

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

Interpretation

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, unless preempted by state law on matters of statewide concern, the provisions of this Charter shall prevail in the event of any conflict with state law.

The provisions of this Charter shall be interpreted broadly to favor the exercise of its powers to govern with respect to any matter that is a municipal affair. 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rules and regulations of the City in effect as of the effective date of this Charter shall continue in effect until repealed or amended.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.

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
Amendment, Revision or Repeal

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