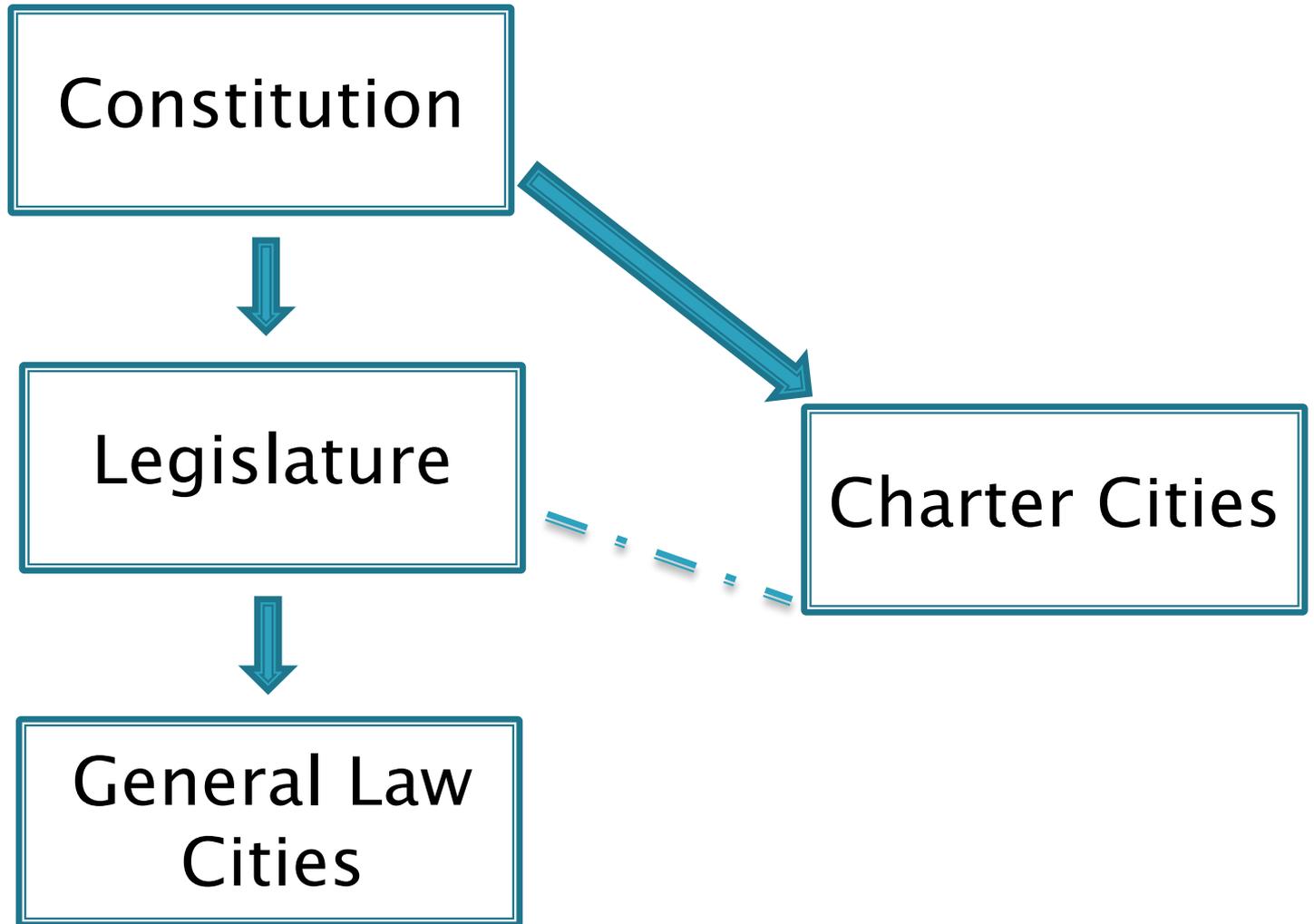
City of Escondido

Information Regarding Charter Proposal

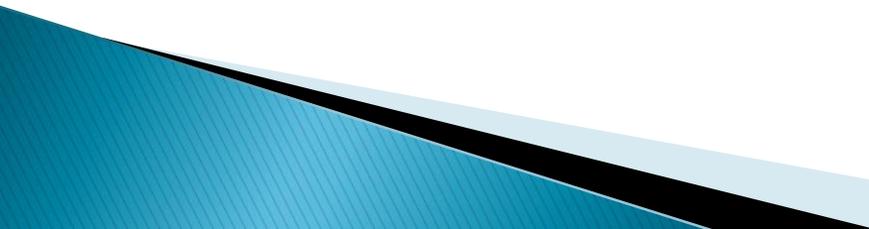


What is the Difference Between a Charter City and a General Law City?

- ▶ Escondido is currently a general law city and derives its powers from general laws enacted by the State legislature, i.e. must follow state law.
- ▶ Charter cities operate under the provisions of a Charter, (a written document approved by the local voters) which operates as the “constitution” for the city. Charter cities derive their corporate powers from the state constitution, and can apply own local laws but not on “matters of statewide concern.”



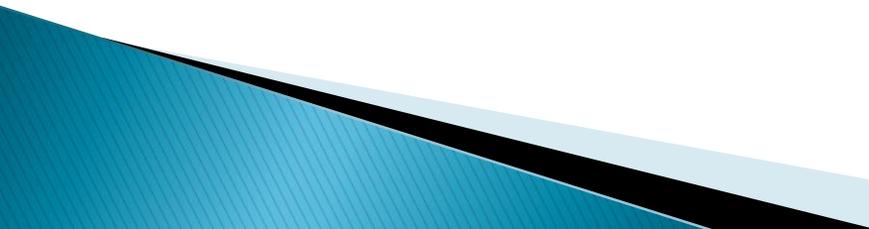
Cal. Const. Art. XI, Section 5(a)

- ▶ The “home rule” provision gives a charter city supremacy over “municipal affairs”
 - ▶ Municipal affairs (charter city governs) v. matter of “statewide concern” (state law governs)
 - ▶ Whether a “municipal affair” or “matter of statewide concern” is ultimately decision for the courts to resolve on a case by case basis
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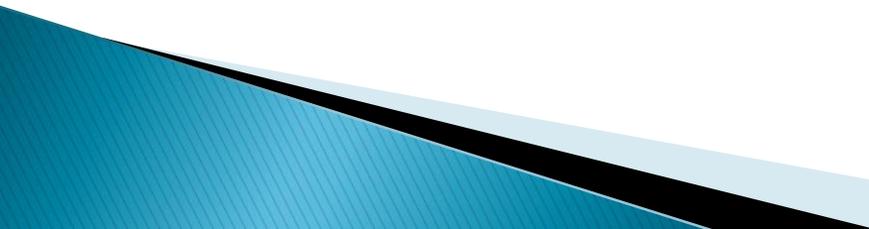
A Charter is a Written Document that:

- ▶ Must be approved by the voters
 - ▶ Operates as a “constitution” for the City
 - ▶ Gives the City the power to make and enforce all ordinances and regulations with respect to municipal affairs
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Matters Considered “Municipal Affairs”

- ▶ Compensation of City officers and employees
 - ▶ Processes associated with City contracts, including payment of prevailing wages for public works projects
 - ▶ Financing public improvements
 - ▶ Term limits for Councilmembers
 - ▶ Land use and zoning decisions (with a few exceptions)
 - ▶ Municipal elections
 - ▶ Initiative, referendum and recall procedures
 - ▶ Procedures for adopting Ordinances
 - ▶ Taxation
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Matters of “Statewide Concern”

- ▶ School systems
 - ▶ Traffic and vehicle regulation
 - ▶ Licensing of members of a trade or profession
 - ▶ Tort claims against a governmental entity
 - ▶ Open and public meetings (Ralph M. Brown Act)
 - ▶ Exercise of power of eminent domain
 - ▶ Meyers–Miliias–Brown Act (Labor Negotiations), Peace Officers Procedural Bill of Rights, Firefighters Procedural Bill of Rights
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In California -121 of 482 are charter cities.
In San Diego County -7 of 18 are charter cities.

CHARTER CITIES

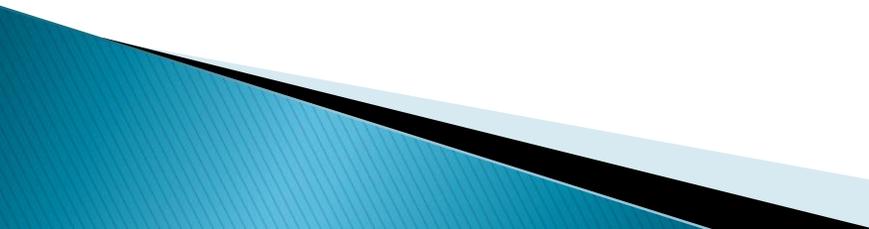
- ▶ Vista
- ▶ Carlsbad
- ▶ Oceanside
- ▶ Del Mar
- ▶ Chula Vista
- ▶ San Marcos
- ▶ San Diego

Trend with North San Diego County Cities

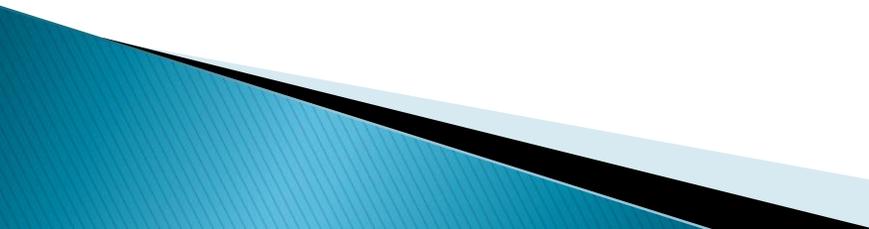
North County cities used a short, simplified charter document

- ▶ Carlsbad
 - ▶ Del Mar
 - ▶ Oceanside
 - ▶ San Marcos
 - ▶ Vista
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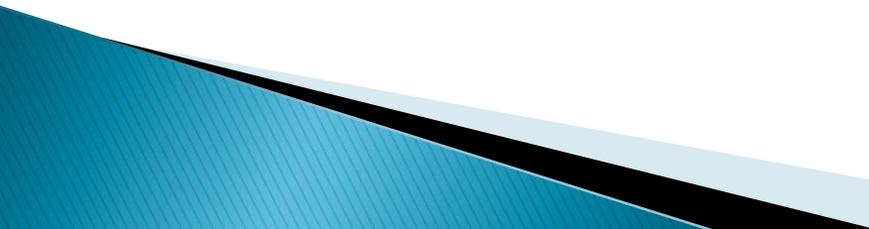
Historical Background: 2012 Charter Proposal

- ▶ Council Workshop held September 28, 2011
 - ▶ Public hearings held April 18, 2012 and May 23, 2012
 - ▶ City Council approved submission of the Charter Proposal to voters on June 13, 2012
 - ▶ Charter included exemption from prevailing wage laws and district elections
 - ▶ Charter was not adopted by electorate on November 6, 2012
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Charter Cities and Prevailing Wage Laws:

- ▶ Historically, charter cities can avoid paying prevailing wages in local public works contracts that do not receive state or federal funds
 - ▶ Growing trend for courts and State legislature to expand applicability of prevailing wages to charter cities
 - ▶ California Supreme Court held prevailing wage a municipal affair (City of Vista case) (2012) 54 Cal.4th 547
 - ▶ SB 7 effective January 1, 2014, denies state funding to charter cities that do not pay prevailing wage
 - ▶ 6 Charter Cities (Carlsbad, El Centro, El Cajon, Fresno, Oceanside and Vista) suing State to invalidate SB 7
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Current Charter City Proposal and Process Used to Adopt Charter

- ▶ As in 2012, City Council to draft Charter
 - ▶ Must submit to voters for adoption at general election (AB 1344)
 - ▶ Majority of voters must vote in favor of proposed charter
 - ▶ Cost for public education (\$4,000)
 - ▶ Estimated cost of general election 2014 (\$20,000)
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Consistent with Other Local Charters, Draft Charter Includes:

Article 1: State Doctrine of Municipal Affairs

Article 2: Council–Manager Form of Government

Article 3: Elected Officers

- Affirms terms and eligibility of elected officers
- Duties, responsibilities and compensation of City Treasurer to be set by Ordinance
- Affirms the City Council’s authority to appoint Councilmembers to vacancies within sixty days

Consistent with Other Local Charters, Draft Charter Includes:

Article 4: Fiscal Matters

- Encourage economic development
- Promote fair and open competition in construction contracts
- Voluntary employee political contributions

Article 5: Revenue Retention/State Mandates Limited

Article 6: Councilmember Compensation Governed by State Law Limits

Article 7: Interpretation

Article 8: Amendments to Charter by Electors

The Public Process

- ▶ Council Discussion January 15, 2014
 - ▶ Council Workshop held March 19, 2014
 - ▶ Two public hearings required
April 9, 2014 and May 21, 2014
 - ▶ Consider public comments
 - ▶ City Council to place Charter on the ballot
 - ▶ General Election on November 4, 2014
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