

**PROPOSED CHARTER
OF THE
CITY OF GROVER BEACH**

PREAMBLE

WE THE PEOPLE of the City of Grover Beach declare our intent **to establish a municipal constitution for our City that recognizes the** principles of self-governance inherent in the doctrine of home rule. **In adopting this charter, we recognize the best form of government is local government; it is prudent and necessary for the City to have maximum flexibility over its own municipal affairs and to separate the City from the State where permissible by law. We are** sincerely committed to the belief that local government has the closest affinity to the people, and **we are** firm in the conviction that the maximum economic, fiscal, and policy-making independence of local government will better serve and promote the health, safety, and welfare of all the citizens of this City, we do hereby exercise the express right granted by the Constitution of the State of California to adopt this Charter for the City of Grover Beach.

CHARTER

**Article I
Municipal Affairs**

Section 100. Municipal Affairs

Each of the responsibilities of governance set forth and described in this Charter, and as established by the Constitutional, statutory, and common law of the State of California, is hereby declared to be a municipal affair or concern, the performance of which is uniquely to the benefit of the citizens of the City of Grover Beach.

Section 101. Powers

The City shall have all powers that a City can have under the Constitution and laws of the State of California as fully and completely as though they were specifically enumerated in this Charter. The enumeration in this Charter of any particular power, duty or procedure shall not be held to be exclusive of, or any limitation or restriction upon, this general grant of power.

Section 102. Incorporation and Succession

The City shall continue to be a municipal corporation known as the City of Grover Beach. The boundaries of the City of Grover Beach shall continue as now established until changed in the manner authorized by law. The City shall remain vested with and shall continue to own, possess, control, and enjoy all property rights and rights of action of every nature and description owned, had, possessed, controlled or enjoyed by it when this Charter takes effect. It shall be subject to all debts, obligations, and liabilities which exist against the City when this Charter takes effect. All lawful ordinances, resolutions, rules and regulations, or portions thereof, in force when this Charter takes effect and not in conflict with or inconsistent herewith, are hereby continued in force until the same have been duly repealed, amended, changed or superseded by proper authority.

Article 2 Form of Government

Section 200. Form of Government

The City shall continue to be governed under this Charter by a “Council-Manager” form of government. The City Council will establish the policies for the governance of the City and the City Manager will carry out those policies.

Section 201. Elected Officials

The City Council shall consist of four (4) members and an elected Mayor, each elected at-large, and who shall be the sole elected officials of the City. The minimum qualifications for these offices shall be as provided by state law for general law cities, except candidates for said offices shall be residents of the City for a period of at least six (6) months prior to the election and throughout his or her term. Any vacancy in office shall be filled in the manner provided by state law. Annually, the Mayor shall appoint a Council Member to serve as Vice Mayor, with all the duties and responsibilities of that position. The Council and the Mayor shall conduct themselves in accordance with a Code of Ethics for Public Officials that shall be adopted by the Council through ordinance or resolution.

Section 202. Council Member Compensation

The salary of the Mayor and Council Members shall continue to be set pursuant to the law applicable to general law cities provided, however, that neither the Mayor nor any Council Member may receive a pension or unemployment insurance.

Section 203. Elections

Elections shall be conducted in accordance with the law applicable to general law cities. The powers of initiative, referendum, and recall shall apply in the City as they do in general law cities under the applicable provisions of state and federal law.

Section 204. Appointive Officers

The City Council shall appoint the City Manager and City Attorney, members of all Boards and Commissions, and such other subordinate officers as in their judgment may be deemed necessary, and fix their compensation.

All appointive officers shall, before entering upon the duties of their office, take the oath herein prescribed for elective officers.

No provisions of this Charter shall be construed to prohibit the adoption of an ordinance providing for personnel, merit, civil service, or other system for the employment, tenure, discharge or retirement of employees.

Section 205. City Clerk

The City Clerk shall be the custodian of the seal of the City, and shall safely keep all books, records and other documents required by this Charter or the laws of the State to be kept and filed in his/her office. He/She shall be the Clerk of the Council. He/She shall have the power to administer oaths. It shall be his/her duty to perform all acts required of the Clerk by this Charter, by ordinance, or by the laws of the State.

Section 206. City Attorney

The City Attorney shall be an attorney-at-law, duly admitted to practice in the courts of this State, and having practice therein at least five (5) years. **The City Attorney or his/her designee** shall represent the City in all litigation, including the prosecution of criminal cases arising out of the violations of City ordinances. He/She shall be the legal advisor of the City Council, the City Manager, and all other officers, boards, and departments of the City, and shall give his/her opinion in writing when requested in writing by any officer or board. He/She shall draft all proposed ordinances or resolutions, when requested to do so by the City Council, and perform such other duties as may be prescribed by ordinance.

Section 207. City Manager

The City Council shall appoint a City Manager. His/Her powers and duties shall be identified and defined in a resolution or an ordinance adopted by the City Council.

Article 3 Operational Provisions

Section 300. Economic and Community Development

The City shall encourage, support, and promote economic and community development, and preserve and enhance the beach-town character of Grover Beach.

Section 301. Purchasing and Public Works Contracts

The City as a Charter City **may** exempt **itself** from the provisions of the California Public Contract Code and the City shall have the power to establish standards or regulations related to the purchasing of goods, property, and services including, but not limited to, the establishment of local preferences. “Public Works Contract” as used in this section, means an agreement for the erection, construction, alteration, repair or improvement of any public structure, building, road or other public improvement, of any kind. The City Council may establish by ordinance or resolution, all standards, procedures, rules or regulations to regulate all aspects of the bidding, award, and performance of any Public Works Contract.

Section 302. Prevailing Wage

Option 1: No City contract shall require payment of the prevailing wage schedule unless:

- (i) the prevailing wage is legally required, and constitutionally permitted, to be imposed;
- (ii) required by federal or state grants pursuant to federal or state law;
- (iii) the City Council does not consider the project to be a municipal affair; or
- (iv) payment of the prevailing wage schedule is authorized by resolution of the City Council.

Payment of the prevailing wage schedule, if authorized hereunder, shall use the pertinent rates established by the State of California.

Option 2: All City contracts for public works projects shall require payment of prevailing wage as compensation to all contractor employees working on such public works projects in accordance with current prevailing wage rates.

Option 3: City Council by ordinance or resolution shall establish rules pertaining to payment of prevailing wages on public works projects.

Section 303. The Think-Local-First Option

It is in the best interest of the City to support local businesses that contribute to the City's economy and promote the employment of local residents. To the extent permitted by state and federal law, the City may establish by ordinance **or resolution** specified and limited bid advantages for firms based within a specified distance of the City. The City may enact such an ordinance in recognition of the fact that local firms and local employees help support the economy and quality of life of Grover Beach. The City shall establish all standards, procedures, rules or regulations to regulate all other aspects of public contracting. **The City may by ordinance or resolution establish incentive programs for businesses that locate or expand within the City.**

Section 304. Supporting Volunteers in Grover Beach

The City seeks to support volunteers in creating a higher quality of life for Grover Beach citizens and, as such, declares itself exempt from any state laws or regulations that would make it more difficult or expensive for volunteers to participate in any community project, whether funded with City revenues or not.

Section 305. Limitation on Taxing Authority

This Charter shall not be interpreted as giving the City greater authority to raise the level of taxes or fees or to create new taxes or fees beyond the powers granted to general law cities nor to exempt the City from any procedures for raising the level of taxes or fees or for creating new taxes or fees required by the law applicable to general law cities.

**Article 4
Revenue Retention**

Section 400. Reductions Prohibited

Revenues raised and collected by the City **or on behalf of the City** shall not be subject to subtraction, retention, attachment, withdrawal or any other form of involuntary reduction by any other level of government.

Section 401. Mandates Limited

The City shall have the power to order the non-performance of any service or activity mandated on the City by any higher level of government until such time as a court of competent jurisdiction orders the City to perform such mandated service or activity or until such revenues adequate to perform such mandated service or activity is provided by the mandating government.

**Article 5
General Laws**

Section 500. General Law Powers

In addition to the power and authority granted by this Charter and the Constitution of the State of California, the City shall have the power and authority to adopt, make, exercise and enforce all legislation, laws, and regulations and to take all actions and to exercise any and all rights, powers, and privileges heretofore or hereafter established, granted or prescribed by any law of the State of California or by any other lawful authority. In the event of any conflict between this Charter and the general laws of the State of California, this Charter shall control.

Section 501. General Plan and Zoning Consistency

All zoning ordinances adopted by the City shall be consistent with the City’s General Plan as required by the law applicable to general law cities, except the City Council shall not be limited in the number of General Plan Amendments the City will process and the City Council will approve per year.

**Article 6
Interpretation and Amendment**

Section 600. Construction and Interpretation

The language of this Charter is intended to be permissive rather than exclusive or limiting and shall be liberally and broadly construed in favor of the exercise by the City of its power to govern with respect to any matter that is a municipal affair. Every reference in this Charter to state or federal law shall mean that law as it exists when this Charter takes effect or as it may thereafter be amended.

Section 601. Title

This Act shall be known as the “Home Rule for Grover Beach Charter of 2014”.

Section 602. Severability

If any provision of this Charter should be held by a court of competent jurisdiction to be invalid, void or otherwise unenforceable, the remaining provisions shall remain enforceable to the fullest extent permitted by law.

Section 603. Amendment to Charter, revised or repealed

As provided by state law, this Charter, and any of its provisions, may be amended by a majority vote of the electors voting on the question. Amendment or repeal may be proposed by initiative or by the City Council.

I hereby affirm that the foregoing Home Rule for Grover Beach Charter of 2014 was submitted to a vote of, and ratified by, a majority of the voters of the City of Grover Beach at a regular general municipal election held for that purpose on November __, 2014.

DRAFT

Mayor

ATTEST:

DRAFT

City Clerk