

Within sixty days after this amendment shall have become effective, the City Council shall appoint without reference to the provisions of any civil service ordinance rule or regulation, a City Manager, who need not be a resident at the time of his appointment. Said City Manager, however, shall become a resident of Torrance within six months from the date of his appointment. The City Manager must be a citizen of the United States, not less than thirty years of age, and shall be a person of demonstrated administrative ability, with experience in responsible executive positions and he shall be chosen by the City Council solely upon the basis of his executive and administrative qualifications.

The City Manager shall be appointed for an indefinite term and shall be removable at the pleasure of the City Council but only upon the adoption of a resolution by the affirmative vote of at least a majority of the members of the City Council. The City Manager, however, shall not be removed until after the expiration of six (6) months after the date of his appointment except (1) for conviction of a felony or (2) for conviction of a crime prescribed by statute applicable to municipal officials or (3) upon the passage of a resolution adopted by the unanimous vote of all City Councilmen. After the expiration of said six (6) months period, said City Manager may be removed by the City Council for either of the two reasons set forth in exceptions 1) and 2) above, and/or in the manner set forth in said exception 3) last mentioned and/or in the manner following:

At a regular meeting of the City Council, it shall adopt a Resolution of Intention to remove said City Manager, which resolution shall be approved by a majority of the members of the City Council and shall set forth the grounds for such proposed removal. A certified copy of said Resolution of Intention shall then be served personally upon said City manager who shall have the right to defend himself against said charges before said City Council at a public hearing and at a time to be fixed by it, which shall be not less than two weeks after the service of said Resolution of Intention upon said City Manager and not more than thirty (30) days thereafter.

The City Council may thereupon, or within five (5) days thereafter, enact a resolution by an affirmative vote of a majority of the members of said City Council, either discharging said City Manager or retaining him in office, as it may by such resolution determine.

Pending such hearing and by said Resolution of Intention, the City Manager may be suspended from office, but shall be entitled to his salary during the time of such suspension, if reinstated.

The salary of the City Manager shall be not less than Five Hundred Dollars (\$500.00) per month, payable in equal semi-monthly installments. Subject to the foregoing limitations, the salary of the City Manager shall be fixed by resolution of the City Council adopted by a majority vote and salary thus fixed cannot be reduced without notice to the City Manager and an opportunity to be heard thereon at a public meeting of the City Council prior to adoption of the resolution reducing his salary.

In case of absence, suspension, or disability of the City Manager, the City Council may designate some qualified person to perform the duties of the office during his absence, suspension or disability. In case of a vacancy in the office of City Manager, the City Council shall proceed immediately to appoint a new City Manager.

The City Manager shall be entitled to vacation periods and sick leave, with pay, but in no event shall the basis of such pay be less than the basis prescribed for such compensation by the civil service ordinance of the City of Torrance for heads of municipal departments. Subject to the foregoing limitations, the City Council shall determine the extent of such periods and the compensation to be paid the City Manager during the same. Vacation periods and sick leave shall not respectively accumulate in excess of thirty (30) days.

920 CITY MANAGER RESPONSIBLE TO CITY COUNCIL.

The City Manager shall be responsible to the City Council for the proper and efficient management of all the affairs of the City placed in his charge hereby or by the City Council.

921 NONINTERFERENCE BY CITY COUNCIL WITH POWERS AND DUTIES OF CITY MANAGER.

Neither the City Council nor any member thereof, shall in any manner, direct or request the City Manager to appoint or remove any person to and/or from any office or position of employment of the City. Neither the City Council nor any member thereof shall give orders or instructions publicly or privately, to any person under the jurisdiction of the City Manager. No member of the City Council shall undertake to coerce the City Manager in respect to any of his duties and/or any municipal contract, and/or in connection with the purchase of any municipal supplies.

930 THE POWER OF CITY MANAGER OVER EXECUTIVE DEPARTMENTS.

The City Manager shall have supervision and control over all heads of departments, except the City Attorney, and elective officials of the City, and shall have the power to direct and control the administrative and executive functions of such departments and shall have power to appoint from the civil service eligible list, all heads of departments except the City

Attorney, and elective officials of said City, and shall have power to prefer charges against such heads of such departments as are appointed by him in the manner prescribed by and in accordance with the provisions of any civil service ordinance of said City applicable to suspension, discipline or removal of such heads of such departments, but any decision of the Civil Service Board or the Trial Board, as the case may be, upon any such charges may be overruled by an affirmative vote of four members of the City Council.

The City Manager may recommend to the City Council, setting forth reasons therefor, the abolition, suspension or consolidation of the duties and functions of any of the heads of departments, chief officials, subordinate officers and employees of the City. The City Council may thereafter, at any time, abolish, suspend or consolidate any such duties or functions in accordance with such recommendations or as it may determine, and thereafter remove the person or persons affected from the employment of the City, whose duties are thus abolished, suspended or consolidated.

931 SPECIAL POWERS AND DUTIES OF CITY MANAGER.

The City Manager shall be specifically charged with the performance of the following duties and shall have the following powers, in addition to those enumerated above:

- a) He shall enforce all municipal ordinances, franchises, leases, contracts, permits and privileges granted by the City.
- b) He shall purchase all supplies, property or equipment needed or required by the City in accordance with such regulations as the City Council shall prescribe by ordinance.
- c) He shall prepare and submit to the City Council an annual budget estimate at least two (2) months prior to the date when the annual tax rate must be established, and in this connection, the City Manager shall have plenary power to demand of the various executive departments and elective officials of the City a full and complete statement of the estimated expenditures of such departments and elective officials for the ensuing fiscal year, and the reasons for such expenditures. The City Manager may include or exclude such items from said budget estimate as he may deem advisable. Should any such head of such department or elective official fail to submit such a statement within thirty days after demand, the City Manager shall thereupon have the right to take possession of all books and fiscal records of such department or elective official and retain the same thereafter until such time as the City Council shall order them returned to such department head or elective official and the City

Council may likewise engage the service of such subordinate employees as may be necessary to maintain such books and records.

The City Council shall hold at least two (2) public hearings upon said annual budget estimate and may increase the total estimated expenditures set forth therein only upon an affirmative vote of four (4) members of the City Council.

- d) He shall make such recommendations to the City Council or the County Board of Equalization regarding taxes, assessments and/or the annual assessment roll as he may deem advisable.
- e) He shall have general supervision and control over all City property, including public buildings, parks and playgrounds.
- f) He shall advise the City Council concerning the financial needs, conditions, and requirements of the City, and may make such recommendations to the City Council in connection therewith as he may deem advisable.
- g) He shall attend all meetings of the City Council or of the members thereof when public matters are under consideration or discussion, except when his suspension, removal or reduction of his salary is under consideration by the City Council.
- h) He may examine, without notice, the official conduct or the official accounts or records, of any officer or employee of the City.
- i) The City Manager shall devote his entire time to the interests of the City and shall not engage in any private business.
- j) He shall perform such other duties and powers as may be conferred upon him by the City Council by resolution or ordinance.
- k) The City Manager may delegate and/or redelegate any of the foregoing duties to any municipal department or to the head or chief official of any such department. (Ratified Gen. Mun. Election 4/13/48, Amend. No. 2; Approved by State Legislature Concurrent Res. No. 8 1/6/49) (Ratified Spec. Mun. Elec. 11/5/74, Filed with Sec'y of State on 1/9/75)

940 ORDINANCE AND CHARTER PROVISIONS REPEALED.

All ordinances or parts of ordinances of the City of Torrance and all sections, subsections or parts of sections of this Charter, in conflict herewith, are hereby amended or repealed as the case may be.

941 INVALIDITY. Repealed, Gen. Mun. Elec. 3/7/78.

ARTICLE 10 - CITY ATTORNEY

1000 Eligibility.

No person shall be eligible for the office of City Attorney unless he shall have been admitted to practice before the Supreme Court of the State of California and shall have been engaged in the practice of law in the State of California for at least five (5) years prior to his appointment. (Ratified Gen. Mun. Elec. 4/11/50, Amend. No. 11; Approved by State Legislature Concurrent Res. No. 32 on 3/15/51).

1010 POWERS AND DUTIES.

The City Attorney shall have the power and be required to:

- a) Represent and advise the City Council and all City officials in all matters of law pertaining to their respective offices and/or duties.
- b) Represent and appear for the City and any City officer, employee or former City officer or employee, in any and all actions or proceedings in which the City or any such officer or employee, in or by reason of his official capacity, is concerned or is a party. The City Council, at the request of the City Attorney, may employ other attorneys to assist in any litigation or other matter of interest to the City.
- c) Approve the form of all bonds given to and all contracts made by the City, and amendments thereto.
- d) Prepare any and all ordinances or resolutions for the City and amendments thereto.
- e) To have charge of prosecuting on the behalf of the people all criminal cases for violations of this Charter, of City ordinances or of misdemeanor offenses arising upon violation of the laws of the State.
- f) The City Council, on the recommendation of the City Attorney, may appoint such assistant City Attorneys or Deputy City Attorneys as may be required to carry out the functions of the office of the City Attorney and they shall have such duties as may from time to time be

assigned to them by the City Attorney. Any such assistants or deputies so appointed shall be members of the classified service of the City and shall be paid a salary commensurate with the duties assigned to them. (Ratified Gen. Mun. Elec. 4/10/56, Amend. No. 2; Approved by State Legislature Concurrent Res. No. 3 on 1/9/57).

g) On vacating the office, surrender to his successor all books, papers, files and documents pertaining to the City's affairs. (Ratified Gen. Mun. Elec. 4/11/50, Amend. No. 11; Approved by State Legislature Concurrent Res. No. 32 on 3/15/51).

ARTICLE 11 - DIRECTOR OF FINANCE

1100 POWERS AND DUTIES.

There is hereby created and established the office of Director of Finance of the City of Torrance. The Director of Finance shall be appointed by the City Council upon the recommendation of the City Manager and shall be responsible to and under the supervision of the City Manager and shall be a member of the classified service of the City. The duties and functions of said Director of Finance shall be to:

- a) Maintain and operate the general accounting system of the City and of the respective departments, offices and agencies thereof.
- b) Keep and maintain, or to prescribe and require the keeping and maintaining of inventory records of municipal properties.
- c) Cooperative with the City Manager and City Treasurer in establishing and maintaining sufficient and satisfactory procedures and controls over municipal revenues and expenditures in all departments of the City.
- d) To assume and perform all municipal functions and duties relating to the preparation, auditing, presenting and disbursement of claims and demands against the City, including payrolls.
- e) Assist the City Manager in the preparation of the annual budget and in the administration thereof.
- f) Prepare and present to the City Council through the City Manager, in sufficient detail to show the exact financial condition of the City, an annual statement and report of the financial condition of the City and such other financial reports as may be required by the City Council or the City Manager.

g) Supervise such subordinate employees or assistants as may be authorized by the City Council.

h) Perform such additional duties as may be hereafter required by the City Council or the City Manager. (Ratified, Gen. Mun. Elec. 4/10/56, Amend No. 7; Approved by State Legislature Concurrent Res. No. 3 on 1/9/57).

ARTICLE 12 - GENERAL PROVISIONS APPLICABLE TO OFFICERS AND EMPLOYEES

1200 OFFICIAL BONDS.

The City Clerk and the City Treasurer and such other officers or employees as may be required to do so by ordinance of the City Council, shall each execute a bond to the City for the faithful performance of official duties; which bonds shall be in the amount fixed by the City Council. Said bonds shall be approved by the City Council and with the exception of the bond of the City Clerk, shall be filed with the City Clerk. The bond of the City Clerk shall be filed with the Mayor. Premiums upon said bonds shall be paid by the City out of its general fund. All the provisions of any law of this State relating to the official bonds of officers shall apply to any bonds herein required or authorized to the extent that such provisions are not in conflict herewith.

1210 OATHS OF OFFICE.

All officials, officers, members of boards, or commissions and employees shall take and file with the City Clerk the oath of office required by the constitution and the laws of the State. In addition to the oath of office, and as a part thereof, the City Council shall by ordinance require all of the persons herein mentioned, including members of the City Council, to affirm their loyalty to the United States of America and its principles of government. The oath of office of the City Clerk shall be taken by and filed with the Mayor. (Ratified Gen. Mun. Elec. 4/11/50, Amend. No. 4; Approved by State Legislature Concurrent Res. No. 32 on 3/15/51).

1220 ILLEGAL CONTRACTS. FINANCIAL INTEREST.

No member of the City Council shall be financially interested, directly or indirectly, in any contract, sale or transaction to which the City is a party. No City official or employee shall be financially interested, directly or indirectly, in any contract, sale or transaction to which the City is a party, and which comes before said official or employee, or the department of the government with which he is connected, for official action. Any contract or transaction hereinabove mentioned in which any such officer or employee of the City shall be or become

financially interested, shall become void at the election of the City, when so declared by resolution of the City Council.

No member of the City Council, City official or employee shall be deemed to be financially interested, within the meaning of the foregoing provisions, in any contract made with a corporation by reason of the ownership of stock in such corporation unless said stock so owned by him shall amount to at least three (3) percent of all stock of such corporation issued and outstanding. No City Councilman or member of any board or commission shall vote on or participate in any contract or transaction in which he is directly or indirectly financially interested, whether as a stockholder of the corporation or otherwise. If any officer of the City, during the term for which he was elected or appointed, shall so vote or participate, or be financially interested as aforesaid, upon conviction thereof, he shall forfeit his office and be punished for misdemeanor.

1230 DUTIES OF OFFICERS AND EMPLOYEES.

In addition to the powers and duties prescribed by this Charter, the officers and employees of the City shall have such other powers and perform such other duties as may be prescribed by the laws of the State of California, or by ordinances, resolutions or orders of the City Council, and not in conflict with the provisions of this Charter.

ARTICLE 13 - CIVIL SERVICE

1300 CIVIL SERVICE SYSTEM.

All appointments and promotions in the classified service of the City shall be made according to merit and fitness, to be ascertained, so far as practicable by competitive examination. The civil service system existing on April 10, 1962, whether created or amended in whole or in part by ordinances adopted by vote of the People or by ordinances adopted by the City Council shall continue in full force and effect; provided, however, that the City Council may amend, delete or replace any provisions of said ordinances by ordinance or ordinances by a five-sevenths vote of the City Council after consideration thereof by the Civil Service Commission. The City Council shall not have the authority to withdraw any departments, appointive officers or employees from the operation of such system, either by outright repeal of the civil service ordinances or otherwise, unless and until the withdrawal thereof shall have been submitted to the qualified electors of said City at a regular or special municipal election held in said City. Nothing contained in this Section 1300 shall repeal or modify any of the provisions of Article 9 of this Charter which established the City Manager form of government.

(Ratified Gen. Mun. Elec. 4/10/62, Amend. No. 3; Approved by State Legislature Concurrent Res. No. 21, 4/13/62).

1310 APPOINTIVE OFFICERS.

Appointive officers of the City shall be a City Attorney, a City Engineer, a Street Superintendent, a Park Superintendent, a Transportation Superintendent, a Chief of Police, a Chief of the Fire Department, a Building Inspector. The City Council may also provide by ordinance for such additional appointive boards, commissions, officers, assistants, deputies and employees as it deems necessary. The Council may also provide for the holding by one (1) person of several offices, providing that such offices are not incompatible with one another.

The City Council shall have the power of appointment of all appointive officers with the exception of such deputies as it may provide for in the office of the City Clerk and City Treasurer, as to which deputies the heads of the respective departments shall have the power of appointment.

1320 COMPENSATION; APPOINTIVE OFFICERS AND EMPLOYEES.

Compensation of all appointive officers and employees of the City, other than those serving gratuitously, shall be fixed or charged by the City Council. No officer or employee shall be paid by the City any fee or emolument in addition to, or save as embraced in, the salary or compensation fixed by the Council and all fees received by such officer or employee for the performance of any of his official duties shall be paid by him into the City Treasury.

1330 RESIDENCE; OFFICERS.

All elective officers and all members of all appointive boards and commissions, excluding those composed of employees of the City of Torrance, shall be residents of the City of Torrance. (Ratified Gen. Mun. Elec. 4/11/50, Amend. No. 3; Approved by State Legislature Concurrent Res. No. 32 on 3/15/51) (Ratified Gen. Mun. Elec. 3/2/76, Amend No. 4; Filed with Sec'y of State 4/2/76)

ARTICLE 14 - FISCAL AFFAIRS

1400 FISCAL YEAR.

The fiscal year of the City shall begin on the first day of July and end on the 30th Day of June of the following year.

1410 BUDGET.

On or before the first day of June of each year the City Manager shall submit to the City Council a proposed budget for all departments. Said budget shall include estimates for all the revenues and expenditures for all City departments for the ensuing year. This estimate shall be compiled from detailed information to be supplied by each of the departments, on blanks to be furnished by the City Manager. Such blanks shall provide for a detailed estimate of the expenses of conducting each department, as statement of expenditures for the corresponding items for the current year and the last preceding fiscal year, with reasons for increases and decreases recommended for the current year, an estimate of the amount which should be reserved for contingent or emergency purposes; an itemization of all anticipated revenues of the City; an item to be known as 'cash basis fund' to be carried over to the next ensuing fiscal year, following the fiscal year for which the budget is prepared to meet the cash requirements prior to the receipt of taxes; an estimate of the amount of money to be raised for taxes; the tax rate, which, with revenue from other sources, will be necessary to meet the expenditures proposed; a recommendation as to such funds as should be deposited in, or withdrawn from, any capital outlay fund and such other information as may be required by the City Council.

1411 COUNCIL ACTION ON BUDGET.

- a) After reviewing said proposed annual budget as compiled by the City Manager from information secured from department heads, and making such modifications as it may deem advisable, the Council shall adopt the same by resolution. From the effective date of the budget, the several amounts stated therein as proposed expenditures shall be and become appropriated to the several departments, offices, agencies, and programs therein named.
- b) After adoption of the budget, the Council may amend the budget by motion adopted by the affirmative vote of at least four (4) members. In its authorization of expenditures, either budgeted or unbudgeted, the City Council shall not incur any indebtedness in excess of the limitations imposed by this Charter.
- c) After adoption of the budget, the City Manager may make such changes within the budget totals and allocations of any department during the fiscal year as he deems reasonably necessary in order to meet the City's needs or goals; provided, however, that the City Manager may not increase the number of employee positions allocated in the budget for any department without the Council having amended the budget therefor. (Ratified Spec. Mun. Elec. 11/5/74; Filed with Sec'y of State 1/9/75)

1420 TAXATION SYSTEM.

Unless otherwise provided by ordinance of the City Council, the City shall continue to use, for purposes of municipal taxation, the county system of assessment and tax collection.

1430 DEPOSIT OF MONEYS IN TREASURY.

All moneys belonging to or collected or received for the use of the City by any officer or employee thereof, shall immediately be deposited into the treasury in such manner as the City Council shall prescribe by ordinance, for the benefit of the funds to which such moneys respectively belong. Every officer or employee collecting or receiving any such moneys shall report to the City Manager for the same on the first Monday of each month or at such shorter intervals as may be prescribed by ordinance.

1431 SPECIAL FUND FOR CAPITAL OUTLAYS. Repealed.**1432 CLERK'S PETTY CASH FUND. Repealed.****1440 PRESENTATION OF DEMANDS. Repealed.****1441 DEMANDS AND AUDITS.**

- a) All demands against the City shall be presented and paid in accordance with such regulations as the City Council shall prescribe by ordinance.
- b) The accounts of the City shall be audited at least once in each fiscal year by a person (or persons) licensed by the State of California as a certified public accountant. Such accountant(s) shall be selected by the City Council and shall not be an employee of the City. (Ratified Spec. Mun. Elec. 11/5/74; Filed with Sec'y of State 1/9/75).

1442 ACTIONS AGAINST CITY.

No suit shall be brought against the City or any Board or Commission thereof on any claim for money or damages or for the taking of property until a demand for the same has been presented as herein provided and rejected in whole or in part. If rejected in part, suit may be brought to recover the whole. All such claims must be presented within the time prescribed by law.

Every claim brought against the City or any Board or Commission thereof for money or damages or for the taking of property shall be verified by the person making the claim and filed with the City Clerk, who shall thereupon present the same to the City Council, officer, Board or Commission authorized by this Charter to incur or pay the expenditures or alleged

indebtedness or liability represented thereby. In all cases, such claims shall be approved or rejected in writing and the date thereof given. (Ratified Gen. Mun. Elec. 4/10/56, Amend. No. 4; Approved by State Legislature, Concurrent Res. No. 3 on 1/9/57). (Ratified Gen. Mun. Elec. 3/7/78, Amend. No. 5; Filed with Sec'y of State 3/27/78, Recorded with County Recorder, Los Angeles County 6/20/78).

1450 CONTRACTS ON PUBLIC WORKS.

As to contracts for the construction or improvements, excluding maintenance and repair, of public buildings, works, streets, drains, sewers, utilities, parks and playgrounds, and each separate purchase of materials and supplies for the same, the City Council shall establish by ordinance an expenditure limit therefor above which competitive bidding shall be required. Said expenditure limit may be revised from time to time by ordinance of the City Council. Every such contract involving an expenditure in excess of said expenditure limit shall be let to the lowest responsible bidder after notice by publication in the official newspaper by two (2) or more insertions, the first of which shall be at least ten (10) days before the time for opening bids; or if there is no newspaper, then by posting copies of such notice in at least three (3) public places in said City.

The City Council may reject any and all bids presented and may readvertise in its discretion. After rejecting bids, or if no bids are received, the City Council may declare and determine that, in its opinion, the work in question may be performed better or more economically by the City with its own employees, or that the material or supplies may be purchased at a lower price in the open market, and after the adoption of a resolution to this effect by at least five-sevenths vote, it may proceed to have said work done or such materials or supplies purchased in the manner stated, without further observance of the provisions of this Section. Such contract may be let and such purchases made without advertising for bids, if such work, or the purchase of such materials or supplies shall be deemed by the City Council to be of urgent necessity for the preservation of life, health or property, and shall be authorized by at least a five-sevenths vote.

1451 PUBLISHING OF LEGAL NOTICES.

In the event that there is more than one newspaper of general circulation printed and published in the City, the City Council shall, annually, prior to the beginning of each fiscal year, publish a notice inviting bids and contract for the publication of all legal notices required to be published in a newspaper of general circulation printed and published in said City. Said contract shall include the printing and publishing of all such legal notices during the ensuing fiscal year. In the event there is only one newspaper of general circulation printed

and published in the City, then the City Council shall have the power to contract with such newspaper for the printing and publishing of such legal notices without being required to advertise for bids therefor. In no case shall the price charged for the publication of such notices exceed the customary rate charged by such newspaper for the publication of legal notices of a private character.

1460 FRANCHISES.

Franchises may be granted to persons, firms or corporations upon such terms, conditions, restrictions, or limitations as may be prescribed by the City Council by ordinance, but no franchise shall be granted without reserving to the City adequate compensation for the privilege conferred. (Ratified Gen. Mun. Elec. 4/10/56, Amend. No. 5; Approved by State Legislature Concurrent Res. No. 3 on 1/9/57).

ARTICLE 15 - AIRPORT FUND

1500 AIRPORT FUND.

There shall be in the treasury of the City a separate fund to be designated as the Airport Fund and under such fund there may be such accounts as may be necessary or convenient. From time to time as the same are received, all fees, tolls, rentals, charges, proceeds from the sale of property, and other revenues received by the City from or in connection with the use or operation of any airport facilities owned, controlled or operated by the City shall be placed in said Airport Fund. (Ratified Spec. Elec. 10/29/57, Amend. No. 1; Approved by State Legislature Concurrent Res. No. 1 on 2/4/58).

1501 AIRPORT FUND USES.

Moneys in the Airport Fund shall be used only for the following purposes and in the following order of priority, to wit:

- 1) For the payment or providing for payment, including payments into any reserve or sinking funds, as the same falls due, of the principal of and interest on any bonds of the City, issued for the acquisition, construction, improvement or financing of airport facilities or for additions, betterments, extensions or capital improvements thereto.
- 2) For the current, necessary and reasonable costs and expenses to the City of operating and maintaining airport facilities owned, controlled or operated by the City, but without allowance for depreciation or obsolescence, or for additions, betterments, extensions or capital improvements thereto.

3) After paying or providing for all payments under subparagraph (1) above which are due or which will become due during the next ensuing twelve (12) months' period, and after paying or providing for all current costs and expenses under subparagraph (2) above, any balance which remains from time to time in the Airport Fund and the several accounts therein may be used for the purpose of acquiring, constructing, or improving airport facilities or for additions, betterments, extensions or capital improvements thereto (including deposits in reserve or depreciation reserves or accounts established for that purpose), and any part of such balance not then needed for such purposes may be used for any lawful purpose.

(Ratified Gen. Mun. Elec. 4/10/62, Amend. No. 1; Approved by State Legislature Concurrent Res. No. 21 on 4/13/62).

1502 DEFINITION OF AIRPORT FACILITIES.

As used in this Article 15 the term airport facilities means all property of any kind heretofore or hereafter acquired by the City for airport purposes or for the direct or indirect development and promotion of air commerce, air manufacture, air navigation, air transportation, aviation, or for matters incidental to or used in connection with any of the foregoing, and all land (formerly known as The Lomita Flight Strip) acquired by the City from the United States of America by quitclaim deed dated March 5, 1948. (Ratified Gen. Mun. Elec. 4/10/62, Amend. No. 1; Approved by State Legislature Concurrent Res. No. 21 on 4/13/62).

1503 ARTICLE 15 NOT A COVENANT.

Nothing in this Article 15 shall be deemed to be a covenant which shall be enforceable by any holder of any bond of the City. (Ratified Gen. Mun. Elec. 4/10/62, Amend. No. 1; Approved by State Legislature Concurrent Res. No. 21 on 4/13/62).

ARTICLE 16 - MISCELLANEOUS

1600 DEFINITIONS.

Whenever in this Charter the word City occurs, it means the City of Torrance, and every department, board or officer, whenever either is mentioned, means a department, board or officer, as the case may be, of the City of Torrance.

1610 INVALIDITY.

If any section or part of a section of this Charter proves to be invalid, it shall not be held to invalidate or impair the validity of any other section or part of a section, unless it clearly appears that such other section or part of a section is dependent for its operation upon the section or part of a section so held invalid.

1620 AMENDMENTS.

The Charter may be amended in accordance with the provisions of the general laws of the State of California.

1630 OPERATING DRAW POKER ESTABLISHMENT WHERE FEE CHARGED.

It shall be unlawful for any person, firm or corporation to engage in the managing, carrying on or conducting or permitting the carrying on, or permitting the use of any room, shop, apartment or other place within the City of Torrance where tables or other articles of furniture are used by the public for the playing of the game of cards, known or generally designated as draw poker and for which a fee or compensation is charged or payable by the player of such game or games within the City of Torrance. (Ratified Gen. Mun. Elec. 4/13/48, Amend. No. 3; Approved by State Legislature Concurrent Res. No. 8 on 1/6/49).

1640 EXPOSURE OF FEMALE BREASTS PROHIBITED.

It shall be unlawful and a public nuisance to expose or procure, or to counsel or assist in the exposure within the City of Torrance of, the breast or breasts of any living human female for the purpose of public display, amusement, entertainment, or in connection with the sale or service of any commodity. For the purpose of this section, female breasts shall include the medial and lateral lower quadrants, or the nipple or areola, or any other portion of the lower half of the breasts. Each such display shall be considered a separate offense subject to separate criminal prosecution. The adoption of this section shall not preclude the City Council from adopting more restrictive ordinances further regulating the aforesaid subject matter. (Ratified Gen. Mun. Elec. 4/12/66, Amend No. C; Approved by State Legislature Concurrent Res. No. 60 on 5/25/66).

1650 CITY JUDGE. Repealed.**1660 CITY COURT. Repealed.****CITY CLERK'S CERTIFICATE OF FILING**

WHEREAS, the City of Torrance has been for many years and now is a city containing more than three thousand five hundred inhabitants, as ascertained by the last preceding census taken under the authority of the Congress of the United States, and

WHEREAS, pursuant to the provisions of Section 8 of Article XI of the Constitution of the State of California, the City Council of the City of Torrance, being the legislative body thereof, on its own motion did frame the foregoing as a proposed Charter for the City of Torrance and by Resolution No. 1786 passed and adopted on the 1st day of July, 1946, did order the same filed in the office of the City Clerk of Torrance;

NOW, THEREFORE, the undersigned, A. H. Barlett, City Clerk of the City of Torrance, does hereby certify and declare that the said 'Proposed Charter of the City of Torrance' consisting of Pages 1 to 25, was duly and regularly filed in his office as City Clerk in the City Hall at Torrance on the 1st day of July, 1946, at the hour of 8:00 p.m.

Dated: July 2, 1946

/s/ A. H. Bartlett

A. H. Barlett.

City Clerk of the City of Torrance

Council Meeting of
July 23, 2019

Honorable Mayor and Members
of the City Council
City Hall
Torrance, California

Members of the Council:

SUBJECT: City Attorney – Consider and give direction on potential City Charter amendments.

Expenditure: None.

RECOMMENDATION:

Recommendation of the City Attorney that the City Council:

- 1) Consider the methods to amend the City Charter and give direction to staff on the method the City Council prefers
- 2) Direct staff on potential timelines and election dates
- 3) Direct staff on potential amendments to the City Charter

BACKGROUND:

There are two types of cities under California law: general law cities and charter cities. General law cities are bound by the State of California's general law as found in the California Constitution and the California Government Code, even with respect to municipal affairs. Municipal affairs are matters which a Charter city has control. A statewide concern is a matter over which the legislature has control.

Charter cities are governed by a charter, approved by the electorate, which operates as the "constitution" of the city. The California Constitution authorizes the adoption of a city charter. Cal. Const. art XI, §3(a). Charter cities have the power to regulate municipal affairs, including the creation and regulation of a police force, subgovernment within the city, the conduct of city elections, and dealings with municipal offices and employees. Cal. Const. art XI, §5(b). Essentially, Charter cities are subject only to conflicting provisions in the California Constitution or the United States Constitution and state law that preempts local laws on matters of statewide concern. Additional information from the League of California Cities on the differences between General law cities and Charter cities is attached as Attachment A.

The City of Torrance was a general law city from 1921 until 1946. The original Torrance City Charter was voted on and ratified by the qualified electors at an election held August 20, 1946, and filed with the Secretary of State January 7, 1947. From 1948 to 1966, the City Charter was amended as follows:

**MATERIAL AVAILABLE
MONDAY**

9D

Election Date	Filed With Secretary Of State	Subject Matter Amended
April 13, 1948	January 7, 1949	<p>CHARTER AMENDMENT NO. 1 AMEND LANGUAGE CREATING BOARD OF EDUCATION</p> <p>CHARTER AMENDMENT NO. 2 ADOPTS CITY MANAGER FORM OF GOVERNMENT</p> <p>CHARTER AMENDMENT NO. 3 MAKES IT UNLAWFUL TO PLAY "DRAW POKER" IN CITY</p>
April 11, 1950	March 20, 1951	<p>CHARTER AMENDMENT NO. 2 REQUIRES CITY MANAGER TO APPROVE ALL PAYMENTS</p> <p>CHARTER AMENDMENT NO. 3 REQUIRES RESIDENCE FOR ALL EMPLOYEES AND OFFICIALS WITH EXCEPTIONS</p> <p>CHARTER AMENDMENT NO. 4 EMPLOYEES AND OFFICIALS MUST TAKE OATH AFFIRMING LOYALTY TO USA</p> <p>CHARTER AMENDMENT NO. 5 SETS FORTH LOCATION OF CITY COUNCIL MEETINGS WITHIN CITY LIMITS</p> <p>CHARTER AMENDMENT NO. 6 ESTABLISHES CONDITONS FOR RULE BY ORDINANCE</p> <p>CHARTER AMENDMENT NO. 11 DEFINES ELIGIBILITY AND POWERS OF CITY ATTORNEY</p> <p>CHARTER AMENDMENT NO. 12 SETS TERMS FOR FILING CLAIM AGAINST THE CITY</p> <p>CHARTER AMENDMENT NO. 14 ESTABLISHES CITY COURT, JUDGE & JURISDICTION</p>

Election Date	Filed With Secretary Of State	Subject Matter Amended
April 10, 1956	January 10, 1957	<p>CHARTER AMENDMENT NO. 1 SALARY FOR CITY COUNCIL, CLERK & TREASURER</p> <p>CHARTER AMENDMENT NO. 2 APPOINTED ASSISTANT OR DEPUTY CITY ATTORNEYS</p> <p>CHARTER AMENDMENT NO. 3 EXPENDITURES GREATER THAN \$2000 AWARDED TO LOWEST BIDDER</p> <p>CHARTER AMENDMENT NO. 4 CONDITIONS FOR BRINGING SUIT OR FILING CLAIMS AGAINST THE CITY</p> <p>CHARTER AMENDMENT NO. 5 TERMS & CONDITIONS FOR AWARD OF FRANCHISE</p> <p>CHARTER AMENDMENT NO. 6 SET TERMS FOR ADOPTING AN ORDINANCE</p> <p>CHARTER AMENDMENT NO. 7 REDEFINE DUTIES OF CITY CLERK; CREATE OFFICE OF DIRECTOR OF FINANCE</p> <p>CHARTER AMENDMENT NO. 8 REDEFINE DUTIES OF CITY TREASURER</p>
October 29, 1957	February 5, 1958	<p>CHARTER AMENDMENT NO. 1 CREATE AIRPORT FUND</p> <p>CHARTER AMENDMENT NO. 2 ESTABLISH ELECTIVE MAYOR AND SIX MEMBER CITY COUNCIL</p>
April 10, 1962	April 26, 1962	<p>CHARTER AMENDMENT NO. 1 AIRPORT FUND/FACILITIES</p> <p>CHARTER AMENDMENT NO. 2 SCHOOL BOARD OF EDUCATION</p> <p>CHARTER AMENDMENT NO. 3 CIVIL SERVICE SYSTEM</p>

Election Date	Filed With Secretary Of State	Subject Matter Amended
April 14, 1964	May 11, 1964	CHARTER AMENDMENT NO. 1 FULL-TIME SALARIED CITY CLERK
April 12, 1966	May 25, 1966	CHARTER AMENDMENT NO. C PROHIBIT BREAST EXPOSURE

On April 17, 1973 the qualified electors of the City of Torrance approved and ratified an amended, recodified and renumbered City Charter, which was adopted in the Assembly by Assembly Concurrent Resolution No. 19 on August 9, 1973; adopted by the Senate August 13, 1973; filed with the Secretary of State on August 13, 1973 at 3:00 P.M. The City Clerk recorded said Charter in the Office of the County Recorder on September 7, 1973 at 2:47 P.M., Document No. 4140; File No. F2507. The Charter was subsequently amended as follows:

Election Date	Filed With Secretary Of State	Subject Matter Amended
November 5, 1974	January 9, 1975	<p>PROPOSITION VV CHARTER AMENDMENT NO. 1 ELECTIVE OFFICE VACANCIES</p> <p>PROPOSITION WW CHARTER AMENDMENT NO. 2 GENERAL MUNICIPAL ELECTION IN MARCH OF EACH EVEN YEAR</p> <p>PROPOSITION XX CHARTER AMENDMENT NO. 3 COUNCIL COMPENSATION; CLERK AND TREASURER DUTIES AND COMPENSATION</p> <p>PROPOSITION YY CHARTER AMENDMENT NO. 4 POWERS & DUTIES OF CITY MANAGER; COUNCIL ACTION ON BUDGET; DEMANDS & AUDITS</p>

Election Date	Filed With Secretary Of State	Subject Matter Amended
March 2, 1976	April 2, 1976	<p>CHARTER AMENDMENT NO. 1 30 DAY RESIDENCY FOR CITY ELECTIVE OFFICE CANDIDATES</p> <p>CHARTER AMENDMENT NO. 2 30 DAY RESIDENCY FOR BOARD OF EDUCATION CANDIDATES</p> <p>CHARTER AMENDMENT NO. 3 ALLOW CITY COUNCIL TO SET SALARY FOR CITY CLERK AND TREASURER</p> <p>CHARTER AMENDMENT NO. 4 REPEALS REQUIREMENT OF RESIDENCY FOR CITY EMPLOYEES</p> <p>CHARTER AMENDMENT NO. 5 ALLOWS CITY COUNCIL TO SET DOLLAR LIMIT ABOVE WHICH PUBLIC WORKS CONTRACTS MUST BE OFFERED TO COMPETITIVE BID</p>
November 2, 1976	March 25, 1977	<p>CHARTER AMENDMENT NO. 1 (PROPOSITION V): TERM LIMITS (2) FOR MAYOR</p>
Election Date	Filed With Secretary Of State	Subject Matter Amended
March 7, 1978	March 27, 1978	<p>CHARTER AMENDMENT NO. 1 CODIFY DUTIES OF CITY CLERK</p> <p>CHARTER AMENDMENT NO. 2 REQUIRES MAYOR TO SIGN ONLY CONTRACTS THAT ARE REQUIRED BY ORDINANCE TO BE APPROVED BY THE CITY COUNCIL</p> <p>CHARTER AMENDMENT NO. 3 SPECIAL MEETINGS CALLED PER STATE LAW NOTICE REQUIREMENTS</p> <p>CHARTER AMENDMENT NO. 4 REPEALS SECTION 941 (INVALIDITY) OF CITY CHARTER</p> <p>CHARTER AMENDMENT NO. 5 SETS TIME LIMITS FOR CLAIMS/ACTIONS AGAINST THE CITY</p>

		<p>CHARTER AMENDMENT NO. 6 ALLOWS CITY CODE VIOLATIONS TO BE PROSECUTED BOTH CIVILLY AND CRIMINALLY</p> <p>CHARTER AMENDMENT NO. 7 PAY CITY COUNCIL ON SAME DATE AS CITY EMPLOYEES</p>
November 8, 1988	May 1, 1989	<p>PROPOSITION QQ: CHARTER AMENDMENT ALLOWS COUNCIL TO SET VIOLATION OF AN ORDINANCE AS MISDEMEANOR OR INFRACTION</p> <p>PROPOSITION RR: CHARTER AMENDMENT ALLOWS COUNCIL TO DECIDE TO PUBLISH AN ORDINANCE IN FULL OR IN SUMMARY</p>

Amended As Follows

Ordinance No.	Date Adopted	Subject Matter Amended
3829	June 19, 2018	COUNCIL MEMBERS ELECTED BY-DISTRICT INSTEAD OF AT-LARGE

ANALYSIS:

There are three potential ways that a vote of the people may modify a Charter: (1) by proposal of the City Council pursuant to Government Code § 34458, (2) by a Charter Commission chosen by the voters pursuant to Government Code § 34451, or (3) by initiative (requires a petition signed by 15 percent of the registered voters in the city) pursuant to Government Code § 9255 et seq.¹

Procedure for the City Council method pursuant to Government Code § 34458

Prior to submitting the Charter amendment to the voters, the City Council must hold at least two public hearings. The City must publish notice in the newspaper once a week for two successive weeks. Additionally, the City must post the notice in three public places within the jurisdiction at least 21 calendar days prior to the date of each public hearing. The second public hearing must be held at least 30 days after the first public hearing. One of the public hearings must be held outside of normal business hours. The City Council

¹ If a State law preempts the language of a Charter, the governing body is not required to amend the Charter via a vote of the people, but may bring the Charter in conformity with State law via ordinance.

cannot vote on whether to submit the Charter amendment to the voters until 21 days after the second hearing. For most Charter amendments, the City Council may submit the Charter amendment to the voters at the next regularly scheduled general municipal election pursuant to Section 1301, or at any established statewide general or statewide primary election pursuant to Section 1200 or 1201, occurring not less than 88 days after the date of the order of election. Government Code § 34457, Elections Code § 1415. But, any Charter amendment that proposes to alter any procedural or substantive protection, right, benefit, or employment status of any local government employee or retiree or of any local government employee organization must be held at the statewide general election. Elections Code § 1415.

Procedure for Charter Commission method pursuant to Government Code § 34451

An election for choosing Charter commissioners may be called by a majority vote of the City Council or upon presentation of a petition signed by not less than 15 percent of the registered voters of the city. Government Code § 34452. The election may be held at any general or special election. There would be two questions on the ballot: (1) Shall a charter commission be elected to propose a new charter? and (2) The candidates for charter commissioner. Government Code § 34453. If the answer to the first question is yes, then the 15 candidates with the highest vote totals form as a Charter commission. The charter commission may propose amendments to the Charter and submit that to the City Clerk. Government Code § 34455. The proposed Charter shall be submitted at the next statewide general election, provided that there are at least 95 days before that election. Government Code § 34457, Elections Code § 1200.

Timelines and Election Dates

The timelines of the meetings will depend on which method the City Council chooses to amend the Charter. If the City Council decides to amend the Charter by City Council action, then the City Council can suggest meeting dates taking into consideration the public notice requirements listed above. If the City Council chooses to amend the Charter by a Charter Commission, then City Council can give direction to staff to prepare for a Charter Commission election.

The election dates will be dependent upon the method that the City Council chooses to amend the Charter, either by the City Council or a Charter Commission. For almost all amendments to the Charter, the election can occur at the next regularly scheduled general municipal election (March 3, 2020) or at any established statewide general election (November 5, 2020) or statewide primary election (coincides with our municipal election of March 3, 2020 pursuant to Charter section 510). But, any amendments that impact employment rights, benefits, or employment status must occur at the statewide general election.

Potential Charter Amendments

There are several sections of the Charter that the City Council or Charter Commission could look at amending:

1. Charter section 603 requires the City Council to fill a vacancy in an elective office within 30 days or call an election. This is a very tight timeline to announce a

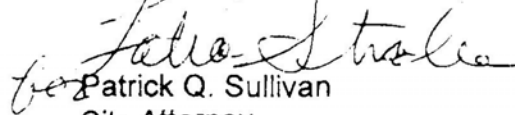
- vacancy, receive applications, conduct interviews, and then schedule an appointment for a City Council meeting. Government Code section 36512 allows 60 days for an appointment. The City Council or Charter Commission could choose to follow the Government Code or choose its own time period to fill vacancies.
2. Charter section 640 allows an election to be held to make the City Clerk or City Treasurer appointed officials instead of elected officials.
 3. Charter section 910 deals with the City Manager. There are a couple of provisions in Section 910 that the City Council or Charter Commission could look at amending. First, the removal process in the Charter is very complicated. If this Charter section was amended, then the City Council would need to look at entering into an employment contract with the City Manager. Second, the Charter provides that the City Manager can only accumulate 30 days of vacation leave and sick leave. This requires the City Manager to cash out or defer (into deferred compensation or a retirement health savings plan) all hours of vacation leave and sick leave over 30 days. This restriction requires the City of Torrance to carry a disability insurance plan for the City Manager. This could be an issue for recruitment in the future.
 4. The City Attorney is covered by the Civil Service System. This is very unusual in California local government. The City Council or Charter Commission could amend this section and make the City Attorney an at-will employee. If this Charter section was amended, then the City Council would need to look at entering into an employment contract with the City Attorney.
 5. Charter section 1310 lists the following Appointive Officers: City Attorney, City Engineer, Street Superintendent, Park Superintendent, Transportation Superintendent, Chief of Police, Chief of the Fire Department, and Building Inspector which according to the Charter are all appointed by the City Council. However, with the exception of the City Manager and City Attorney and the Finance Director who is appointed after recommendation by the City Manager, the City Council no longer appoints these other employees, as this section of the Charter was preempted when the Charter was amended to indicate a City Manager form of government. This section should be updated.
 6. Charter section 604 sets City Council compensation at \$100.00 per month. The City Council or Charter Commission could amend this section to change the amount of City Council compensation. The City Council or Charter Commission could also amend section 610 of the Charter to allow a differential for the Mayor's compensation.
 7. Another possibility is consolidating the positions of City Treasurer and Finance Director. There are many cities that combine the two positions.
 8. Any other areas of the Charter that the City Council or Charter Commission wants to modify.
 9. The City Clerk and the City Attorney have noticed that there are some previous amendments to the Charter that were adopted by the voters, but do not seem to be codified. We will need to research whether those Charter Amendments were just not codified correctly or if the election results were not sent to the legislature.

CONCLUSION:

The City Attorney seeks direction from the City Council on:

1. The method of Charter Amendment the City Council would prefer - City Council or Charter Commission;
2. Potential timelines and election dates; and
3. Potential amendments to the City Charter.

Respectfully submitted,


Patrick Q. Sullivan
City Attorney

Attachment:

- A. League of California Cities information on General law v Charter cities

NOTED:



LeRoy J. Jackson
City Manager

Charter Cities: A Quick Summary for the Press and Researchers

The following summary was drafted by the League of California Cities' legal staff, in an attempt to give the press and research communities a primer on some frequently asked questions regarding charter cities.

Charter Cities vs. General Law Cities – The Basics

The California Constitution gives cities the power to become charter cities.¹ The benefit of becoming a charter city is that charter cities have supreme authority over “municipal affairs.”² In other words, a charter city's law concerning a municipal affair will trump a state law governing the same topic.³

Cities that have not adopted a charter are general law cities. General law cities are bound by the state's general law, even with respect to municipal affairs. Of California's 478 cities, 108 of them are charter cities.

The charter city provision of the State Constitution, commonly referred to as the “home-rule” provision, is based on the principle that a city, rather than the state, is in the best position to know what it needs and how to satisfy those needs.⁴ The home-rule provision allows charter cities to conduct their own business and control their own affairs.⁵ A charter maximizes local control.

A city charter, in effect a city's constitution, need not set out every municipal affair the city would like to govern. So long as the charter contains a declaration that the city intends to avail itself of the full power provided by the California Constitution, any city ordinance that regulates a municipal affair will govern over a general law of the state.⁶

Defining ‘Municipal Affairs’

Determining what is and is not a “municipal affair” is not always straightforward. The California Constitution does not define “municipal affair.” It does, however, set out a nonexclusive list of four “core” categories that are, by definition, municipal affairs.⁷

These categories are 1) regulation of the “city police force”; 2) “subgovernment in all or part of a city”; 3) “conduct of city elections”; and 4) “the manner in which . . . municipal officers [are] elected.”⁸ Beyond this list, it is up to the courts to determine what is and is not a municipal affair.

To determine if a matter is a municipal affair, a court will ask whether there are good reasons, grounded on statewide interests, for the state law to preempt a local law.⁹ In other words, courts

¹ Cal. Const. art. XI, § 3(a).

² Cal. Const. art. XI, § 5(a).

³ *Johnson v. Bradley*, 4 Cal. 4th 389, 399 (1992).

⁴ *Fragley v. Phelan*, 126 Cal. 383, 387 (1899).

⁵ *Id.*

⁶ There are some exceptions to this rule. For example, a charter city is bound by the Public Contract Code unless the city's charter expressly exempts the city from the Code's provisions or a city ordinance conflicts with a provision in the Code. See Cal. Pub. Cont. Code § 1100.7.

⁷ Cal. Const. art. XI, § 5(b); *Johnson*, 4 Cal. 4th at 398.

⁸ Cal. Const. art. XI, § 5(b).

⁹ *Johnson*, 4 Cal. 4th at 405.

will ask whether there is a need for "paramount state control" in the particular area of law.¹⁰ The Legislature's intent when enacting a specific law is not determinative.¹¹

The concept of "municipal affairs" is fluid and may change over time.¹² Issues that are municipal affairs today could become areas of statewide concern in the future.¹³ Nonetheless, there are some areas that courts have consistently classified as municipal affairs. These include:

- Municipal election matters¹⁴
- Land use and zoning decisions (with some exceptions)¹⁵
- How a city spends its tax dollars¹⁶
- Municipal contracts, provided the charter or a city ordinance exempts the city from the Public Contract Code, and the subject matter of the bid constitutes a municipal affair.¹⁷ Thus, a charter may exempt a city from the State's competitive bidding statutes.

Likewise, there are some areas that courts have consistently classified as areas of statewide concern, including:

- Traffic and vehicle regulation¹⁸
- Tort claims against a governmental entity¹⁹
- Regulation of school systems²⁰

How to Become a Charter City

To become a charter city, a city must adopt a charter. There are two ways to adopt a charter:

- The city's voters elect a charter commission.²¹ The commission has the responsibility of drafting and debating the charter.
- The governing board of the city, on its own motion, drafts the charter.²²

In either case, the charter is not adopted by the city until it is ratified by a majority vote of the city's voters.²³

For more information about charter cities, please visit the "Charter Cities" section of the League's Web site at <http://www.cacities.org/chartercities>.

¹⁰ *Id.* at 400.

¹¹ *Id.* at 405.

¹² *Cal. Fed. Savings & Loan Ass'n v. City of Los Angeles*, 54 Cal. 3d 1, 16 (1991); *Isaac v. City of Los Angeles*, 66 Cal. App. 4th 586, 599 (1998).

¹³ *Isaac*, 66 Cal. App. 4th at 599.

¹⁴ *Mackey v. Thiel*, 262 Cal. App. 2d 362, 365 (1968).

¹⁵ See *Brougher v. Bd. of Pub. Works*, 205 Cal. 426, 440 (1928).

¹⁶ *Johnson*, 4 Cal. 4th at 407.

¹⁷ Pub. Cont. Code § 1100.7; *R & A Vending Services, Inc. v. City of Los Angeles*, 172 Cal. App. 3d 1188, 1191 (1985); *Howard Contracting, Inc. v. G.A. MacDonald Constr. Co.*, 71 Cal. App. 4th 38, 51 (1998).

¹⁸ Cal. Veh. Code § 21.

¹⁹ *Helbach v. City of Long Beach*, 50 Cal. App. 2d 242, 247 (1942).

²⁰ *Whisman v. San Francisco Unified Sch. Dist.*, 86 Cal. App. 3d 782, 789 (1978).

²¹ Cal. Gov't Code § 34451.

²² Cal. Gov't Code § 34458.

²³ Cal. Gov't Code §§ 34457, 34462.

HISTORY OF MUNICIPAL HOME RULE

The desire for home rule is an important part of the history of California. There is a common misconception among even some California city officials that only charter cities possess home rule powers. Both general law and charter cities possess home rule. This document describes the historical evolution of the constitutional municipal home rule doctrine in California in three separate stages. The tension between cities and the state has been with us since the dawn of statehood, and it has manifested itself in various state constitutional amendments over time that reiterate how home rule is really the birthright of every California city.

Before Home Rule — 1850–1879

City governments already existed when California became a state in 1850. In some areas they took the form of the Mexican *alcades* (who embodied the role of mayor, judge, and sheriff) or local legislative bodies like the 15-member assembly created in San Francisco before it was declared illegal by a military governor in June 1849 when he called the first Constitutional Convention.¹ The 1849 California Constitution gave the Legislature the exclusive power to establish cities and to enlarge or restrict city powers.² This naturally led to extensive state involvement in city affairs, including the appointment of special commissions to actually manage the property and funds of Sacramento, San Jose, and San Francisco, as well as other legislation directing cities to pay special claims of parties that provided political inducements to the Legislature.³

All Cities Granted Inherent Home Rule Powers to Legislate Without Legislative Grant of Authority — 1879

State meddling in city affairs in those first 30 years caused the deep resentment throughout the state that ultimately led to the 1879 Constitutional Convention. During that convention, delegates borrowed heavily from the home rule provisions of the constitution of Missouri, the first state to grant home rule powers to its cities. Incorporating that constitution's provisions almost verbatim, the California Constitution of 1879 banned special legislation, banned special act incorporations, and granted the power to frame freeholder charters to communities with at least 100,000 people.⁴ The 1879 Constitution also took the power to impose local taxes away from the Legislature with the intention "to bring matters of a local concern home to the people."⁵

In addition to these changes, the most significant home rule provision in the 1879 amendments was article XI, section 11 (now art. XI, § 7), which provides a general grant of inherent home rule power to every city — general and charter cities alike — to "make or enforce within its limits all local, police, sanitary, and other ordinances or regulations not in conflict with the general laws." Sometimes this provision of the California Constitution is called the police power. The California Supreme Court declared later that the drafters' intent was " ... to emancipate municipal governments from the authority and control formerly exercised over them by the Legislature."⁶

The 1879 home rule amendment finally freed cities from the need to seek specific state legislation to authorize their legislative acts on traditional municipal matters. Since the constitution empowered them to act without prior permission of the Legislature, cities instead simply had to inquire whether a proposed ordinance conflicted with a general state law. Years later the California Court of Appeal described the effect of this amendment: "[t]he constitution has, by direct grant, vested in them [cities] plenary power to

provide and enforce such ... regulations as they determine shall be necessary for the health, peace, comfort and happiness of their inhabitants, provided such regulations do not conflict with the general law. And the Legislature has no authority to limit the exercise of the power thus directly conferred upon cities, counties and towns by the organic law."⁷

Former California Supreme Court Associate Justice and Hastings College of the Law Professor Joseph Grodin, in his authoritative study of the California Constitution, explains how section 7 changed everything for cities and counties:

- Section 7 presents the most widely used of the home rule provisions of the California Constitution. In contrast to sections 4 and 5, it applies equally to all cities and counties, regardless of their charter status. Section 7 empowers cities and counties to use their general authority, called their police power, to control and regulate any matter or activity that is otherwise an appropriate subject for governmental concern.
- The drafters intended that local authorities "ought to be left to do all those things that in their judgment are necessary to be done, and that are not in conflict with the general laws of the state." The decision was made then not to restrict local governments narrowly to those specified powers that are overtly granted to them by the legislature *but to allow them to exercise whatever powers appeared necessary, without the need to request legislative authorization before taking action.*⁸ (Emphasis added.)

In summary, under article XI, section 7, all cities are free to legislate on a matter unless it conflicts with a general law of the state and is, therefore, said to be preempted by the state law. What constitutes a conflict? The California Supreme Court articulated the basic analysis in upholding the validity of a city ordinance banning medical marijuana dispensaries and cultivation. In summary, it said:

- Cities have constitutionally granted powers to regulate land use and other traditional local matters. Absent a clear indication of preemptive intent from the Legislature, local regulations are not preempted.
- A local law conflicts with a general state law if the local legislation (1) duplicates the state law, (2) contradicts the state law (i.e., requires what state law forbids or prohibits what state law requires), or (3) enters an area that is fully occupied by general state law. A local ordinance does not conflict with state law if it is reasonably possible to comply with both the state and local laws.
- The courts are reluctant to infer legislative intent to preempt local regulations, and there is a presumption of validity of the local ordinance against an attack of state preemption when there is a significant local interest to be served that may differ from one locality to another.⁹

Voter Approved Charters Allowed to Trump State Law Over Municipal Affairs — 1896–1914

While the 1879 Constitution gave all cities basic home rule powers subject to conflicting state laws, over the following decade it became clear that cities needed the ability to engage in certain core municipal functions despite the conflicting general laws of the state. The 1896 Constitution introduced the concept of municipal affairs. The authority to adopt a charter is found in section 3 of article XI, which also contains this provision in subparagraph (a) explaining the status of the charter vis-à-vis state law: "The provisions of a charter are the law of the State and have the force and effect of legislative enactments." In 1899, the California Supreme Court explained that provisions relating to charter cities "were enacted upon the principle that the municipality itself knew better what it wanted and needed than the state at large, and to give that municipality the exclusive privilege and right to enact direct legislation which would carry out and satisfy its wants and needs."¹⁰

The 75 years of constitutional history leading to the authorization for voters to approve city charters that could, depending on the subject, supersede the general laws of the state, was explained by the California Supreme Court in 1992:

- [I]n 1896 article XI was amended in two significant respects. Former section 6 was revised to read as follows: "Cities or towns heretofore or hereafter organized, and all charters thereof framed or adopted by authority of the constitution, except in municipal affairs, shall be subject to and controlled by general laws." (emphasis added.) In addition, former section 8 was adopted, allowing consolidated charter city and county governments to regulate "the manner in which, the times at which, and the terms for which the several county officers shall be elected ... [and] for their compensation"
- "What was the good to be gained by this amendment? The answer is common, every-day history. It was to prevent existing provisions of charters from being frittered away by general laws. It was to enable municipalities to conduct their own business and control their own affairs to the fullest possible extent in their own way. It was enacted upon the principle that the municipality itself knew better what it wanted and needed than the state at large, and to give that municipality the exclusive privilege and right to enact direct legislation which would carry out and satisfy its wants and needs. ... This amendment, then, was intended to give municipalities the sole right to regulate, control, and govern their internal conduct independent of general laws"
- [A]rticle XI [in 1914] was revised to give charter cities the power "to make and enforce all laws and regulations in respect to municipal affairs, subject only to the restrictions and limitations provided in their several charters, and in respect to other matters they shall be subject to and controlled by general laws." (Former section 8 of the same article was likewise amended by the insertion of a similar provision: "It shall be competent in any charter framed under the authority of this section to provide that the municipality governed thereunder may make and enforce all laws and regulations in respect to municipal affairs, subject only to the restrictions and limitations provided in their several charters and in respect to all other matters they shall be subject to general laws."¹¹

In addition to the jurisdiction granted in subdivision (a) of section 5 of article XI to make and enforce all ordinances and regulations concerning municipal affairs, subdivision (b) of section 5 of article XI specifically identifies four subjects that can be included in a charter: (1) a city police force; (2) subgovernment in all or part of the city; (3) conduct of city elections; and (4) election, appointment, removal, and compensation of municipal officers and employees whose compensation is paid by the city.¹²

The California Constitution provides no definition of what is or is not a municipal affair. The California Supreme Court noted that "the constitutional concept of municipal affairs is not a fixed or static quantity ... [but one that] changes with the changing conditions upon which it is to operate ... our cases display a growing recognition that home rule is a means of adjusting the political relationship between state and local governments in discrete areas of conflict."¹³ What was once a matter of local concern can later become a matter of statewide concern, controlled by the general laws of the state.¹⁴ The Court also made it clear that this is a legal matter of state constitutional interpretation for the courts and not solely a factual one.¹⁵

Home Rule Authority Granted to All Cities over Public Works, Utilities and Public Property, Improvements and Funds — 1911–1970

Until 1911, it was believed that only charter cities could operate a public utility, so the Legislature proposed and the people enacted section 9 (formerly section 19) of article XI, providing broad plenary authority to any city to "establish, purchase, and operate public works to furnish its inhabitants with light, water, power, heat, transportation, or means of communications."¹⁶ The section allows cities to provide similar services in other cities with their consent.

In 1970, voters further amended this section to effectively allow cities to issue franchises to persons or corporations to provide such services " ... upon conditions and under regulations that the city may prescribe under its organic law." These franchise powers must be construed, however, in conjunction with the broad authority over such activities granted to both the Legislature and the Public Utilities Commission by article XII. On the distribution of powers between the state and cities on this subject, however, article XII, section 8 is quite clear:

- A city, county, or other public body may not regulate matters over which the Legislature grants regulatory power of the Commission. This section does not affect the power over public utilities relating to the making and enforcement of police, sanitary, and other regulations concerning municipal affairs pursuant to a city charter existing on October 10, 1911, unless that power has been revoked by the city's electors, or the right of *any city* to grant franchises for public utilities or other businesses on terms, conditions, and in the manner prescribed by law. (Emphasis added.)

Finally, general law and charter cities alike are protected by the provisions of article XI, section 11, subdivision (a), of the California Constitution that prohibits just the types of special commissions to control local property and funds that so outraged Californians prior to the 1879 Constitutional Convention. It states: "the Legislature may not delegate to a private person or body power to make, control, appropriate, supervise, or interfere with county or municipal corporation improvements, money, or property, or to levy taxes or assessments, or perform municipal functions." This provision was one of the two constitutional limitations on the power of the Legislature over cities and counties that compelled the California Supreme Court to strike down a 2000 state law that attempted to delegate final decisions in public safety labor negotiations to a private arbitration panel.¹⁷

California Home Rule Today

Today the California Constitution authorizes both general law and charter cities to: (1) make and enforce all local laws and regulations not in conflict with general state laws (art. XI, § 7); (2) to establish, purchase, and operate public works and utilities or franchise others to do so (art. XI, § 9); and to be free from state legislation delegating to a private person or body control over city property, funds, tax levies and municipal functions (art. XI, § 11).

Cities with voter-approved charters have additional home rule authority or supremacy over their municipal affairs, police, subgovernments, city elections, and their elected and appointed city officials and employees (art. XI, § 5). The provisions of a city charter and the ordinances adopted by a charter city prevail over general state law in areas that a court determines are municipal affairs, including the specific areas enumerated in section 5, subdivision (b) of article XI.¹⁸ As to matters of statewide concern, however, charter cities remain subject to state law.¹⁹ Therefore, whether a charter city may act independent of state general law in a particular domain, including the specific areas enumerated in section 5, subdivision (b) of article XI, depends upon a court's determination of whether it is a municipal affair or a matter of statewide concern.

Endnotes

- 1 See Detweiler, *Home Rule: An Historical Perspective* (Jan. 1997) Western City, at page 15.
- 2 *Johnson v. Bradley* (1992) 4 Cal.4th 389, 394-395.
- 3 See Thomas, *California Cities and the Constitution of 1879: General Laws and Municipal Affairs* (1980) 7 Hastings Const. L. Q. 642.
- 4 See Detweiler, *supra* note 1, at p. 16.
- 5 *People v. Martin* (1882) 60 Cal. 153; See Cal. Const., art. XIII, § 24, subd. (b).
- 6 *People v. Hoge* (1880) 55 Cal. 612, 618.
- 7 *In re Walter Ackerman* (1907) 6 Cal.App. 5, 9-10.
- 8 Grodin et al., *The Cal. State Constitution: A Reference Guide* (1993) pp. 192 (citing remarks of Mr. Eli Blackmer during debates at the California constitutional convention).
- 9 *City of Riverside v. Inland Empire Patients Health and Wellness Center, Inc.* (2013) 56 Cal.4th 729, 742-744. It is worthy of note that this case involves the regulatory legislation of a charter city, the City of Riverside, since charter cities as well as general law cities exercise home rule under the inherent police power granted to all cities by article XI, section 7. In other words, the City of Riverside did not rely on its status as a charter city under article XI, section 5, but rather on its home rule authority under article XI, section 7.
- 10 *Fragley v. Phelan* (1899) 126 Cal. 383, 387.
- 11 *Johnson v. Bradley* (1992) 4 Cal.4th 389, 395-397. (Emphasis in original) Empty brackets [] denote omitted language from the Supreme Court opinion.
- 12 In some cases, the courts have narrowly construed the subject matter described in section 5, subdivision (b) of article XI. See, e.g., *Baggett v. Gates* (1982) 32 Cal.3d 128 (applying the Public Safety Officers Procedural Bill of Rights to charter cities because it was limited to providing "procedural safeguards" to police officers and did not interfere with a charter city's authority to set compensation).
- 13 *State Building and Construction Trades Council of California v. City of Vista* (2012) 54 Cal.4th 547, 557.
- 14 *Bishop v. City of San Jose* (1969) 1 Cal.3d 56, 61, *California Fed. Sav. & Loan Assn. v. City of Los Angeles* (1991) 54 Cal.3d 1, 13 (rejecting static and compartmentalized description of "municipal affairs" in favor of a more dialectical one); *Codding Enterprises v. City of Merced* (1974) 42 Cal.App.3d 375, 377.
- 15 *State Building and Construction Trades Council of California v. City of Vista*, *supra*, 54 Cal.4th at 558.
- 16 *California Apartment Association v. City of Stockton* (2000) 80 Cal.App.4th 699, 707.
- 17 *County of Riverside v. Superior Court* (2003) 30 Cal.4th 278.
- 18 Cal. Const., art. XI, § 5; *Sonoma County Organization of Public Employees v. County of Sonoma* (1979) 23 Cal.3d 296, 315.
- 19 *Bishop v. City of San Jose*, *supra*, 1 Cal.3d at p. 61.

General Law City v. Charter City

Characteristic	General Law City	Charter City
Ability to Govern Municipal Affairs	Bound by the state's general law, regardless of whether the subject concerns a municipal affair.	Has supreme authority over "municipal affairs." Cal. Const. art. XI, § 5(b).
Form of Government	State law describes the city's form of government. For example, Government Code section 36501 authorizes general law cities be governed by a city council of five members, a city clerk, a city treasurer, a police chief, a fire chief and any subordinate officers or employees as required by law. City electors may adopt ordinance which provides for a different number of council members. Cal. Gov't section 34871. The Government Code also authorizes the "city manager" form of government. Cal. Gov't Code § 34851.	Charter can provide for any form of government including the "strong mayor," and "city manager" forms. See Cal. Const. art. XI, § 5(b); Cal. Gov't Code § 34450 <i>et seq.</i>
Elections Generally	Municipal elections conducted in accordance with the California Elections Code. Cal. Elec. Code §§ 10101 <i>et seq.</i>	Not bound by the California Elections Code. May establish own election dates, rules, and procedures. See Cal. Const. art. XI, § 5(b); Cal. Elec. Code §§ 10101 <i>et seq.</i>
Methods of Elections	Generally holds at-large elections whereby voters vote for any candidate on the ballot. Cities may also choose to elect the city council "by" or "from" districts, so long as the election system has been established by ordinance and approved by the voters. Cal. Gov't Code § 34871. Mayor may be elected by the city council or by vote of the people. Cal. Gov't Code §§ 34902.	May establish procedures for selecting officers. May hold at-large or district elections. See Cal. Const. art. XI, § 5(b).
City Council Member Qualifications	<p>Minimum qualifications are:</p> <ol style="list-style-type: none"> 1. United States citizen 2. At least 18 years old 3. Registered voter 4. Resident of the city at least 15 days prior to the election and throughout his or her term 5. If elected by or from a district, be a resident of the geographical area comprising the district from which he or she is elected. <p>Cal. Elec. Code § 321; Cal. Gov't Code §§ 34882, 36502; 87 Cal. Op. Att'y Gen. 30 (2004).</p>	Can establish own criteria for city office provided it does not violate the U.S. Constitution. Cal. Const. art. XI, § 5(b), 82 Cal. Op. Att'y Gen. 6, 8 (1999).

Characteristic	General Law City	Charter City
Public Funds for Candidate in Municipal Elections	No public officer shall expend and no candidate shall accept public money for the purpose of seeking elected office. Cal. Gov't Code § 85300.	Public financing of election campaigns is lawful. <i>Johnson v. Bradley</i> , 4 Cal. 4th 389 (1992).
Term Limits	May provide for term limits. Cal. Gov't Code § 36502(b).	May provide for term limits. Cal. Const. art. XI, § 5(b); Cal Gov't Code Section 36502 (b).
Vacancies and Termination of Office	An office becomes vacant in several instances including death, resignation, removal for failure to perform official duties, electorate irregularities, absence from meetings without permission, and upon non-residency. Cal. Gov't Code §§ 1770, 36502, 36513.	May establish criteria for vacating and terminating city offices so long as it does not violate the state and federal constitutions. Cal. Const. art. XI, § 5(b).
Council Member Compensation and Expense Reimbursement	Salary-ceiling is set by city population and salary increases set by state law except for compensation established by city electors. See Cal. Gov't Code § 36516. If a city provides any type of compensation or payment of expenses to council members, then all council members are required to have two hours of ethics training. See Cal. Gov't Code §§ 53234 - 53235.	May establish council members' salaries. See Cal. Const. art. XI, § 5(b). If a city provides any type of compensation or payment of expenses to council members, then all council members are required to have two hours of ethics training. See Cal. Gov't Code §§ 53234 - 53235.
Legislative Authority	Ordinances may not be passed within five days of introduction unless they are urgency ordinances. Cal. Gov't Code § 36934. Ordinances may only be passed at a regular meeting, and must be read in full at time of introduction and passage except when, after reading the title, further reading is waived. Cal. Gov't Code § 36934.	May establish procedures for enacting local ordinances. <i>Brougher v. Bd. of Public Works</i> , 205 Cal. 426 (1928).
Resolutions	May establish rules regarding the procedures for adopting, amending or repealing resolutions.	May establish procedures for adopting, amending or repealing resolutions. <i>Brougher v. Bd. of Public Works</i> , 205 Cal. 426 (1928).
Quorum and Voting Requirements	A majority of the city council constitutes a quorum for transaction of business. Cal. Gov't Code § 36810. All ordinances, resolutions, and orders for the payment of money require a recorded majority vote of the total membership of the city council. Cal. Gov't Code § 36936. Specific legislation requires supermajority votes for certain actions.	May establish own procedures and quorum requirements. However, certain legislation requiring supermajority votes is applicable to charter cities. For example, see California Code of Civil Procedure section 1245.240 requiring a vote of two-thirds of all the members of the governing body unless a greater vote is required by charter.

Characteristic	General Law City	Charter City
Rules Governing Procedure and Decorum	<p>Ralph Brown Act is applicable. Cal. Gov't Code §§ 54951, 54953(a).</p> <p>Conflict of interest laws are applicable. See Cal. Gov't Code § 87300 <i>et seq.</i></p>	<p>Ralph Brown Act is applicable. Cal. Gov't Code §§ 54951, 54953(a).</p> <p>Conflict of interest laws are applicable. See Cal. Gov't Code § 87300 <i>et seq.</i></p> <p>May provide provisions related to ethics, conflicts, campaign financing and incompatibility of office.</p>
Personnel Matters	<p>May establish standards, requirements and procedures for hiring personnel consistent with Government Code requirements.</p> <p>May have "civil service" system, which includes comprehensive procedures for recruitment, hiring, testing and promotion. See Cal. Gov't Code § 45000 <i>et seq.</i></p> <p>Meyers-Milias-Brown Act applies. Cal. Gov't Code § 3500.</p> <p>Cannot require employees be residents of the city, but can require them to reside within a reasonable and specific distance of their place of employment. Cal. Const. art. XI, § 10(b).</p>	<p>May establish standards, requirements, and procedures, including compensation, terms and conditions of employment for personnel. See Cal. Const. art. XI, § 5(b).</p> <p>Procedures set forth in Meyers-Milias-Brown Act (Cal. Gov't Code § 3500) apply, but note, "[T]here is a clear distinction between the <i>substance</i> of a public employee labor issue and the <i>procedure</i> by which it is resolved. Thus there is no question that 'salaries of local employees of a charter city constitute municipal affairs and are not subject to general laws.'" <i>Voters for Responsible Retirement v. Board of Supervisors</i>, 8 Cal.4th 765, 781 (1994).</p> <p>Cannot require employees be residents of the city, but can require them to reside within a reasonable and specific distance of their place of employment. Cal. Const. art. XI, section 10(b).</p>
Contracting Services	<p>Authority to enter into contracts to carry out necessary functions, including those expressly granted and those implied by necessity. See Cal. Gov't Code § 37103; <i>Carruth v. City of Madera</i>, 233 Cal. App. 2d 688 (1965).</p>	<p>Full authority to contract consistent with charter.</p> <p>May transfer some of its functions to the county including tax collection, assessment collection and sale of property for non-payment of taxes and assessments. Cal. Gov't Code §§ 51330, 51334, 51335.</p>

Characteristic	General Law City	Charter City
Public Contracts	<p>Competitive bidding required for public works contracts over \$5,000. Cal. Pub. Cont. Code § 20162. Such contracts must be awarded to the lowest responsible bidder. Pub. Cont. Code § 20162. If city elects subject itself to uniform construction accounting procedures, less formal procedures may be available for contracts less than \$100,000. See Cal. Pub. Cont. Code §§ 22000, 22032.</p> <p>Contracts for professional services such as private architectural, landscape architectural, engineering, environmental, land surveying, or construction management firms need not be competitively bid, but must be awarded on basis of demonstrated competence and professional qualifications necessary for the satisfactory performance of services. Cal. Gov't Code § 4526.</p>	<p>Not required to comply with bidding statutes provided the city charter or a city ordinance exempts the city from such statutes, and the subject matter of the bid constitutes a municipal affair. Pub. Cont. Code § 1100.7; see <i>R & A Vending Services, Inc. v. City of Los Angeles</i>, 172 Cal. App. 3d 1188 (1985); <i>Howard Contracting, Inc. v. G.A. MacDonald Constr. Co.</i>, 71 Cal. App. 4th 38 (1998).</p>
Payment of Prevailing Wages	<p>In general, prevailing wages must be paid on public works projects over \$1,000. Cal. Lab. Code § 1771. Higher thresholds apply (\$15,000 or \$25,000) if the public entity has adopted a special labor compliance program. See Cal. Labor Code § 1771.5(a)-(c).</p>	<p>Historically, charter cities have not been bound by state law prevailing-wage requirements so long as the project is a municipal affair, and not one funded by state or federal grants. <i>Vial v. City of San Diego</i>, 122 Cal. App. 3d 346, 348 (1981). However, there is a growing trend on the part of the courts and the Legislature to expand the applicability of prevailing wages to charter cities under an analysis that argues that the payment of prevailing wages is a matter of statewide concern. The California Supreme Court currently has before them a case that will provide the opportunity to decide whether prevailing wage is a municipal affair or whether it has become a matter of statewide concern.</p>

Characteristic	General Law City	Charter City
Finance and Taxing Power	<p>May impose the same kinds of taxes and assessment as charter cities. See Cal. Gov't Code § 37100.5.</p> <p>Imposition of taxes and assessments subject to Proposition 218. Cal. Const. art. XIII C.</p> <p>Examples of common forms used in assessment district financing include:</p> <ul style="list-style-type: none"> • Improvement Act of 1911. Cal. Sts. & High. Code § 22500 <i>et seq.</i> • Municipal Improvement Act of 1913. See Cal. Sts. & High. Code §§ 10000 <i>et seq.</i> • Improvement Bond Act of 1915. Cal. Sts. & High. Code §§ 8500 <i>et seq.</i> • Landscaping and Lighting Act of 1972. Cal. Sts. & High. Code §§ 22500 <i>et seq.</i> • Benefit Assessment Act of 1982. Cal. Gov't Code §§ 54703 <i>et seq.</i> <p>May impose business license taxes for regulatory purposes, revenue purposes, or both. See Cal. Gov't Code § 37101.</p> <p>May not impose real property transfer tax. See Cal. Const. art. XIII A, § 4; Cal. Gov't Code § 53725; <i>but see</i> authority to impose documentary transfer taxes under certain circumstances. Cal. Rev. & Tax. Code § 11911(a), (c).</p>	<p>Have the power to tax.</p> <p>Have broader assessment powers than a general law city, as well as taxation power as determined on a case-by case basis.</p> <p>Imposition of taxes and assessments subject to Proposition 218, Cal. Const. art. XIII C, § 2, and own charter limitations</p> <p>May proceed under a general assessment law, or enact local assessment laws and then elect to proceed under the local law. See <i>J.W. Jones Companies v. City of San Diego</i>, 157 Cal. App. 3d 745 (1984).</p> <p>May impose business license taxes for any purpose unless limited by state or federal constitutions, or city charter. See Cal. Const. art. XI, § 5.</p> <p>May impose real property transfer tax; does not violate either Cal. Const art. XIII A or California Government Code section 53725. See <i>Cohn v. City of Oakland</i>, 223 Cal. App. 3d 261 (1990); <i>Fielder v. City of Los Angeles</i>, 14 Cal. App. 4th 137 (1993).</p>
Streets & Sidewalks	State has preempted entire field of traffic control. Cal. Veh. Code § 21.	State has preempted entire field of traffic control. Cal. Veh. Code § 21.
Penalties & Cost Recovery	May impose fines, penalties and forfeitures, with a fine not exceeding \$1,000. Cal. Gov't Code § 36901.	May enact ordinances providing for various penalties so long as such penalties do not exceed any maximum limits set by the charter. <i>County of Los Angeles v. City of Los Angeles</i> , 219 Cal. App. 2d 838, 844 (1963).

Characteristic	General Law City	Charter City
Public Utilities/Franchises	<p>May establish, purchase, and operate public works to furnish its inhabitants with electric power. See Cal. Const. art. XI, § 9(a); Cal. Gov't Code § 39732; Cal. Pub. Util. Code § 10002.</p> <p>May grant franchises to persons or corporations seeking to furnish light, water, power, heat, transportation or communication services in the city to allow use of city streets for such purposes. The grant of franchises can be done through a bidding process, under the Broughton Act, Cal. Pub. Util. Code §§ 6001-6092, or without a bidding process under the Franchise Act of 1937, Cal. Pub. Util. Code §§ 6201-6302.</p>	<p>May establish, purchase, and operate public works to furnish its inhabitants with electric power. See Cal. Const. art. XI, § 9(a); <i>Cal. Apartment Ass'n v. City of Stockton</i>, 80 Cal. App. 4th 699 (2000).</p> <p>May establish conditions and regulations on the granting of franchises to use city streets to persons or corporations seeking to furnish light, water, power, heat, transportation or communication services in the city.</p> <p>Franchise Act of 1937 is not applicable if charter provides. Cal. Pub. Util. Code § 6205.</p>
Zoning	Zoning ordinances must be consistent with general plan. Cal. Gov't Code § 65860.	Zoning ordinances are not required to be consistent with general plan unless the city has adopted a consistency requirement by charter or ordinance. Cal. Gov't. Code § 65803.

Charter Cities

Adelanto	Lemoore
Alameda	Lindsay
Albany	Loma Linda
Alhambra	Long Beach
Anaheim	Los Alamitos
Arcadia	Los Angeles
Bakersfield	Marina
Bell	Marysville
Berkeley	Merced
Big Bear Lake	Modesto
Buena Park	Monterey
Burbank	Mountain View
Carlsbad	Napa
Cerritos	Needles
Chico	Newport Beach
Chula Vista	Norco
Compton	Oakland
Cuiver City	Oceanside
Cypress	Oroville
Del Mar	Pacific Grove
Desert Hot Springs	Palm Desert
Dinuba	Palm Springs
Downey	Palmdale
El Cajon	Palo Alto
El Centro	Pasadena
Eureka	Petaluma
Exeter	Piedmont
Folsom	Placentia
Fortuna	Pomona
Fresno	Port Hueneme
Gilroy	Porterville
Glendale	Rancho Mirage
Grass Valley	Redondo Beach
Hayward	Redwood City
Huntington Beach	Richmond
Indian Wells	Riverside
Industry	Roseville
Inglewood	Sacramento
Irvine	Salinas
Irwindale	San Bernardino
King City	San Diego
Kingsburg	San Francisco
Lancaster	San Jose
La Quinta	San Leandro

San Luis Obispo
San Marcos
San Mateo
San Rafael
San Ramon
Sand City
Santa Ana
Santa Barbara
Santa Clara
Santa Cruz
Santa Maria
Santa Monica
Santa Rosa
Santee
Seal Beach
Shafter
Signal Hill

Solvang
Stockton
Sunnyvale
Temple City
Torrance
Truckee
Tulare
Vallejo
Ventura
Vernon
Victorville
Visalia
Vista
Watsonville
Whittier
Woodlake

Total Cities: 121

Council Meeting of
July 23, 2019

SUPPLEMENTAL #1

Honorable Mayor and Member
of the City Council
City Hall
Torrance, California

Members of the Council:

SUBJECT: Supplemental Material to Council Agenda Item 9D

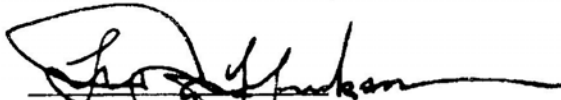
This supplemental was prepared at the request of Councilmember Goodrich to provide a summary of pay and benefits for Mayor and City Council members at cities with population of 100,000 to 200,000 and comparable cities which are cities used for salary surveys during labor negotiations. The comparable cities are similar in size and scope of services to the City of Torrance.

Respectfully submitted,

LeROY J. JACKSON
CITY MANAGER

By 
Aram Chaparyan
Assistant City Manager

CONCUR:


LeRoy J. Jackson
City Manager

Attachment:

- A) Survey of Cities with Population of 100,000 to 200,000 and Comparable Cities

Cities with Population of 100k to 200k

Survey Agency	Population	Classification	Charter or General Law City?	Regular Pay (Year)	TOTAL PAY (2017)	TOTAL BENEFITS (2017)	TOTAL PAY + TOTAL BENEFITS (2017)
Burbank	107,149	Councilmember	Charter	\$15,480	\$15,480	\$12,775	\$28,255
Norwalk	107,546	Councilmember	General Law	\$7,900	\$7,900	\$6,810	\$14,710
West Covina	108,245	Councilmember	General Law	\$9,180	\$9,180	\$2,167	\$11,347
Inglewood	113,559	Councilmember	Charter	\$60,660	\$60,660	\$48,061	\$108,721
Downey	114,146	Councilmember	Charter	\$9,406	\$9,406	N/A	\$9,406
El Monte	117,204	Councilmember	General Law	\$8,784	\$8,784	\$25,567	\$34,351
Pasadena	144,388	Councilmember	General Law	\$17,619	\$17,619	\$23,516	\$41,135
Pomona	155,687	Councilmember	Charter	\$9,732	\$9,732	\$9,182	\$18,914
Palmdale	158,905	Councilmember	Charter	\$11,628	\$11,628	\$17,207	\$28,835
Lancaster	161,485	Councilmember	Charter	\$7,338	\$7,338	\$28,574	\$35,912
Glendale	205,536	Councilmember	Charter	\$18,562	\$18,562	\$37,154	\$55,716
Santa Clarita	216,589	Councilmember	General Law	\$24,190	\$24,190	\$1,814	\$26,004
Long Beach	478,561	Councilmember	Charter	\$35,197	\$35,197	\$26,143	\$61,340
Torrance	149,245	Councilmember	Charter	\$1,200	\$1,200	\$5,411	\$6,611
			Median	\$11,628	\$11,628	\$20,362	\$28,835
			Average	\$18,129	\$18,129	\$19,914	\$36,511
				Regular Pay (Year)	TOTAL PAY (2017)	TOTAL BENEFITS (2017)	TOTAL PAY + TOTAL BENEFITS (2017)
Burbank	107,149	Mayor	Charter	\$15,480	\$15,480	\$1,611	\$17,091
Norwalk	107,546	Mayor	General Law	\$11,411	\$11,411	\$8,704	\$20,115
West Covina	108,245	Mayor	General Law	\$7,360	\$7,360	\$20,986	\$28,346
Inglewood	113,559	Mayor	Charter	\$111,303	\$111,303	\$17,057	\$128,360
Downey	114,146	Mayor	Charter	\$9,406	\$9,406	N/A	\$9,406
El Monte	117,204	Mayor	General Law	\$8,784	\$8,784	\$19,233	\$28,017
Pasadena	144,388	Mayor	General Law	\$26,426	\$26,426	\$22,088	\$48,514
Pomona	155,687	Mayor	Charter	\$19,476	\$19,476	\$4,820	\$24,295
Palmdale	158,905	Mayor	Charter	\$17,700	\$17,700	\$21,837	\$39,537
Lancaster	161,485	Mayor	Charter	\$7,932	\$7,932	\$1,879	\$9,811
Glendale	205,536	Mayor	Charter	\$18,537	\$18,537	\$37,154	\$55,691
Santa Clarita	216,589	Mayor	General Law	\$24,190	\$24,190	\$19,503	\$43,693
Torrance	149,245	Mayor	Charter	\$1,200	\$1,200	\$1,193	\$2,393
			Median	\$16,590	\$16,590	\$19,233	\$28,181
			Average	\$23,167	\$23,167	\$15,897	\$37,740
				Regular Pay (Year)	TOTAL PAY (2017)	TOTAL BENEFITS (2017)	TOTAL PAY + TOTAL BENEFITS (2017)