

STAFF REPORT

City of Lancaster

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10/27/09
MVB

Date: October 27, 2009

To: Mayor Parris and City Council Members

From: David McEwen, City Attorney

Subject: **Converting to a Charter City**

Recommendation:

Authorize City Attorney to finalize the draft of the proposed Charter and to present it to the City Council at the November 10, 2009 meeting together with necessary resolutions to place the issue on the ballot at the April 13, 2010 General Municipal Election.

Fiscal Impact:

The cost of placing the matter on the ballot is estimated to be \$6,000.00.

Discussion:

There are two types of cities in California; general law cities and charter cities. A general law city finds its authority to act in, and is thereby limited by, the general laws adopted by the legislature. A charter city, on the other hand, has all of the powers of a general law city together with the power to enact ordinances and regulations with respect to municipal affairs without regard to the general laws adopted by the legislature but subject to the limitations found in the Constitution and its own charter. To become a charter city, the charter must be approved by a majority vote of the citizens.

Attached hereto is a memorandum that more fully explains some of the distinctions between charter cities and general law cities. In particular, the attachments to the memo give examples of the areas in which a charter city has complete authority (municipal affairs) and the areas in which it is subject to the general laws.

Also attached hereto is a draft of a proposed charter for Lancaster. In preparing this draft, I focused on two primary guiding principles. First, provide the City with the maximum control over its municipal affairs to preserve its home rule powers. Second, provide maximum flexibility and control over the city's operations and financial affairs. By providing for maximum flexibility and control over municipal affairs, the City will be in a position to deal with and react to changing circumstances. It will allow the City council to be innovative with respect to government operations and financial affairs.

The draft charter makes no changes in the government of the City and specifically adopts the council manager form of government with an elected Mayor and four council members.