

City of Lafayette Committee Report

For: City Council
By: Charter City Committee
Date Written: October 16, 2009
Meeting Date: October 26, 2009
Subject: Draft Lafayette City Charter

Background

At the July 13, 2009 City Council meeting the Charter City Committee presented their recommendation that the City of Lafayette become a Charter City. The Council asked the Committee to return to the Council with a draft charter for them to consider.

Discussion

In keeping with the Committee's finding that that the best functioning charters are those that are short and allow for the greatest flexibility for the council, the Committee used charters from San Ramon and Santa Maria as templates for the Draft Lafayette Charter (see attached).

In addition, in order to gauge the community's interest in becoming a charter city and potentially instituting a property transfer tax, the Committee has also come up with a number of data points that they would like to see included on the upcoming Open Space survey that is scheduled for December/January. They are as follows:

- Knowledge of and interest in charter city concept
- Effectiveness of pro / con arguments regarding the charter city concept
- Opinions on the City's need for additional services / revenue
- Knowledge of property transfer taxes
- Effectiveness of pro / con arguments regarding property transfer tax
- Tax tolerance for property transfer tax
- General opinions on Lafayette and city services / management
- Cross-tabbed demographic information

Recommendation

1. Approve draft charter.
2. Work with polling vendor to formulate questions for city opinion survey.

DRAFT CHARTER OF THE CITY OF LAFAYETTE

PREAMBLE

The City of Lafayette was incorporated as a general law city in 1968 by residents seeking the right to manage local affairs. The authority of general law cities has diminished as a result of increasing State mandates and involvement in local matters. In order to reclaim the local autonomy sought through incorporation and to preserve the economic and fiscal independence of our local government, we do hereby exercise the express right granted by the Constitution of the State of California to enact and adopt this Charter for the City of Lafayette.

ARTICLE I

Acceptance of Home Rule

Except as restricted by this Charter, the City shall have all powers allowable under the Constitution of the State of California to adopt ordinances, establish rules, grant franchises, structure City government, and in every way to govern the municipal affairs of the City. Municipal affairs encompass all matters of local concern as determined by the City Council consistent with the meaning of "municipal affairs" under the constitutional, statutory, and judicially defined law of the State of California.

ARTICLE II

Nothing in this Charter is intended to restrict the City in exercising any right, power or authority granted under the general laws of the State of California. However, the provisions of this Charter shall prevail in the event of any conflict with general law.

The provisions of this Charter shall be interpreted broadly to favor the exercise of home rule. If any provision is found by a court to be invalid, the remaining provisions of the Charter shall remain in full force and effect.

ARTICLE III

Continuation of Existing Law

All ordinances, resolutions, rules and regulations of the City in effect as of the effective date of this Charter shall continue in effect until repealed or amended.

ARTICLE IV

Mandates Limited

No person, whether elected or appointed, acting on behalf of the City, shall be required to perform any function which is mandated by any other level of government, unless and until funds sufficient for the performance of such function are provided by said mandating authority.

ARTICLE V
Revenue Retention

Any revenues accrued to and/or collected by the City shall not be subject to subtraction, retention, attachment, withdrawal or any other form of involuntary reduction by any other level of government.

ARTICLE VI
Public Contracting

The City shall have the power to establish standards, procedures, rules or regulations to regulate all aspects of the bidding, award and performance of any public works contract, including, but not limited to, the compensation rates to be paid for the performance of such work, and the establishment of local preferences.

ARTICLE VII
Purchasing

The City shall have the power to establish standards, procedures, rules, or regulations related to the purchasing of goods, property, or services, including, but not limited to, the establishment of local preferences.

ARTICLE VIII
Purchasing

This Charter and any of its provisions may be amended by a majority vote of its electors voting on the question. Amendment or repeal may be proposed by initiative or by the governing body.