

**IMPARTIAL ANALYSIS BY CITY ATTORNEY
CITY OF COSTA MESA
MEASURE V**

CITY CHARTER ADOPTION

Measure V proposes that the City of Costa Mesa adopt the Proposed Charter. A charter operates as the City's "constitution" and provides the City with control over its municipal affairs. There are two kinds of cities in California: those authorized under the California Constitution (i.e. charter cities), and those authorized under general law (i.e. general law cities). Charter cities may control and manage their "municipal affairs." General law cities only have those powers defined by the State Legislature. All cities, whether charter or general, must comply with Federal and State Constitutional requirements. Charter cities must abide by general state laws regarding matters of "statewide concern."

The Proposed Charter provides:

1. Form of Government: The Proposed Charter requires that the City continue to use the "council-manager" form of government.
2. Purchasing and Contracting: The Proposed Charter allows the City to engage in contracting/purchasing different from general law cities (e.g. prevailing wages *not* required for Public Works Projects funded solely with City funds; city may establish contract amount exempt from formal bidding).
3. Voluntary Employee Political Contribution: The Proposed Charter prohibits the city from collecting political contributions through payroll deductions from employees.
4. Public Employee Pension Benefits: The Proposed Charter requires City voter approval before any increase of employees' or officers' retirement or post-retirement benefits, except cost of living adjustments.
5. Council Compensation: The Proposed Charter requires the City continue to follow general law regulating and capping Councilmember compensation.
6. Elections: The Proposed Charter requires elections to be governed by general law.
7. Management of Administrative Officers: The Proposed Charter requires the city to follow general law for the appointment and removal of the Chief Executive Officer and City Attorney.
8. Interference with City CEO's duties: The Proposed Charter prohibits Councilmembers from attempting to influence/coerce the City CEO in conducting his/her duties under applicable law. Except for the City Attorney, City Council members must deal with the administrative functions of the City through the City CEO, except for the purpose of making inquiries. City Council members are prohibited from giving direct orders to subordinates of the City CEO. This codifies a provision of the City's municipal code into the Charter. No Councilmember, or any officer or member of any board or commission, is permitted to participate in the appointment to any office or employment of the City if the candidate is related within the third degree by blood, or by marriage, to that officer or member.
9. Taxes and Assessments: The Proposed Charter prohibits taxation of property sales.
10. Charter Powers: The Proposed Charter also authorizes the City to take actions and pass ordinances consistent with the City's status as a charter city in connection with its municipal affairs.

If the Charter is approved, no changes can be made to the Charter without a majority vote of the voters voting at a subsequent election.

A "YES" VOTE MEANS you want Costa Mesa to adopt the Proposed Charter.

A "NO" VOTE MEANS you do not want Costa Mesa to adopt the Proposed Charter.

s/ Thomas P. Duarte
City Attorney

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